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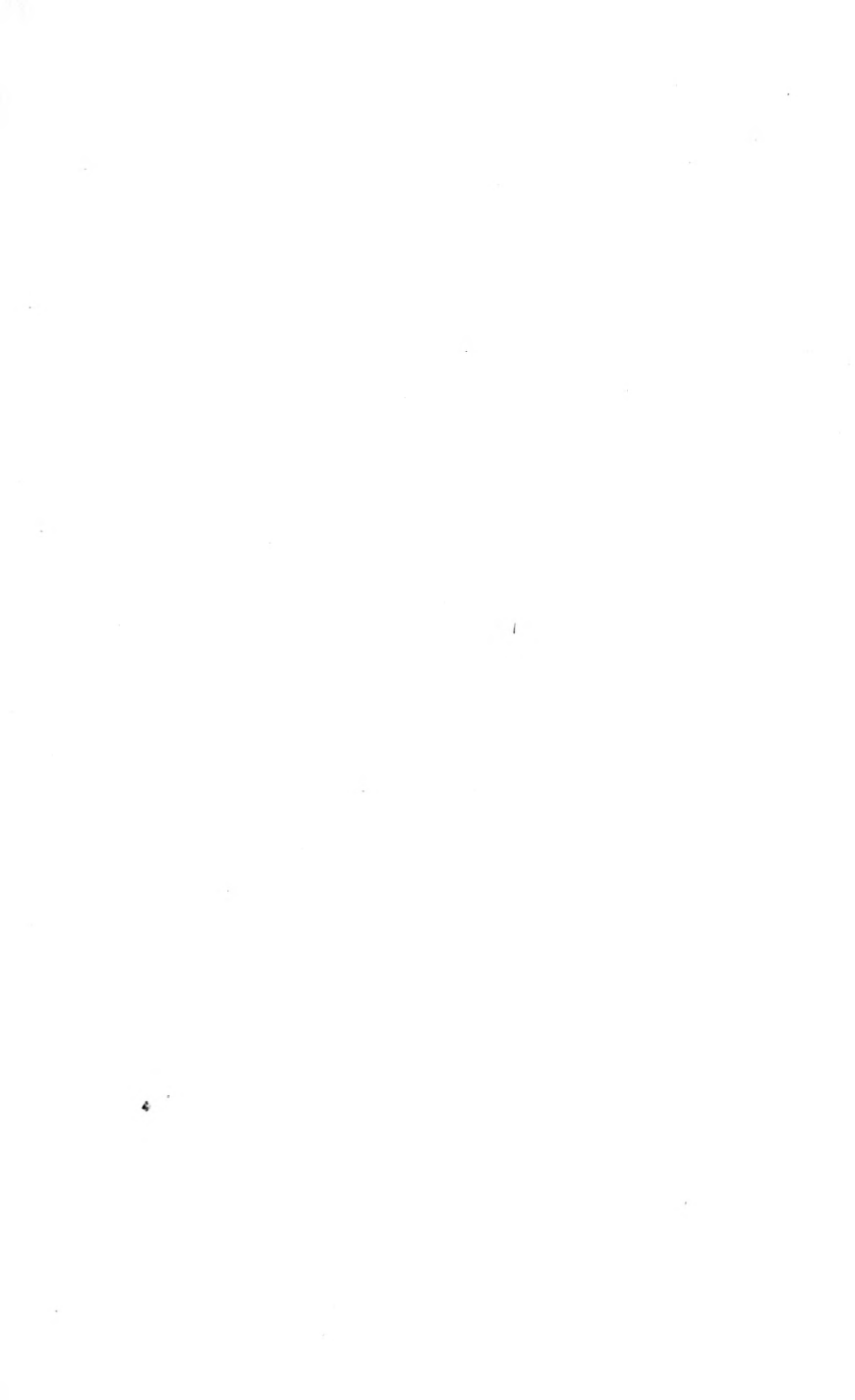


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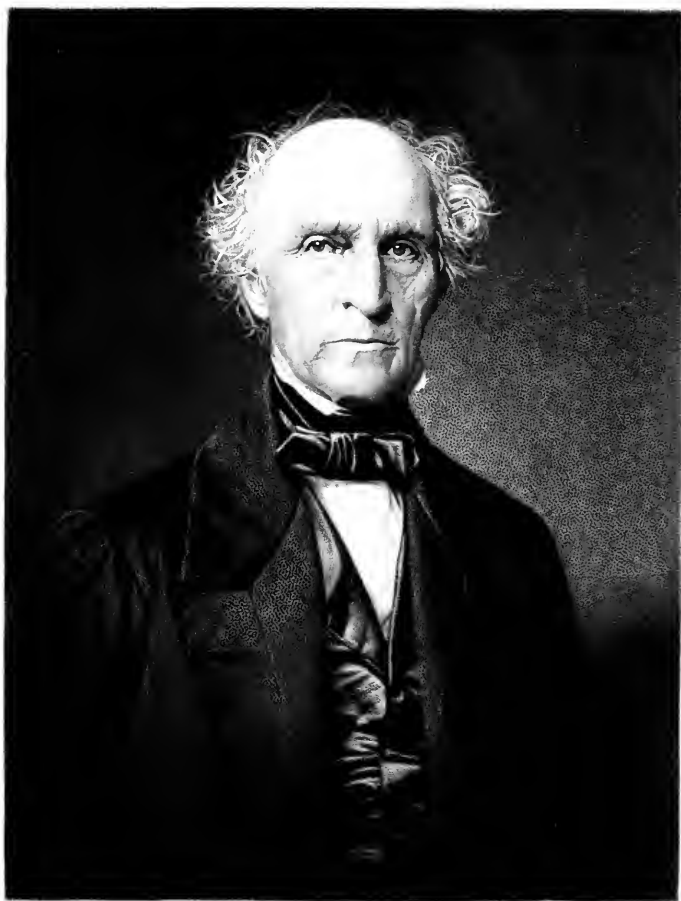
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George Bancroft



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Levi Beardsley

REMINISCENCES;

PERSONAL AND OTHER INCIDENTS; EARLY SETTLEMENT OF OTSEGO COUNTY; NOTICES AND ANECDOTES OF PUBLIC MEN; JUDICIAL, LEGAL AND LEGISLATIVE MATTERS; FIELD SPORTS; DISSERTATIONS AND DISCUSSIONS.

BY LEVI BEARDSLEY, ESQ.

LATE OF THE NEW-YORK SENATE, AND PRESIDENT THEREOF.



NEW-YORK:
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P R E F A C E .

To my children I dedicate the following work; because when it was commenced, I had no design beyond preparing a manuscript for their perusal, and for such confidential friends as might feel an interest in looking over the lucubrations of idle hours, employed in this way, for my own amusement. It can the more appropriately be dedicated to them, from the fact that so many personal and family matters are interwoven; and from the additional, though painful reflection, that it is, probably, the only bequest they can expect.

If, therefore, they shall find by its perusal, anything that shall incite them to an industrious, honorable, and virtuous course of life, a course that shall render them good citizens, exemplary members of society, respectable in their day and generation, and worthy patterns for those who come after them, my purposes in reference to them, so far as present views are concerned, will be mainly answered.

They will, I trust, pursue such course through life, as shall square with the most rigid rules of morality, in the estimation of men; and as shall look to a future state of responsibility, where the actions, motives, and principles that swayed and governed here, shall bear the scrutiny of an after, and all-wise and impartial judgment.

To the public in general, who have thus far patronized and sustained me, by giving countenance to my efforts; and to those who may honor me with a perusal of what I submit to public scrutiny, I owe an apology, that so large a portion relates to personal and family matters; and that so much egotism should pervade the work.

I am aware that it is subject to this criticism; and perhaps to such an extent, as to prejudice it in the estimation of many, whose approval I should be proud to merit.

My apology is, that when commenced, it was intended as a personal matter, having more reference to a perusal by family and friends, than by the public; but as it progressed, it was amplified, and many subjects introduced, so that those better qualified to judge than the writer, advised and insisted that it should be submitted to the general reader.

With this view a portion was re-written; other portions revised, corrected, and enlarged, so that what was intended as a manuscript that would probably never come to light, has grown to quite a ponderous volume.

Many incidents have been introduced, that will let the reader into the habits and modes of life at the early settlement of the country; and these modes, though greatly modified by improvements, inventions and advances, within the last sixty years, are not very dissimilar to those still adopted by frontier settlements thousands of miles to the west.

The truth is, that the life of all pioneers in new countries, is beset with hardships, difficulties and privations, that few can realize who come after them

What I have written has been under the most unfavorable circumstances; for I have had scarcely any opportunity to consult books or records, as my employment has been such, that only small detached portions of time, just as I could snatch them from official duties, have been devoted to the object.

It was more to occupy my mind, and amuse myself when I had leisure hours, and half hours, that I commenced and prosecuted my reminiscences, than for any other object.

Such as they are, with dissertations and discussions on several subjects, I submit with diffidence to the public, with an earnest request, that those who may condescend to peruse them, may do so with all charity for the author; over-looking his faults in style, his inaccuracies in regard to facts, and his errors in judgment; always giving him credit for good intentions.

If the productions of my leisure hours, many of which have been under a most melancholy and sober cast of thought, shall prove interesting to the reader; if the tendency shall be

to amuse, instruct, or improve him, and particularly the rising generation, one leading object of the writer will have been accomplished.

I hope such results may follow; and that the portions of time thus devoted, will neither have been thrown away, or misapplied.

To those who have patronised me by a generous subscription, I return sincere and hearty thanks, and trust they will have no cause to regret the confidence thus far bestowed; while those who may hereafter become patrons, may find, as I sincerely hope, something to amuse and instruct, and at the same time make them better citizens.

With these hopes and aspirations, I submit the work, with all its imperfections, to the perusal and candid scrutiny of an intelligent and liberal public.

LEVI BEARDSLEY.

New-York, March 11th, 1852.

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REMINISCENCES

BY

LEVI BEARDSLEY.

CHAPTER I.

Introductory Remarks.—Birth.—Bennington Battle.—English Puritan Ancestry.—“Leather Mitten Ordination.”—Pedigree and Great Ages.—Other Incidents.

“My way of life is fall'n into the sear, the yellow leaf.”—
Shakspeare, (Macbeth.)

ALMOST sixty-six years!! a brief space to be sure, when reviewed; but long enough to make sad inroads upon the term of human existence. Old age induces, or should induce reflection. No man, with intellect, of mere ordinary grade, but looks back with deep interest to the past, and with intense solicitude, for the future. How can it be otherwise? It is a principle of our nature, stamped deep and lasting by Deity himself, that induces a *retrospect*. We delight to retrace our steps, from childhood to youth, and so on to old age. To call up visions, and recollections of the past. To associate in our minds, those who were once with us, who were dear to us, and who have long since been called away.

Such reflections, though for a brief season, seem like the re-union of hearts and the commingling of thoughts, once sympathising and confiding. The human mind is

so constituted, that we derive pleasurable emotions, when with the natural eye we gaze on those objects that were familiar with our youth.

Who that is advanced in life, fails to appreciate an opportunity of looking at those things that attracted his attention in childhood? no matter how humble and common place those objects may be; a tree, a rivulet, an old stone wall, or the early family cottage, *in after life, have their attractions.*

Talma, the celebrated Parisian player, (so much admired and patronized by Buonaparte,) on returning to London, after an absence of many years, burst into tears on looking at the pavements, which "his little feet" as he expressed it, had so often trodden. And as with the natural eye, so memory, which acts as the mind's eye, when it recurs to past events, imparts a pleasing, though melancholy emotion that can neither be suppressed or disregarded. .

Childhood and youth, comparatively speaking, are free from cares. We look back to early existence, as to bright and vernal spots, where life, joy, reality of present, and hopes of future enjoyment were predominant. The youthful path is through gay fields, strewed with flowers and fruits; where the sun shines with peculiar lustre, the birds sing with the sweetest melody, and the little streams leap, and sparkle and glitter by the way-side, clear as chrystal. Old age, brings with it cares, and vexatious burthens, never dreamed of in youth, and then we contrast the present with the past.

Reason and observation tell us we shall soon be gone; a truth universally admitted, but seldom realized. "All men believe all men mortal, but themselves," and yet all know that at sixty-six, they must be near the close of life. How then can a reflecting being, unless

perfectly stolid in all his faculties, look forward to the future without solicitude ?

Human nature recoils instinctively from death, and clings to life with a giant's grasp. It is a great matter, "to cast off this mortal coil, and tread that unknown country, from whose bourne no traveller returns."

I suppose it is an instinct of age, to look with interest on past events. Probably, *all men* as they advance in years, are more inclined to review and call up recollections of former incidents, than they are at early periods of life. I am sure it is so with me ; and hence for several years, I have dwelt with peculiar interest, and often with delight, upon youthful scenes, youthful recollections, and friends once dear to me, in the *spring time of life*. Awake and asleep I have thought of them, and dreamed of them ; parents and grand-parents, relatives and friends who have long since passed away have been presented in recollection, in dreams, and night visions, with all the freshness of life, and precisely as they once appeared.

How strange and mysterious this faculty of man, that fixes the memory of the past and presents objects as if in existence and life at present.

The reminiscences of past years, have suggested to me to place some of them on paper, with occasional reflections, and discussions on public measures ; interspersed with personal and other incidents, that may be interesting, at least to my children, grand-children, and friends ; and perhaps not devoid of interest to readers generally. It may be supposed from the minuteness of detail, in relation to family matters, that the work is more appropriate for those connected with the writer, than for general perusal ; and the justice of this criticism will not be denied. Still I have designed to intermix

incidents and details, in which the public may feel an interest; and thus render readable, that which otherwise might be rejected at the outset. Discarding all claims to literary merit, I hope to contribute something that shall instruct and amuse the rising generation; the tendency of which, shall be to make them better citizens, and fit them to discharge the various duties of life, with credit to themselves and benefit to our common country. Individual incidents unimportant as they appear, go to make up when combined, what we call history; and though generally over-looked, except as connected with "the great men of the earth," yet as little rills and streamlets feed the mighty rivers, that sweep along with irresistible force; so individual events help to make up the great historical mass, that floats down the current of time.

I was born Nov. 13th, 1785, in the Town of Hoosic, Rennselaer County, New-York, on or near the Bennington battle ground. This battle was fought in the State of New-York, and has been known as *Bennington Battle*, from the fact that it was fought a few miles from that place; and that the object of the expedition was to destroy or capture the provisions and munitions of war collected there for the American army: let me refer to a few incidents that my father and grand-father used to relate:—

A considerable part of the contest was on my grand-father's farm, and in sight of his house; in fact the enemy commenced their breast work at his house, which being of logs was intended to be filled with men as a strong point of defence. Those who commenced building this breast work, were finally called away to man the works on the hill, and thus the house was left to the family.

My grandfather, then about fifty years old, was a non-combatant; he always regarded the life of a soldier with disrelish, full of hardship and danger, and during the French war declined entering into military service. He was an Episcopalian in sentiment, and like many others of that denomination, was reluctant to bear arms against the King, though he cheerfully paid his taxes to promote the common cause; and used to remark that "it was as necessary to have some at home to raise bread and meat for the armies as to engage in active warfare."

I have no doubt he was very much under the influence of his brother John, two years younger than himself, who had been educated for the ministry, went to England for Episcopal ordination, remained there about a year, preached before the King, not far from 1758 or 9, and returned before the Revolution. His ordination vows and oath of fealty to the King controlled him; and I have always understood my grandfather was very much under his influence; and it was natural it should be so, for John was the educated member of the family, respectably connected by marriage with some of the influential families in Dutchess County; where he was settled over a flourishing congregation, in the vicinity of which my grandfather had for many years resided, if not in the same parish. On the war breaking out and the English obtaining possession of the City of New-York, the parishioners of John assisted him to remove to the City, thus dissolving his clerical connection; but parting from them with mutual feelings of kindness and respect.

He remained in the City in the discharge of his duties as a clergyman, till the English evacuated it; when he went to New Brunswick or Nova Scotia, where the royal government made liberal provision for him.

I do not think he ever attempted to influence any of his brothers, except against bearing arms; and this was not heeded by all of them, for some were active whigs. It is doubtful whether he and my grandfather ever saw each other after he removed to the City, the revolution separated them, leaving one here, an American citizen, the other removed far away and retaining his relation as a British subject; such are revolutions. I have never seen but one of his family, a respectable lawyer in Canada, whom I shall have occasion to mention hereafter.

In one of the old free-mason lodges in the city of New-York, I have seen a charter signed by the Rev. John Beardsley, during the war, who was an officer of the lodge at that time.

It is time to quit this digression and return to the few details of the Bennington battle, which I design to relate.

My father was about fourteen years of age, and with a younger brother, was made prisoner by some lurking Indians, sent in advance of the Hessians, and were part of the force sent on that expedition.

The boys, when surprised and taken, were going to the pasture after cows; the Indians would not permit them to escape, though they treated them with kindness and whenever they attempted to turn out of the path, the Indians would press them in, by putting their guns by their side, telling them "not to strive." They were finally released by the interference of the Hessian officers, a short time before the battle, and with the rest of the family were shut up in the house. After the main force had been called away from the house, to man the works on the hill, a soldier came in and commenced pulling out the "*chinking*" between the logs, to enable him to fire out.

My grandfather remonstrated, and on the soldier persisting the old man seized his musket, and being a strong man wrenched it out of his hands and tossed it up into the chamber ; then seizing him by the shoulders put him out by main force and fastened the door against him. The battle was sharply contested, but the result is known ; the Hessians were defeated and taken, and a large body of them, when they surrendered, came running down the hill near the house with as little order as so many sheep, and surrendered in plain sight, several being shot, after they had ceased firing. The Indians ran away early in the battle, when they were about to be surrounded ; they were painted and were nearly naked, and when they left the hill, they ran through a field covered with briars, paying little regard to briars or thorns, *naked as they were.*

I have often heard that race of the naked Indians, described as a masterly effort of Indian retreat ; and not altogether without its annoyances to them, as well as amusement to those who saw them scamper off through the briars.

There had been occasional skirmishing before the final contest commenced ; which was on the 16th of August, 1777. The previous day, an Indian chief had been shot by a party of militia men, concealed in a field of grain, as he with several of his warriors were riding along the road on horses that had been plundered from the inhabitants. A few days after the battle, an attempt was made to exhume his body, under an impression that possibly treasures might have been buried with him. When they came to the remains, one of the volunteers who had been engaged in the conflict, stood over the grave with an uplifted tomahawk, and exclaimed with stentorian voice, "arise, you old devil, arise."

But the Indian gave no heed to the summons, nothing short of "*the trumpet of the archangel*" would ever wake that sleeper; and the treasure seeking whigs finding no inducement to further disturb the remains of the ghastly warrior, were glad to rebury and leave him till the "just and the unjust shall stand together."*

I may as well remark that my ancestors, on my father's side, came from England before the breaking out of the civil war, that resulted in the dethronement and *well merited death of Charles I.*

In characterising the death of Charles as "well merited," I do not intend to intimate the absence of domestic virtues on the part of the monarch. Charles possessed these, far beyond the great majority of his predecessors, and of crowned heads in general. The remark must be taken in connection with the fact that the struggle then going on, was between popular rights on one side, and arbitrary kingly power on the other.

If the parliament, or popular party succeeded, it was revolution; if the king, then the others were rebels, and must expiate the offence with their lives.

Now whatever may be conceded in reference to the virtues of Charles, it can never with truth be denied that he was an advocate of the most slavish doctrines, and the assertor of unlimited kingly authority by "divine right." In *Archbishop Laud*, he had an ecclesiastic whose claims in favor of the monarch and the established church, were but little short of the most extravagant pretensions of kings and priests, in the darkest ages of Europe.

* Some further details in relation to Bennington battle may be found in an appendix.

In Strafford he had a minister, ready and zealous to carry out those pretensions with a *thoroughness* of purpose that allowed no mitigation. In addition, it must be admitted that Charles, obsequious to the views of his ecclesiastical and temporal advisers, was false, hypocritical, and deceptive to his opponents.

He made pretensions and promises to the representatives of the people, that he never intended to perform; or, if for the time intended, those under whose influences he acted, had no difficulty in inducing him to change and violate his intentions.

Under the circumstances in which he and his opponents were placed, where *their lives* were to be sacrificed if they failed, I can see no injustice in requiring his, when arrayed against themselves. Why should the monarch who strives against popular rights be canonized and held up as a martyr, when in conflicts for power he is overwhelmed; while his opponents who represent the great multitude, the people, are to be hanged and quartered as rebels, if they are unsuccessful?

When men are brought to this alternative, I can see no better way of ridding themselves of tyranny, than by cutting off the heads of their oppressors. It is but meting out to one party, the same measure of justice that would be enacted and meted out to the other; and hence when we look at the tergiversations, the false pretenses, and the evident design of the monarch and his court, civil and ecclesiastical, to retain power at the expense of civil rights and popular liberty, I cannot regard his death otherwise than as well merited. Placed in the position of those on the other side, they would have acted like men devoid of common sense had they spared the king, and permitted

him and the adherents of power, to make war in his name against the people ; hence it is, that I have looked upon his sacrifice, not only as expedient for the public good and quiet of the nation, but as *merited*. And hence too I have always thought, that had his sons Charles and James met the same fate, the cause of civil liberty would have been promoted, and England would have been spared the demoralising influences of the most corrupt and degraded reign of the one, and the arbitrary assertions of power on the part of a misguided bigot and despot in the other.

I am no admirer of kingly authority, or believer in the "divine right" of kings and priests, to lord it over their fellow men : and hence, can look with no complacency on such pretensions, as *Laud* in the church, and *Straford*, and other adherents of the crown, put forward and attempted to enforce among the people.

When it becomes a question whether the rights of the *many* shall be "cloven down," or that *one, two* or *more*, shall be sacrificed who violate those rights, I have very little sympathy for the oppressors. Let the people occasionally have the sway, even at the expense of majesty and its adherents. Whether the king or the peasant is made the sacrifice, is in reality of little difference ; except that the one, from his conspicuous position, is looked upon and regarded with awe and veneration ; while obscure men may be sacrificed by thousands, at the will or caprice of a master, and the world jogs on little regarding the fate of the *many*. Revolutions and civil wars are rough games to play at ; those who engage in that business, must be content to receive buffets, as well as to give them ; and though results may not be precisely as we could wish, yet considering the excited passions that always predominate

in civil broils, we can hardly expect great changes without great sacrifices.

But to return from this digression.

William Beardslee or Beardsley, as it was indiscriminately written in the public records, and Mary his wife, were among the first colonists and proprietors at Stratford, Connecticut. The tradition is that they came from Stratford-on-Avon, (Shakspeare's birth place) and that their new town was named after their old residence, I have not learned the year they came to this country, but they were at Stratford at its first settlement, as early as 1639 or 40, about twenty years after the landing of the Pilgrims on Plymouth Rock. The record of his will and other proceedings show that he died about 1659-60, his wife surviving him several years. They, with the colony, were *Puritans* of the *independent* order; brought their minister with them, who, with the deacons of the church, had great authority and were associated, as advisers with the executors, under the will of my ancestor, (a common practice in early *wills* in new England,) the heirs and representatives being admonished to give heed to the friendly and disinterested advice of the minister and deacons.

The inventory recorded with the will (Feb. 13th, 1660) shows him to have been a man of considerable substance for the times in which he lived. Like others of his order, he was prepared for "carnal, as well as spiritual warfare," for his inventory shows "two musketts, four pistolls, bandolier, sword and belt." The minister was Rev. Mr. Blackman, a well educated worthy man. He took his degrees at one of the universities in England, but whether his ordination was Episcopal I have not learned. At any rate he was of the Independent congregational order when he came to

Stratford, where episcopacy was not publicly introduced or tolerated till nearly eighty years afterwards. The deacons were *John Brinsmaid* and *John Birdseye*. The latter I was told was the ancestor of Hon. Victory Birdseye, a highly respectable citizen of Onondago County, New-York.

The Independents, justly jealous of clerical usurpations, held rigidly to lay ordinations. They tell the following anecdote of Deacon Brinsmaid, who, zealous and determined to sustain the rights of the laity, on a certain occasion was in attendance to sit apart and ordain some one for the ministry.

The weather was cold and mittens comfortable if not indispensable. The candidate was presented, and the worthy deacon in his haste and zeal to *lay hands* on him, forgot to take off his buckskin mittens, so that the transaction has been known as the "*leather mitten ordination.*"

I looked at the homestead of my ancestor, bordered by large spreading elms in the most pleasant part of Stratford, where a most beautiful modern edifice has been erected. No solitary "fox looked out of the window" as Ossian described the ruins of ancestral dwellings; for no dwellings of ancestors were there. The land has passed out of the family to strangers and not a trace of the old building remains, except the ruins of the cellar. David Beardsley, about my age, a descendant of old William and Mary, resides on a portion of land out of the village that was set off to her, under the will of her husband.

My ancestor spelled his name Beardslee, but the town and parish records, as well as the stones in the graveyards, show it spelled both ways; many of them as I spell mine, *Beardsley*. Thomas Beardsley, who

is mentioned among the first residents of Milford, Connecticut, in the historical records of that state, who I suppose was brother to William and came there the same time, has his name spelled as we generally spell it now, terminating with a y, which is the modern English mode, as may be seen in "Strange's" law reports. My grandfather's name in the town records terminates with ee, and in the parish records "ey." In early life he wrote it as his ancestor did, but modernized it in after life.

The records and traditions abundantly prove the names to be the same, and so far as I have been able to learn, the tradition is, that all of the name, whether spelled one way or the other, sprang from two brothers, who came from England before the civil wars and settled, one at Stratford the other at Milford; this my grandfather used to tell me, who was born in 1728 about eighty years after their arrival.

I have recently received a letter from Hon. B. C. Beardsley, of Canada West, now upwards of seventy-five years of age, which explains the change of orthography in reference to his father, the Rev. John Beardsley, previously mentioned. John was born in 1732, and was brother to my grandfather, and in early life terminated the spelling of his name "lee." In 1758 9, he went to England, as elsewhere remarked, and while there ascertained at the *Herald* office or otherwise, that the *then* English mode of spelling the name was *Beardsley*, and changed his accordingly; which accounts for my grandfather writing the names of part of his children in the family Bible one way and part the other. No question but that I am in the direct line from William and Mary, the Stratford family; and, as I made it out from the town and church records,

am just six degrees removed from them, excluding them from the reconing.

The pedigree is as follows: William and Mary had four sons, Samuel, Joseph, John and Daniel, Samuel the son of Samuel was the first grandchild, and was born June 10th, 1666. William and Mary had three grandsons named John, viz. John, son of Joseph, born Nov. 1st, 1668. John of Samuel, 1673; and John of Daniel, August 18th, 1681. John, son of Joseph or John of Samuel, (and which I have not ascertained) married Abigail, whose maiden name does not appear. Through John, who married Abigail, I trace my pedigree back to old William, for John and Abigail had a son John, known as John Beardsley, jun. born March 9th, 1701-2; he married Keziah Wheeler, December 29th, 1725, and they are my great grand-parents. Obadiah, their second son, my grandfather, was born at Stratford, October 6th, 1728, and was baptized in the Episcopal church, February 2nd, 1729. He married Amy Calkins, from whom my father, Obadiah, was born, June 18th, 1763, at Fredericksburgh, Dutchess County, very near the birth place of Chancellor Kent, and was of about the same age. My grandfather died in the spring of 1807, my grandmother in the spring of 1814, and both were buried in Richfield, Otsego County. My father married Eunice Moore, my mother, November 10th, 1784, she was the daughter of Daniel and Elsie Moore, and was born January 22d, 1765, and died in Richfield, December 7th, 1811, where my father died November 15th, 1841, they are both buried at Richfield springs.

I have never attempted to trace my pedigree on my mother's side, her parents lived to great ages, and died at Camillus, Onondago County. The last time I saw

my grandfather Moore he was about eighty-four years of age, and told me he could mount his horse by putting his foot in the stirrup and vaulting into his saddle without a horse block or any 'vantage of ground. He was in the habit of going to mill on horseback, and I think lived about four years after I saw him, which would make him about eighty-eight. He was born on Long Island and was no doubt a descendant of the family of Moore's, settled there at an early day. My grandmother Moore was born in New Jersey, of Dutch parentage and lived to a greater age than her husband; they were industrious, religious people, of the baptist order and decided revolutionary whigs.

Some of my name, who are remote collateral relatives, have a tradition that our ancestors in this country were descendants of a French Huguenot, who fled from France to England during the religious wars and persecutions in France, about 80 years before the settlement in Stratford, which would have been about 1560. How that may have been, I know not; as I have not attempted to go farther back than the early records in Connecticut. Should any one carry investigation further I think it will be found that they were of old English origin and not French.

From what I have said of my grandparents, it will be seen that they lived to great ages; my father was in his 79th year when he died; two of his brothers lived to be more than eighty years, and his sister eighty-four. On looking over the town and parish records and the tombstones at Stratford, I could not but remark the great ages at which many of my name arrived. Look at the following: Abraham Beardsley eighty-eight years, his wife eighty-one, Curtis sixty-two, Philo eighty, Abijah seventy-six, Henry sixty-nine, his wife eighty-nine. John, buried in the old congregational burying ground

in 1732, aged upwards of sixty, though the latter figure is so defaced as to be illegible. I think his age was sixty-four, and that he was the son of Joseph, born Nov. 1st, 1668, and probably the father of my great grandfather and grandson of William and Mary. Stephen Beardsley recently died at Trumbull, Long Hill, Connecticut, at a very advanced age.

Beyond what I have written, and what I recollect from hearsay from my father and grandfather, I know but little of the history or tradition of my ancestors. They were respectable industrious people, and of resolute old fashioned English stuff. My grandfather, as he has often told me, was fond of forest life, and the sports of the field.

Before the American revolution, he made annual excursions to the great forest, bordering on Lake George, to enjoy his favourite amusements. It was a hard life, full of excitement and adventure; but such a life, and such adventures as hunters and back woodsmen, often seek and prize highly. He has related many stirring adventures, and incidents with the red men, who hunted in the same greatforest; for it is well known, that this was regarded as the favourite hunting ground of the Iroquois. He related the following incident—On one occasion he was hunting in the vicinity of Lake George; and coming near a swampy piece of ground, his companion remarked that game was plenty in that neighbourhood, and asked him to walk with him to the edge of the swamp, where some one had shot a large buck a few days before. They repaired to the spot, where his companion pulled away a few pieces of rotten wood, that had been thrown on a large Indian, who lay there partly stamped into the mud. I have no suspicion that my grandfather ever shot, or encouraged the shooting

of Indians, but it is very certain, he occasionally associated with those who sometimes indulged in this interesting business. Those times were perillous, and conflicts frequent between the white and red men, just as they now are in the far off western regions. They were inevitable, and of no uncommon occurrence; for it was a question, whether the red men should alone enjoy the game of the country.

Captain Earl, who I believe was the grand-father of the late Jonas Earl, of Onondaga, was one of his forest companions, but not the one who shewed him the dead Indian.

Among other incidents he mentioned the shooting of a large moose in 1776, the year before Bennington battle, which was shot by Captain Earl, with my grandfather's gun, on the eminence where the battle was next year fought. The moose had strayed from the great forests in that vicinity, and being pressed by the dogs stood at bay on the hill, where Earl had fired at and wounded him, as he bayed the dogs: my grandfather coming up in a hurry handed his gun to Earl, who knew where the moose stood, and was killed at the next shot, a forerunner of the fate of the Hessians the next year. I remember that old musket, with its brass trimmings. It was one of the Cuba guns, and was used in the expedition against that Island, when Havana was beseiged. It threw a ball of rather more than an ounce, about twelve to the pound, and when loaded with ball and buck-shot, was terribly destructive at eighteen rods; it was a favourite piece in the family, and had brought down many bear and deer, but was finally burned in a log house since the commencement of the present century.

CHAPTER II.

Early Recollections.—Remarkable Aurora Borealis.—Vulgar Superstitions.—Removal to Otsego County, Spring of 1790.—Incidents of that Year.—Removal to Log House in Richfield.—Almost a Fright from Indians.—Saw Mill and Grist Mill Built.

I HAVE a distinct recollection of some events as far back as the summer of 1789 ; when I was in my fourth year. I remember going to a funeral in Bennington, at the burial of a man named Porter, who died suddenly. It was summer, for the red cherries were then ripe. This might have been the summer of 1788, but I think it could not have been so far back, though I recollect something, that took place in November or December of that year or the winter of '89 ; as I went with my parents to a country store, where I first saw a stove and a negro. The stove I recollect, from putting my hand on it and getting burned, and the negro, (old mink) from being afraid of him.

In the latter part of '89 or early part of '90, there was a remarkable exhibition of northern lights, which formed a beautiful crown over head, bright and nearly red, which my childish imagination turned into cart wheels, from its forming many circles resembling wheels. It was so brilliant, that my father went out and read by its light. This exhibition was afterwards remembered and talked about, and as the French revolution soon after broke out, which was ultimately attended with horrid cruelties, some who had seen this

aurora borealis, superstitiously regarded it as the precursor of that bloody revolution.

In the autumn of '89 my father, with his brothers and my grandfather, made up their minds to emigrate to the west the next spring, and settle in the woods, on new land which they had selected and purchased of Goldsbro Banyer, of Albany, at \$1 25 per acre. The land was in what is now Richfield, Otsego county. The spring of 1790 having sold their farm in Hoosic, my father, with two of his brothers, who had small families, and my grandfather, broke up and started for their intended new home.

Their worldly substance was small. I think for the purpose of moving, they had a cart and one or two wagons, one or two yoke of oxen, three or four horses, and a few cattle, sheep and hogs. The roads were excessively bad, and they took but little household stuff with them; nor could they, as their means of transportation were very limited. I was little more than four years old; being four in November preceding, and this movement commenced the latter part of April, 1790. My mother was left behind with a sick child, who had been dangerously ill, and was not well enough to be removed. My sister, about two years younger than myself, was with me, stowed away in the cart or wagon, among the chairs and furniture, and put under the care of a girl brought up by my grandfather.

I recollect a few incidents of the journey. We crossed the Hudson near Half Moon (Waterford) where a young bull jumped out of the ferry boat, and swam back to the eastern shore. He was finally driven up and made to swim to the western side, to join the other cattle. We then passed to the Mohawk, and kept up that river on the north side, till we came to Fonda's ferry,

which must have been very near the present village of Fonda. Here we ferried over to the south side and continued up the river to Canajoharie.

I well remember the appearance of the elm trees, that skirted the Mohawk, with their large swelling buds and spring-like appearance. At Canajoharie we left the river and took the old continental road, as it was called, towards Springfield, Otsego county; the same road that a division of the American army had taken to Otsego lake under Gen. Clinton, to join Sullivan's expedition against the Indians. We staid all night at Conradt Seeber's (now Seeber's lane,) where he kept a poor Dutch tavern. Slavery was then common, and not regarded a sin as now. Every Dutch farmer who was able to purchase, had more or less slaves; and negroes generally fared as well as their masters.

I was somewhat afraid of the "*darkies*" but became more reconciled to them when they spoke kindly to me, in broken English.

Bread stuffs, were very scarce and dear that year, all over the country, and in Europe too. We had got out of bread and flour and could get nothing of the kind at Seeber's, or among his neighbours. The negroes were sent out, from house to house, but could get nothing in the bread line but *potatoes*, which we roasted, and I went to sleep, after eating some of them, crying for bread. The next day we started and went as far as William Seeber's, with the teams, about three miles; where they concluded to leave part of the vehicles till the roads became settled, which were then broken up and almost impassable. Some of the party drove the live stock, and went on the best way they could. My father put a saddle on one of the horses, and on another packed a bed and bedding on which the girl was to

ride. I was placed on the horse behind him on a pillow tied to the saddle, with a strap under my arms, buckled round his waist, to prevent me from falling off, and carrying my sister before him, we pursued our journey; the girl (Sukey) riding the other horse on top of the bed and bedding; and a yearling colt tagging after. This constituted the cavalcade so far as my father and his family were concerned. Our object was to go up towards Springfield till we reached the old road, that diverged and ran off west or southwesterly, to the foot of Schuyler's lake, where my father and uncles had hired the "Herkimer farm" on which was a small improvement made before the war; and two small log houses, more properly speaking huts. We went about half way that day and stopped overnight in a log house, about two miles west of little lakes, and a mile east of what is now Richfield springs, from which stopping place we continued next day down the lake, on the east side to its foot.

In due time after the roads were settled, the teams were sent back for the cart, wagons and furniture, and after planting a small piece of corn, my father took one of the horses and went to Hoosic for my mother. She rode the horse on a man's saddle, and carried the child, my father in patriarchal manner walking by her side; and thus the family were at length re-united in the woods at the foot of the beautiful lake, and by the side of the fine little stream known as "Herkimer Creek," then full of fish, particularly the speckled trout. After his return, one of the first things for the safety of the sheep, was to build a fold or place where they could be kept at night, safe from the depredations of wolves, whose nocturnal howlings on the hills, east of the lake could be heard almost every night during that

season. A pen was formed by laying up logs like the body of a log house, and so close and high that a wolf could not get in, or over it. In this the sheep were driven every night. I recollect the putting up of this pen. Timothy Morse, who had recently settled at Burlington, was there to assist, and being a very strong man carried up one of the corners. He was afterwards Justice of the peace, and a Judge of the Court of Common Pleas, when I was admitted to the bar.

After the weeding of the corn, and before and after the hay making season, my father and his two brothers went to work, and cut and cleared out a path through the woods from the foot of the lake to their lot in Richfield. They followed the marked trees on the line of lots as near as the ground would admit, and made a road or path, wide enough for a cart to get along with skilful driving, about six miles, or as the road ran a little more. The path being prepared, they went to work whenever they could be spared from the farm at the lake, and cut away the brush and small trees, and enough of the large ones to afford room for building two log houses, one on my father's farm the other on my uncle's, the houses being twenty or twenty-five rods apart. These were put up and partly completed in the course of the summer, that they might move to them in August or September, after securing the small crops. They were placed in the woods, and not an eighth of an acre cleared around either, or even both of them, and were any thing but habitable. The one that we moved in, for my father moved to his one or two days before my uncle, was a small log cabin, the body laid up, and part, though not the whole of the roof was covered with black ash and elm bark, which had been peeled from the trees at the season

when bark is taken off easily. When spread out and put on the roof and pressed down with poles or small timbers, the rough side, exposed to the weather, it makes a good roof that will last several years, and shed the rain quite well. Our house was partially covered, and when it rained we had to put our effects and get ourselves under that part which was sheltered. The floor was made of bass wood logs, split and hewed partially on one side, and then spotted down, making a good substantial floor, but only about half of ours was laid. We had no fire place or chimney, and till this was built, the cooking must all be done out of doors. A place for the door was cut out, so that we could go in, but no door had been made, nor had we any way of fastening the doorway except by barricading. There was of course no chamber floor, though this was supplied by loose boards, subsequently obtained. A mud and stick chimney and fire place were afterwards added, as the weather became cool; and to get earth or clay to make mortar to daub the house and make the chimney, a hole was dug under the floor, which was our only cellar, in which in winter we put a few bushels of potatoes and turnips, and took up one of the flattened logs from the floor whenever we wanted any thing from below. I have said there was no door when we moved in. My father on reaching the house with my mother and family, remained there the first night, hanging a blanket at the door way to keep out part of the night air. The next day he returned to the lake, with the team to assist my uncle to move up with his family, two days after we came. Thus my mother and myself with the two younger children were left in the woods alone for a day and a night, five or six miles from our recent residence, and without any

fastening to the door way in case we wanted to close the entrance. It must be recollected that this was but a few years after the close of the war, and all the recollections of Indian atrocities were fresh in remembrance among those who had gone through the revolutionary scenes. My mother, with probably as much courage as most women, and with more fortitude than many of them, was timid in regard to Indians. She and her sisters had narrowly escaped those that passed through Cambridge on their way to Bennington. Her cousin, John Younglove, an ardent whig, had been shot in his own house by Indians, or Tories disguised in Indian dresses.

During the day, after my father had gone with the team, we heard noises in the woods, screaming, and to us very frightful. I suppose it must have been blue jays, with the hootings of the owl; but we converted them into the possible, if not probable noise of lurking Indians. What was to be done? we had no door to the house, but mother went to work, to barricade and secure the doorway; which she soon rendered quite safe by bedsteads, chairs, tables, and other household furniture. The gun had been left at home, well loaded, and she said if we were attacked, she would defend the house, though she knew but little about the use of fire arms, except to load. She examined the powder horn, to see how much powder we had, and the bullet pouch to see how many balls; and being thus prepared, secured and fortified, we passed that night safely, annoyed more by musquitos than anything else; and the next day, father with my uncle and family returned.

He brought with him some pieces of boards to make a door, which he soon completed, with wooden hinges

and wooden catch and latch, raised by a string; and the door was fastened by a pin inside, when we wanted to secure it.

“*The latch string however of that cabin was always out,*” except when the family were from home; and here we were settled on our new farm, in the midst of the woods, five miles from our neighbours, except my uncle and his family.

Let me go back for a few moments to our residence at the lake before we removed to the farm. I want to let my readers into the secrets of living in a new country, the privations and hardships, incident to such a life. You will probably, many of you, never know them from experience, but I will give you an insight.

We all came to the country quite poor. There were no stores near us, and if there had been we had nothing to pay for goods. Our nearest mill, while we lived at the lake was Tubb's, on Oak's creek, near Toddsville, some three miles from Cooperstown. After we went to Richfield, we sometimes went to this mill, sometimes to Walbridges, in Burlington, and sometimes to Fort Plain; the latter at least thirty miles, as the road then ran.

In the year 1791, Wm. Tunnickliff built a saw mill, near Richfield springs, four miles from our residence; and the next year he built on the opposite side of the creek a small grist mill, which served the purposes of the townspeople for several years, except in low water when they had to go to greater distances. Judge Peck was the millwright and built both mills; the mill dam, put in by him in 1791, is still standing; and the old building in which was the grist mill, though removed is also standing, used for a shed; the shingle roof put on at the time, being quite perfect yet. Almost every family in the country made their own cloth. The dye

tub was always an appendage, and stood in the corner near the fire, and served as a seat for one of the inmates. We came to the country before sheep shearing, so we had to wait till they were sheared and the wool picked, carded, spun, wove and dressed, before we had our annual supply of woollen clothing; and for linen we had to wait till we could raise flax and manufacture it. To obviate the difficulty, so far as I was concerned, my mother, after she came to the lake, cut up an old cloak, and from it made me a little coat with pockets. My grandfather professed a knowledge in the tanning business, and having provided himself with a large trough in which he put such skins as he could get; he put them through his process of tanning. I don't think he knew much about it except in reference to deer skins; he could dress them Indian fashion (smoke dressed) as well as any *Mohawk* or *Iroquois*. He however got a sheep skin and having taken off the wool, went on to dress it. I think the dressing was but little more than rubbing and pulling it and then nailing it to the wagon box to dry, after stretching it every way to its utmost tension. He declared it fit for use, and it was decided, in council, that for want of something better, I should have a pair of sheepskin breeches, which were soon prepared, and I was *cased* in them. The skin was dry and rattled like parchment or an old snuff bladder, and the garment was so short in the legs that they extended but about half way below my knees. You may judge of my appearance; the old sheepskin when dry, would rattle when I ran, and if the pants got wet they would stretch and become flabby, and then harder and shorter than ever when they got dry again.

Thus *pantalooned* and *coated*, I spent a very pleasant

summer and for amusement often went out with David, my father's youngest brother, some 14 years of age. The marshy lands abounded with English snipe, which you know sit so close to the ground, and so resemble it in color that you can hardly see them, till they get on wing. Just at night they delight in getting up, and with a spiral whirl, ascend high into the air, with a constant gyration, chirping, as they rise till they are out of sight, and almost of hearing; and then will come down again, and settle very near where they started from, crying as they squat on the ground "quaack."

Uncle David used to arm himself with a long brushy stick, with his pocket full of stones, and on seeing the bird get up would place himself near where he started from, and when he settled down would frequently kill him with his brushy stick. Sometimes he would kill him with stones, and to promote this desirable object, my coat pockets were filled with "rocks," as the *buck eyes* say, for him to heave at them. The cloth being old and tender, from which my coat was made, the pockets were soon torn out, and I was threatened with a severe chastisement for thus destroying my new coat.

The farm at the lake was retained a second year, my grandfather and one of my uncles residing there during the year 1791, and was kept for the common benefit of the colony, to furnish hay and grain, till we could clear the land and raise crops in Richfield.

It is time to go back again to our log house on the new farm. In the course of the autumn of 1790, and during '91, many people came to look for lands, and my father's and uncle's houses, were places of rendezvous for all comers. They generally slept on the floor before the fire on straw beds; for we had scarcely a spare

one of other description at that time. After a chamber floor was put in, some slept in the chamber, to which they ascended by a ladder that always stood in the house.

CHAPTER III.

Forest Scenery.—Household Manufactures.—Modes of Country Life.—Dress.—Carding and Spinning Bees.—Wrestling Matches.—Clearing Land.—Fires in Woods.—Thunder Storms.—Marking Corner Tree.—Killing Bears.—Various Incidents.

“There is a pleasure in the pathless wood.”—*Byron.*

I SHALL never forget the freshness and beauty of the forest, after winter had passed away. The spring flowers were everywhere in bloom, the herbage high and luxuriant covered the ground, the wild leek was green and so abundant that it was used as a substitute for onions; the nettles were frequently four feet high, and the ground yew, or running hemlock, with its woody vine, often ten feet long and standing two or three feet above the surface, spread over many acres, presenting a formidable obstruction to the pedestrian, particularly if he was barefooted, as men and boys generally went in the summer season.

The winter had passed off, and during the whole of it, the cattle had been sustained by occasionally a little hay and straw and a few ears of corn; relying principally on browsing, which is feeding on the tops of trees that were daily felled for them. They lived through the winter quite well, and soon became thrifty and sleek after the herbage had sprung up. This browsing was resorted to frequently, and almost every year more or less up to 1801-2.

Those only who have resided in a new country, where forest scenery in all its richness and beauty is presented to the view, can realize how strongly those recollections are impressed on the mind. It is no marvel to me, that the red man sighs for forest life, where, without restraints, imposed by laws and customs of civilized society, he roams free as the air he breathes. To the man of reflection, who feels responsible to a higher power, and looks upon objects around him as evidence of the existence of that great and good being, who created, regulates, and sustains all things, I can conceive of no place or circumstance so well calculated to impress the sensitive mind with awe and veneration, as the deep seclusion of the forest. Often, very often, when a mere boy, have I repaired to a secluded spot, where there was a clump of pine trees, and sat under them for hours together, listening to the sighing of the winds in the topmost branches. The slightest motion of air might be heard, in fact, I have hardly ever known the atmosphere so still, that it did not agitate and rustle through the tops of those evergreens. If it was but a slight breeze it produced a soothing hum, well calculated to calm the mind and induce contemplation; while if the blast was violent, there was the loud resounding roar through the branches; giving incontestible proof that the "stormy king," could invigorate those gentle gales and convert them to the more stern exhibitions of "storm and tempest." What temple, "made with hands," so raises the feelings of the contemplative mind, as the vast creation of forest, river and lake? The beautiful archway of heaven, with sun, moon and stars hung out as jewels, to shadow forth the Almighty, as far surpass in magnificent

grandeur, the vast cathedral with richest ornaments, and rendered vocal by organs and anthems, as the light of the sun at mid-day exceeds the glimmering of the fire-fly at night. Sterne, in his *Tristram Shandy*, puts the following sentiment in the mouth of Uncle Toby, "a soldier may pray in the trench, as acceptably as the parson in the church," and so may he in the woods.

For several years each family made its own cloth, from wool and flax; and even sacks and coarse garments from nettles, which were strong and durable like hempen cloth. It must be borne in mind that *carding* and *picking* machines had not then been invented, and if they had, were not introduced in the country till many years afterwards. The sheep being washed and sheared, the wool must first be picked by hand, and this was generally done by the family in the evening; then it must be greased and broke as they called it, and afterwards carded into rolls by hand, when it was fit for spinning. Each family kept a great wheel, and a little wheel, the first for wool and tow, and the other for flax; many also had a loom, for almost every family wove their own cloth, either at home or at their neighbours. At my father's they had a loom and each kind of wheel, and after the country became settled and we had advanced a little, so as "to be able to do in the world," as the old women used to say; we always had a spinning girl, and sometimes two, a considerable part of each season.

Our mode of life for several years was plain, coarse and primitive. Tea was scarcely known, and not at all as a common beverage, till three or four years after we were settled. Coffee was not introduced till several years later. Sugar was made from the maple every

spring, and salt obtained from Albany in small quantities. I think we had been in the country three or four years, before any one thought of buying tea, except perhaps a quarter or half pound of *bohea*, which was only doled out, when the women came together for an afternoon visit, and then only to them; labouring men did not expect it.

A substitute for tea and coffee was often procured from a root that grew in wet ground, which was called *evin root*, but I do not know its botanical name. When boiled, the decoction was somewhat of a chocolate colour, though rather inclining to purple. The flavour was remarkably pleasant when sweetened, and was generally preferred to tea. The inner portion of white pine bark, when boiled, and sweetened, makes a pleasant drink, and so does the sassafras root.

Let me describe those early female visits. A lady wanted her neighbours to come and make her a visit and spend the afternoon; mind you, an afternoon; the meaning of which was, to come as soon as they had the dishes washed after dinner, which was at twelve o'clock. They would come on foot three miles, and remain as late as they could, and reach home in time to milk the cows at night. They always had their tea as early as five or six o'clock, and those farthest off then started for home, through the woods. Some were timid and afraid of bears, and with those, some one would go and see them safely through swamps, and dangerous places.

Sometimes a bear would present himself, just to frighten them, but generally scampered off; for it is seldom that he will make an attack, unless very hungry, or when young ones are in peril.

Generally speaking, the ladies were resolute; and

went everywhere without fear. Their dress was plain, cheap and simple. A black skirt, and white or calico short gown, with occasionally a full calico, or chintz dress, constituted the top of the fashion. High heeled shoes were worn, which were fastened and adorned by a small buckle. Sometimes a cap was worn, but not generally for the first few years. A bonnet constituted the head dress, which on being laid aside, the head was without covering.

It was no uncommon thing, for several years, to see married, as well as young ladies, trudging along barefoot, with their shoes and stockings in their hands, to avoid getting them soiled with mud, and then putting them on before they entered the house.

It was quite common with the ladies, to couple with their visits a quilting, or spinning, or carding bee. The carding and quiltings, were done at the house, where the visit, or bee was to be consummated. The spinning was a different affair. When a spinning bee was to come off, the wool or flax, in small quantities was distributed among the invited guests; and the day indicated when they were to bring in the yarn and drink tea. The yarn was returned, and the good dames drank their tea, talked over neighbourhood affairs, indulged in critical and sometimes even *slandorous remarks*, and then retired to their virtuous homes. To suppose there was no gossip and slander in the country, because it was new, would indicate but a superficial knowledge of female character.

I may as well throw together, in this place, the remarks intended to be made in reference to the early habits and modes of life, which will apply to a series of years after the settlement as well as the few first years; and as we had no aristocratic associations in those early

times, my remarks apply to the bone and sinew, the real democracy of the country. Those men, with strong arms, hard hands, and iron frame, might daily be seen, wending their way with knapsack on their backs, an axe lashed on the outside, and with gun on their shoulder, seeking a favorite resting place, prepared to grapple with the hardships and privations of frontier life, till the forests could be prostrated, the country improved, and the modes of civilized life and luxurious living, could take the place of unmitigated toil. Their wives, generally speaking, were equally industrious, and nobly sustained the exertions of their husbands.

The settlement of the town, after the first year or two, went on rapidly; men were rough and hardy, and all public occasions wound up with trials of strength. Wrestling, running, jumping, and hopping, always constituted part of the amusements. Logging bees and raisings, were of frequent occurrence. The party making the bee, or raising, furnished himself with some poor rum, as an indispensable article to ensure success; if he did not, he was regarded as a mean covetous fellow, and his work would be poorly done, if done at all. Whiskey was not then introduced, nor till several subsequent years.

After the building was raised, or the bee concluded, the party collected to take the last drink, and then the sports commenced. Almost invariably a ring was formed for wrestling, and frequently commenced with boys, the men looking on. The boy thrown, would bring in one to wrestle with the victor, and so on till all had wrestled, and the one was victor, who could keep the ring against all comers; so also with the men, who never expected to separate without a goodly number of wrestling matches. This practice was very

generally continued as late as 1807. I have never seen so good wrestlers as those early settlers in Richfield. The Colwell family, take them as a whole, were the best in town. Isaac and Robert, who have been dead many years, were very powerful; Samuel, yet alive, about four years older than myself, was master among the boys.

I became skilful in all these sports, understood them well, and in a rough and tumble scuffle, or at side hold, there were but few of my age I could not throw. Every lock, in wrestling, was familiar, and I knew how and when to take them, and how and when to lay out my strength to accomplish my object. I was quick and but few men, even much larger and stronger than myself, but I could more than match.

I have spoken of logging. Having been familiar with clearing up new land from my early childhood, let me describe the process. The ground to be cleared being selected, the first move is to cut all the underbrush and small trees, generally called *staddles*. The brush are trimmed out and heaped in suitable places, and all such small trees, as can conveniently be handled, are cut and thrown on the heaps, with the old fallen limbs of trees; the small ones being cut near the ground. You are now ready to cut the large timber; and here great judgment must be used in falling it, so that you can log it to advantage. Trees should be so fallen as to be parallel with each other, and if on hilly land, should be fallen in such a manner that on logging they may be rolled down hill. Those cut up should be in logs, fourteen or fifteen feet long, according to their size. By skilful falling much chopping may be saved, by leaving many large trees to be piled against, on making log heaps.

Hard timber, maple, beech, birch, and elm, predominated in that part of Otsego county; the timber being very heavy. A good chopper would cut his acre and pile the brush in seven or eight days; I have known it done in less. At the age of twenty-two years I could cut an acre in seven days, but as a general average men would be from seven to ten days, particularly if several worked together. Chopping is hard, but clean work, and I was fond of it. A man going into the woods with his axe, soon makes an opening, which being enlarged daily, serves to encourage and stimulate him to vigorous action. The trees being chopped and brush piled, if done in May or June, should be left through July and August, by which time they become so dry, that the fire frequently runs over the whole ground, burning all the brush, many of the logs, and blackening those that remain. This would be regarded as a *good burn*, leaving the soil clean of weeds, and herbage. Then follows the logging and burning the log heaps, most dirty, smoky, disagreeable work. Three men and a yoke of oxen would log an acre per day, sometimes more, if the timber was light, and well felled and cut. The ashes, worth $6\frac{1}{2}$ cents, must be scraped together, and carried to an ashery, to make black salts, and eventually pearl or potash. All this being done, the land was ready for harrowing and reception of seed; after which the fences could be made at pleasure.

It was not uncommon to make sugar in the spring, on a piece of forest land, and then clear it off for a crop of corn the same season. Several acres of my father's lands, where he afterwards planted his orchard, were thus used, and cleared off; the small brush had been cut the preceding autumn. When the time arrived for

making sugar, the trees were tapped and a large quantity made. As the season advanced, we cut the small timber, heaped the brush, and got everything ready to cut the large trees, as soon as sugar making was over; that being past, we cut and burned all the timber, and cleared the land for a crop.

The month of May was warm and dry, when on burning the brush, the fire ran over all the ground clearing it of herbage, so that we had but little harrowing to do, to fit it for planting. It was nearly the first of June when we planted, but the corn was soon up, grew rapidly, and with but little more than one slight dressing with the hoe, we had fifty bushels of good corn to the acre, with any quantity of large yellow pumpkins. After the corn was planted, and the ground fenced, we had to trap and shoot the striped squirrels, to protect the corn, as those little animals have an inveterate desire to dig it up, to obtain the grain at the root. Those burnings of new lands, in dry weather, frequently extend beyond the ground intended to be cleared, and rage furiously in the woods. Every one who has long resided in a new country has seen the woods on fire; nothing can be more grand than their appearance at night, when the fire rages among dry and partially decayed trees. The flames, as they are fanned by the breeze, seem to flash out and leap fitfully from tree to tree; then, subsiding for a moment, will break out again as the wind freshens. Frequently the fire rapidly ascends a dry tree till it reaches the topmost branches, and then becomes, from bottom to top, a mass of flame, vivid and transparent; the atmosphere becomes charged with smoke, the heavens enlightened by the thousand fires, the roar of the flames, the crackling of dry limbs and fagots, with the frequent

thundering of the large trees as they fall to the ground, render the scene grand, imposing and magnificently brilliant. Cooper, in his *Pioneer*, has given a graphic picture of a burning forest, the best by far that I have seen ; and yet grand and truthful as that description is, it comes far short of reality, as all know who have witnessed similar exhibitions.

It seems to me we had much more thunder during those early years than we have latterly ; if it was so, it might have resulted from accidental and natural causes, some years more than others ; or may there not be more electricity in the atmosphere, when a country is new and uncultivated, than after it is cleared and subjected to the free unobstructed rays of the sun ?

I was caught out in a storm that made a very lively impression on my mind, as well as subjecting me to a tremendous drenching. I must have been thirteen or fourteen years of age, and had been sent that afternoon three miles to the nearest blacksmith to have the plough-share sharpened. In those days we used the old-fashioned *bull* plough, with wrought iron coulter and shares, which frequently required sharpening. The share was put in one end of a bag, and the couler in the other, and was thrown on the back of the old brown mare and I on the top of it.

In new countries, where there is not much work required from the blacksmith, except those occasional jobs, he generally works in the fields a large portion of time ; and this was the case with the one whom I wanted to see. He came from the field, and though short of coal, managed to raise sufficient heat to do the work ; but manifested no desire hurry it. When he had got through, it was nearly night, and a thunder storm was coming from the west. He put the bag, with share and

coulter on the mare, and I started for home. Nearly the whole way was through the woods, and my load being unequally balanced, I had to ride slow, so that before I was one-third of the way home, the storm was upon me. The rain poured down, the wind blew furiously, and the lightning was vivid and constant. It soon became so dark, that I could not see objects a yard from me, not even the horse's head, except by the glare of the lightning, when the flashes were so bright they seemed to blind me for a moment, and then left me in more than natural darkness. The only way for me, unless I had abandoned the load, was to hold it on as well as possible, and let the mare take her own course but not go faster than a walk, as her trot would have thrown off the bag, and probably me with it.

The thunder followed the lightning in quick succession, crash after crash, and so near that the old mare would shudder and tremble under me, while the lightning seemed to leap from tree to tree. It was a most sublime spectacle, could one have been sheltered from the fury of the storm and felt himself safe and free from danger. The roaring of the wind, the waving of the trees, interlocking their branches with each other, the frequent crash of those thrown down by the force of the tempest and the vivid lightning, all combined, rendered the night terrific.

Then the forked chain-like lightning in the distance, as the thunder cloud advanced, and the heavy reverberation of the distant thunder, intermixed with that near at hand, could not fail to impress with awe, if not terror, one of sterner stuff than myself. The rain raised some of the streams so that they were nearly impassable in the dark.

I reached home about ten o'clock, drenched through

and through, and nearly exhausted in holding the unbalanced load.

In 1797-8 or 9, (I think in '98) we had the most severe storm of thunder, lightning and rain, that I have ever known. The shower came from the west about five o'clock in the afternoon, and at its commencement was accompanied with wind and hail. It passed off to the east, and then the current of air seemed to change, which brought it back, so that it appeared as if two storms had met over head, to contend for mastery through the night; there was a continual flashing of lightning, and roar of thunder till daylight; much of it was in our immediate vicinity, and a large sugar maple was struck within a few rods of the house: the trunk was cleft in twain, so that it could be seen through its whole length though it remained standing till the next day, when it fell down. That storm extended all over the country and was long remembered. The June term of the common pleas, was in session at Coopers-town, where the storm raged with equal fury as elsewhere; our large meadow was flooded with water nearly a foot deep. The Susquehanna river was so swollen, that a boy who was in the woods after cattle, was caught out, and remained in a tree top through the night, not deeming it safe to attempt to cross the river in the dark. The next morning he got across, by making an ox swim and he held by his tail, and was thus ferried over.

This mode of crossing the Scioto river in Ohio, I have frequently seen resorted to in high water. While residing there, I had an ox, a fine large gentle fellow, who often carried me across that river, and sometimes when the water was so deep that he had to swim a short distance.

He seemed pleased when he had an opportunity to oblige his friends in this way, and was generally repaid for his kindness with many ears of corn given to him at times rather out of season for his regular food. An incident occurred in the early part of the storm, that I have just described, which deserves notice. Several neighbours as it came on took shelter in Mr. Edson's log-tavern, where there was a large stick chimney that admitted much hail and rain in the fire place and on the hearth. With the hail and rain that came pattering down, was a fish of the chub kind, about eight inches long, such as the boys used to catch with pin hooks in the brooks; he flopped about precisely as if thrown on land from the water, and was not injured; on being put in a pail of water, he swam about perfectly well. I have heard doubts expressed, whether fish are ever taken up, and then rained down, but I do not suppose there is any doubt about it; for what I have related I saw, and am sure the fish was not there by any other means. Water spouts at sea are familiar to all sailors, when vast columns of water are taken up, and no doubt fish with them, and are afterwards precipitated on the ocean, though of rare occurrence on land.

Let me leave this subject to relate a family incident, somewhat out of place but illustrative of the custom of the times. A few years after our settlement, a surveyor came there and was employed by my father and uncles to subdivide the lot, and run out and mark the lines of their respective farms; my father and three of his brothers were engaged, one carried the flag, two the chain, and the other an axe to clear away the brush, mark the line trees, and set and mark the corners.

On driving the last stake, and marking the witness

trees of my father's farm, his brothers determined to whip him, to make him remember the corner; they prepared themselves with whips nearly as long and large as were used to drive oxen, and he procured one for defence equally as efficacious. To guard and prevent an attack from the rear, he placed his back against a large tree, which while it sheltered his back, warded off the blows they attempted to give him. They approached him in front, and he gave two of them each a hearty thwack across their shoulders and back, that raised ridges as large as the small finger, they struck at him but the tree warded off the force of their blows; and to bring the contest to a close, one of my uncles, a large strong man, more than six feet high, rushed in and grasping my father round the waist, threw him down, but he kept his whip, and gave them two more cuts after he was down. The contest ended, they got up, my uncles had the worst of it, for the whip had made a lively impression on the outer man; and my father had enough of it, to impress him forcibly with the remembrance of that *corner*. All was in good nature, regrets were expressed that either should have been hurt, the surveyor laughed, and the affair was settled. As I am on incidents, let me relate another which happened a few years afterwards. We had a log school house, near a pine swamp. It was sabbath day, and Parson Nash, afterwards, and for many years, favourably known as father Nash, was to preach in the school-house. He was a pioneer in the new country, and I suppose is the "Parson Grant," that Cooper had in his mind's eye, when he wrote the "Pioneers." My father and a young man were going in the morning to build a fire in the school house, when they heard an outcry in the swamp of dogs and boys; presently a large bear came in sight, followed in close

pursuit by two dogs, the one a large spirited animal fit for a fight, the other a yelping whiffit or fiste, fit only to make a noise and pester an-adversary. Two boys armed with clubs, who owned the dogs, and were following the bear, soon made their appearance. The dogs kept close to the bear, and would run up and snap his hinder parts, particularly when he clambered over logs, and as he turned to make fight or give them a slap, would break and fall back. They so annoyed him that he ran up several trees, but would come down in spite of the dogs, when the boys approached, and would shew his heels, the dogs constantly annoying him. My father armed himself with a club and joined in pursuit, sending back for his gun.

The messenger came, almost out of breath, and I followed him on his return. *Bruin*, in the meantime, hotly pursued, had treed several times, and would come down as before. The noise of the dogs, and shouts of the pursuers, brought my old grandfather, one of my uncles, and some others, with several strange dogs, into the swamp before the gun arrived. Bruin had gone up a large pine, and my father had reached the tree, and stood on one side, and my uncle, with an axe, on the other; the dogs were barking, and the bear looking down upon them. The large brindle dog, who first followed him, got into a fight with one of the others, and this, bruin regarded as a favorable moment to attempt an escape; losing his hold, so as to slide down the tree, he came down stern foremost, almost as quick as his weight would have brought him had he fallen, making the bark fly, as he scraped his way down with his nails. He came on the side, where my uncle stood with the axe, who gave him a large flesh wound, but it neither impaired his strength or

disabled him from running. The axe, as it slipped from the bear, struck the brindle dog in the mouth, as he ran up to seize him, and cut out two of his teeth. The bear was off, and the dogs at his heels so annoyed him, that he soon ran up another pine, where resting himself, with his neck partly over a limb, some fifty or sixty feet high, he watched the proceedings below.

The gun arrived, and was charged with pigeon or squirrel shot; for neither ball or buck shot were to be had. My father tore off a rag and wrapped in it as many shot as he could force down the barrel, intending to make a sort of cartridge, that should keep the shot more closely together, when they were discharged. This being done, and the priming being replenished with fresh powder, a short consultation was had, as to the best place to shoot the *varmint*.

My father decided on shooting him in the throat, as he projected his head over the limb; and then the old patriarch, my grandfather, interposed his advice, with suggestions as to the beauty and importance of holding the gun steady, and making sure aim. It was well directed, and on being discharged, bruin tumbled to the ground; but with a skill, peculiar to the animal, fell like an old rug, apparently unhurt by the fall. He was up and off in a moment, followed by the dogs, yelling and yelping like so many fiends. The blood flowed copiously from the wound, like a stuck hog, so that it was apparent the shots had well performed their office. A run of twenty-five rods exhausted him, and he gave up. He was of the long legged brawny kind, large, though not very fat, but was well fitted for a fight or a race.

He was dragged out of the swamp, a team was sent for, and poor bruin was *toted* to Edson's log tavern,

where the whole congregation, with Father Nash, assembled. Mr. Edson brought out his poor rum, gave the company a treat, himself included ; and the bear, having his skin pulled off, was soon turned into *bear meat*, and distributed. Father Nash ate of it at supper and made himself sick ; the hunt had spoiled his forenoon services, for the bear had more attraction than the worthy parson. He however rather admitted that it was a good christian act to destroy the dangerous animal on the sabbath ; and if not precisely within the canons of the church, the offence was venial, and should be overlooked.

It is wonderful how much a small resolute dog, that is fleet of foot, and understands his business, can annoy a bear. Neither a small or large dog should risk a fight, but by running up and snapping his hinder parts, and breaking and falling back, when the bear turns upon them, they soon pester him so that he takes to the tree.

A few years, after the incident just related, another bear, much larger and fatter than the former, was killed in the same swamp. He had been marauding the night before in a young orchard, regaling himself on sweet apples, of which the bear is very fond. He was encountered by a resolute bull dog, who was on the watch, and with the courage, for which his kind is distinguished, laid hold of bruin for a regular set too ; precisely what the bear wanted, for he fully comprehended that sport, and gave the dog a hug and a slap with his great paw and long nails, that knocked the old fellow over ; inflicting wounds from which *bull* never recovered. The bear had struck his nails nearly into the cavity of the dog's body, tearing and lacerating him severely.

Bruin, by this exploit, had disabled his adversary, and very well pleased with his supper of apples, and

his night's performance; made off for the swamp. The next morning several went in pursuit, and occasionally finding his track, they, with the assistance of dogs, soon came upon him, where he was reposing himself, near a large pine, and he was disabled by a musket ball and then killed. He was fat and weighed four hundred pounds. Old *bull* was *game*, and had hobbled along with the party, and though he was too lame to run, he assisted in noseing and scenting the track. On coming up with the disabled bear, the old dog was very savage, and seemed determined to be avenged for the injuries inflicted the night before. This was his last effort, for he soon pined away and died; no doubt from the wounds he had received, which never healed up.

As I am upon *bear stories*, I must relate one more that occurred many years afterwards, when the last one was killed, in Cherry valley.

A man, who had come through the woods, across the hills, came to my office in the morning, and said he had seen a bear in an apple tree, a mile and a half from the village. He came to me, because he knew I always had my gun and ammunition ready; and that I had an excellent hound, old *Primo*.

It was in September, and the apples were so far advanced, as to be inviting; and bruin had selected a tree that bore sweet apples, for his breakfast. *Primo* was called, and I was soon on my horse galloping away as fast as possible, hoping to reach the tree before the bear had left it. When within half a mile of it, the dog struck a track, or rather scent (for I could see no track) and started off in full cry, towards a large forest on the hill. From the eagerness of the dog to pursue, I knew he had a fresh track, and thought it possibly

might be the trail of the bear ; though more probably a fox, as Primo had never followed a bear, but was familiar with foxes, and delighted to follow them. With some difficulty, I called him off, and made him go with me to the apple tree, which he did with reluctance. The bear was gone, but Primo scented him, and running to the tree, reared up and looked eagerly into its top ; then taking a circle round it, to ascertain which way he had gone, took his trail, and hurried off through brush and briars at a tremendous rate, towards where he first struck it as he came up.

I went back, as fast as possible, to reach the road as soon as the dog, for it was now apparent that the trail he had first struck, was that of the bear. To reach the forest on the hill, I had to get through, or over several fences, so that Primo was soon half a mile a head of me, running at the top of his speed, and giving tongue every jump.

As soon as I had started from the village, it was noised about that I had gone after a bear, and this started out a dozen interlopers, with as many dogs. Primo was so vehement in his cry, that several dogs heard and followed him to the woods, where some of the party, running across the fields, arrived. He soon started the bear, and drove him up a tree, when several well directed shots, brought him down. Bruin was carried in triumph to the village, where, on disrobing him, he was found to be young, fat and tender, and constituted the main portion of a feast, a few evenings afterwards ; his flesh proving very fine and acceptable. When he fell to the ground, on being shot, Primo eagerly laid hold of him, and jerked him about before he was dead ; determined to have his share of the sport.

It was singular that he should have followed the

track so well, for he had never before hunted a bear or seen one ; but he was a dog of great sagacity, and seemed to know instinctively what was wanted of him. I have known many dogs, more fleet on foot, but none had a better nose, or more cheering cry than Primo, or enjoyed a frolic better than he.

After this transaction, he and my other two hounds, Hunter and Dash, fought two bears in the street. They were a little more than half grown, and belonged to a travelling showman, who carried them in his wagon, confined in a cage ; and laid the village boys under a contribution, for a sight of his interesting quadrupeds. After getting all he could from the boys, I gave him two dollars to let his bears out for the fight. The dogs soon drove one of them up a horse post, and the other into a grocer's cellar, where he attempted to escape among the barrels, but was followed by them, and would have been killed, had not the proprietor interposed with his whip. They were so eager for the fight, and exasperated at the interference, that it was as much as I could do to call them off, and prevent their killing the bear, and attacking the owner.

CHAPTER IV.

Primitive Mode of Extracting Teeth.—Wedding, Death, and Funeral.—Organization of Otsego County.—Judge Cooper and others.—Early Schools.—Sugar Making.—Scarcity of Books.—Town Library.—Otsego Herald.—Washington's Death.—Commencement of present Century.—Early Preachers.—Judge Peck.—Old Family Clock, with Reflections.—First Visit to Albany.

IT is time to go back to more early incidents, than some of those related in the preceding chapter. Richfield when first organized as a town, comprised what is now Richfield, Plainfield, Exeter, and part of Winfield. In our part of it (the present town of Richfield,) there were no residents when we went there, except a family or two, four miles east of us, who lived in a log house, on the *Tunnickliff Farm*, built before or immediately after the revolutionary war, near the present Richfield springs. There was no road or pathway between that settlement and ours; in passing from one place to the other, the marked trees on the line of lots were generally followed. My father used to keep a lancet, with which he would open a vein, whenever it was necessary to let blood, for it was several years before we had a physician near us. If a tooth required to be extracted he had a primitive mode and quite effective.

My uncle had a large double tooth that pained him excessively, so that he could have no rest day or night till it was removed. He came and said it must be drawn; and as there was no turn screw or other instrument

for drawing teeth in the neighbourhood, a piece of hard seasoned wood was prepared to serve as a punch, and my uncle placing his head against the wall of the house, to keep it firm and steady, my father adjusting the punch against the offending tooth, gave it a smart blow with a hammer, loosening it from its socket, and then pulled it out with pincers.

Let me describe the first wedding, which was the marriage of a sister of my mother, who was married to Ebenezer Russell; the marriage was at my father's, in the log house: I do not remember how the parties were dressed, but no doubt in their *best gear*. Judge Cooper, of Cooperstown was sent for, being the nearest magistrate, and came eighteen miles principally through the woods, to perform the ceremony. The neighbours were invited, the old pine table was in the middle of the room, on which I recollect was placed a large wooden bowl filled with fried cakes, (nut cakes or dough nuts, as the country people call them.) There might have been something else to constitute the marriage feast, but I do not recollect any thing except a black junk bottle filled with rum; some maple sugar, and water. The judge was in his long riding boots, covered with mud up to his knees, his horse was fed, that he might be off when the ceremony was over; the parties presented themselves, and were soon made man and wife as his "Honor" officially announced. He then gave the bride a good hearty kiss, or rather smack, remarking that he always claimed that as his fee; took a drink of rum, drank health, prosperity and long life to those married, ate a cake or two, declined staying even for supper, said he must be on his way home, and should go to the foot of the lake that night, refused any other fee for his services, mounted his horse

and was off; and thus was the first marriage celebrated. The few other guests who were in attendance, remained and partook of as good a meal as the house could afford.

I may as well speak of the first death and funeral, that followed soon after, I think within a year. There had to be sure been a man killed, within the boundaries of the town, by the fall of a tree a short time before, but he was regarded as an itinerant, looking for land, rather than as an inhabitant of the town. My aunt, whose marriage I have just related, went into a consumption and died at my father's in the spring, soon after the leaves and flowers had put forth. A small elm stood by the brook near the house, on which a pair of yellow robins (*Baltimore orioles*,) made a nest that year for the first time, and resorted there many succeeding years. The singing of that bird is sweet and plaintive, we all listened to it, and my mother and her poor sick sister, both strongly tinctured with Dutch superstitions, believed the bird to have come there to announce the death. How strange it is, and how like an exercise of reason or memory, that those birds will come back to the same nest for many years in succession. My family will all remember the pair, that used to come year after year to that beautiful elm on my lot, back of Cherry Valley academy.

One word in passing relative to that fine elm. In the years 1798—9, it was a small sapling. An officer on recruiting service, for *John Adams'* army, as it was called, was stationed at Cherry Valley: one of his soldiers had offended, and on being sentenced to be whipped, was tied to that tree. The late Major Lester Holt, was present at the whipping, and has told me, that he recollected the soldier was tied to that part of the

tree above the first limbs or branches, "above its forks or prongs" as he expressed it. The shaft of the tree must be now more than two feet in diameter, perfectly straight, and nearly of the same size up to where it branches out. He made the remark in reference to the branches now being nearly or quite thirty feet from the ground, which he said, had been carried up as the trunk grew larger and shot up higher. But to return to the funeral: during her sickness my father had provided some pine boards for a coffin, which after her death, he made himself and stained it black. The neighbours assembled; we had no clergyman, for at that day there was none in that vicinity; Timothy Hatch, father of Hon. Moses P. Hatch, of Oswego, read a chapter, and at the grave a hymn, "why do we mourn departing friends?" With these humble ceremonies the body was deposited in its "narrow house," then "earth to earth, ashes to ashes, dust to dust," were pronounced, a rough stone was planted at the head; and there the remains have rested for sixty years. As I am on early incidents, let me refer to the organization of the county of Otsego, which was set off from Montgomery, (formerly Tryon) in February, 1791. William Cooper was first judge, and Jedediah Peck was one of the judges. My father was made justice of the peace, at an early day after the county was organized. A day was agreed upon for all those appointed, to meet at Cooperstown to take the oath of office, and receive their commissions. My father got a new blue coat rather short, which was pronounced by a country tailor, "a handsome genteel coat." I recollect a rather coarse pair of white top'd boots for the occasion. At the appointed time he went, and I think walked there and back, which was as well as to ride,

as the roads then were. He stayed all night, and with those that met there, must have had a hard time of it at Griffin's tavern, "the Bold Dragoon of the Pioneers," for he came home lame, partly from an injury in a scuffle pulling off each other's boots *volens volens*, and partly from walking so far in his new ones.

Among the justices, was James Aplin, an honest, worthy but rather vain man, who lived in Hartwick. They used to tell this anecdote of him; but whether true or false I cannot state. It was said, that on his return home, he remarked to his *better half*, "my dear, last night you slept with James Aplin; to-night with James Aplin, esquire; God bless my good friend, Judge Cooper."

As Judge Cooper has been introduced, I may as well relate an incident witnessed by my father, not far from this time, and I am not sure but the very time he went to Cooperstown to receive his commission. I have thought it strange that James F. Cooper, the novelist, has not introduced it in some of his works, and once spoke to him about it and related the circumstances, as my father described them. A wrestling match was got up, in front of Griffins; where a ring was formed, and the parties matched for the contest. Judge Cooper said he was a wrestler himself; and believed he could throw any man in the county; and further, that he wanted to find a man on his patent, who could throw him; remarking, that he would give any one in the company, one hundred acres of land, who would throw him at arms length. Timothy Morse, who I have elsewhere mentioned as a strong man, stepped up and laying his hands on the judge's shoulder, said, "Cooper, I believe I can lay you on your back." Cooper replied "If you can I will give you one hundred acres." A

ring was formed, and at it they went, and Morse soon brought him to the position indicated. The judge got up and ordered Richard Smith, his clerk, to make out the necessary papers for one hundred acres.

This Richard Smith was the first sheriff of the county. Whether a deed was executed for this one hundred acres, or the value of the land deducted from a previous or other purchase, I am not positive; but have always supposed Morse resided on the identical hundred acres in Burlington. There is no doubt, I presume, of the wrestling match, and that one hundred acres was at stake; for the contest is still remembered by some of the old inhabitants, who point out the place where they wrestled, near the corner of the present Eagle tavern, formerly Griffin's.

When I mentioned this to James F. Cooper, he remarked "that it used to be fashionable to wrestle where his father was brought up, and from whence he removed to Otsego county; and that William Penn was a celebrated wrestler, and introduced and encouraged this with other athletic sports among his colonists."

It is generally known that a small portion of Otsego county was settled at a much earlier day than 1790. Cherry Valley was commenced about 1740 or '41, and when the revolution broke out, contained a good number of inhabitants, who were generally of Scotch and Irish descent. In the north part of Springfield, a few Dutch families had settled, and at Unadilla, Butternuts, and present town of Otsego, a few English families had located before the war. But the great body of the county was a wilderness in 1790.

Samuel Crafts, esq. who has recently died in the town of Hartwick, a few miles from Cooperstown, at a very advanced age, came from Connecticut to Springfield,

a few years after the war. He had been a revolutionary soldier, and must have been nearly the first new Englander that came to the county; having arrived there several years before its organization. When Judge Cooper, the founder of Cooperstown, came, Capt. Crafts was living in Springfield, and conveyed the judge in a boat from the head of Otsego lake to its foot, where Cooperstown is situated.

Mr. Crafts was an industrious, worthy, intelligent man; of stern, unbending integrity, and I think was a justice in the first commission of the peace; and foreman of the first grand jury in the county. He was father of Willard Crafts, esq., of Utica, a highly respectable citizen.

My readers may wish to know something more of our mode of life for the first few years, and what our provisions were. The mills were poor and flour consequently coarse and often black from smutty wheat. The Indian corn of course made good meal and johnny cakes, when ground, but as it would take two days at least to go and return from mill, many families had what they called a samp mortar; that is, a hard log with the end cut off square, set on end and hollowed out at top, as the Indians prepare theirs for the reception of corn, which is then pounded and broken by hand, with a pestle: a drawing and description of one, may be seen in a recent volume, published by the State, in relation to Indian habits and manufactures, (Cabinet of Natural History.)

I have had many a good supper of samp and milk, made in this way. The milk and butter were often disagreeable, from the cows eating the wild leek, and this, when used, was obviated by eating a piece of the same, which disguised the leeky taste of the milk and

butter. We could always get fish, by going to the lake; and most generally brook trout, for several years, from the small streams, where none can be found at present.

I may as well remark, that when we first came to the country, it was said shad and herring annually came up the Susquehanna, to where mill-dams obstructed their ascent. As to fresh meat, we had it, as the Indian did his, whenever we could get it. Venison was quite common, bear meat occasionally, and perhaps veal three or four times a year, by dividing round and exchanging among our families; which including my grandfather in our circle, were five. When they had veal, a pot pie must always be made, and the whole tribe congregated to partake of it. There was but one iron pot in the settlement, which belonged to my grandfather, and this was sent to the house where the feast was to be provided. My grandmother, always presided at the making of these pies, and she could make them better than any one I ever saw. The dough or paste was spread over and round the inside of the pot, before the meat was put in; and when done was called the crust. This would come out a little browned on the outside, but light and tender, not such heavy, clammy stuff, as is too often made now. When it was placed on the pine table, on a large pewter platter, it was very inviting, and delicious. Good spring water was the beverage, each house being placed near a spring; for they had no wells, and if the springs failed in summer, they would clear them out, and dig deeper, or find a new one. They had no *temperance societies*, in those days; and no one, whether he drank or not, deemed it sinful or improper to refresh the inner man, when the needful could be had. After the first year,

they generally had at their feasts a black junk bottle, that would hold a quart of rum, and this was dealt out in a wine glass; about half a gill to each man. Of course there was not much intemperance in town, till many years afterwards; and not very much then, or at any time. Wild pigeons were plenty, spring and fall, and were killed and eaten in great numbers. The black and grey squirrel, it is known, hardly ever precede civilization, but follow it. We had been there several years before any were seen. Foxes also generally follow instead of preceding. Martens, or as the Indians call them *wau-pau-nau-cau*, were quite plenty, and occasionally an otter, in the larger streams.

I must say something about schools. My father had learned me my letters some time before we had a school, and I could spell ba, and soon after baker. I remember his first teaching me my letters. There was A, with two feet, i with a dot, round O, Q with a tail, crooked S, T with a hat, &c. &c. After six or seven families had settled within striking distance, it was decided that a school house must be built, and a summer school started for the children. The house must be near water, and must be built where it would best accommodate its patrons; accordingly a place was selected, the neighbours made a bee, came together, cut away the underbrush, and the trees, that were near enough to endanger the house. They cut logs, drew them to the place, and put up a log house, small but low, and the roof nearly flat for several years; and covered with bark. One side was so much elevated by an additional log, that the water would run off, and subsequently rafters were added, making an ordinary roof, but no floor overhead. The floor beneath was made of split logs, hewed to make them smooth; and some narrow benches

made from split logs, supported by legs, were put in for the scholars.

There were no writing tables or desks, but these were added afterwards when they wanted to educate larger boys, and were made by boring into the logs, and driving pins to support a sloping board for a writing table, so that those who wrote sat with their faces to the wall, and their backs to the teacher.

There was no glass to be had for windows in the country, and, as a substitute, a rude sash was made and placed in the wall, and this sash was supplied with white paper, which being oiled or greased, would let in the light and exclude the wind. When the weather became cold, a large fire place and stick chimney, daubed with mud, were added, and this was the first school house in that part of the county. A school was kept for several summers by a schoolmistress, who boarded round among the proprietors, and in the winter by schoolmasters, when the larger boys attended. To this school house, scholars were sent from abroad, who boarded with the proprietors.

The boarding of the schoolmistress and master always led to one agreeable result. The family lived better, and had more of the delicacies and luxuries of life, than on ordinary occasions. This rendered boarding round popular, among the children at least; for preparatory to the master or mistress coming, an additional quantity of fried cakes must be prepared, and mince and other pies, if they could be afforded. In truth, the master and mistress were regarded as distinguished personages. This first house was used for several years, when it was deemed advisable to build another, further south, to accommodate those living in that direction.

The second one, was a little south of the orchard, now on the farm formerly owned by my father, and it was in this building, that father Nash was to preach when the bear was killed. The schoolboy pranks were rude and abundant, as they are at all schools.

The day the second house was completed we had some cider brought there, to dedicate the house, being the first I had ever tasted, and the first ever brought into that part of the town; the cider having been brought there by some one from Cherry Valley or Mohawk river. The snows fell deep every winter; the boys used to wrestle and wallow in the snow, and often fight; then, if the master found it out, they were almost sure to be flogged, for the birch and ferule were regarded, in those days, as indispensable appendages; and by frequent appliances "the young idea was taught to shoot." In winter, all the children were clothed with coarse thick home made clothing; they brought their dinner with them to school, and after eating it indulged in play of course.

Those narrow benches were awfully tiresome. Children would get tired and sleepy, but their vigilant instructors would contrive to stir them up; sometimes by one, and then by other devices.

The children were of course restless, and wanted to go out, which they were permitted to do, once each half day, and oftener by special permission. Sometimes the instructor so arranged matters in relation to going out, that any one might enjoy that privilege as a matter of course, each half day, without asking, provided he could go alone, when all others were in school. To carry out this provision, a hole was bored in one of the logs of the house, in which a loose wooden peg was inserted, which any one might take as a passport out of the house; and when he had stayed the permitted

time, he returned and placed the peg in position, which might be taken by another without applying to the master, and thus disturbing the school.

The boys were taught by their instructors how to make their best bow, and how to address strangers in the most formal style: and the girls how to shew off their graces, by the most fashionable curtsies.

Better progress was made in education than could have been expected, and nearly all of mine was obtained in such schools as I have described. I could always read and spell as well, and I thought a little better than any in school, and when put to my arithmetic, went directly ahead of all competitors. I could play as well as any one; run much better on the snow crust than most of them; always fond of play and frolic; and never doubted but what I could do anything that others could. This impression has been a leading one through life, and to my perseverance in it, I have ascribed much of my success. That I could not do a thing, that wanted doing, never entered my mind. In the winter nearly all the boys went to school, and in the summer, those large enough to work, staid at home and worked on the farm; going barefoot till cold weather came again. This going barefoot in a new country, among small stumps and roots, is a bad business. The feet get sore, and then to go in the woods among the ground yew, was exceedingly annoying to sore feet. It was however the fashion of the country and could not be avoided; for shoes were not to be had, except for winter, when a *cat whipper* came to the family, with kit, and made them.

The sugar-making season was always hailed with rapture by the boys. No one, brought up in a new country, but can realize how exciting it was, and how

eager and industrious the boys were to commence tapping the trees. This used to be done by cutting a notch in the sugar maple, and putting a spout under it, inserted by driving in a partly rounded, sharp iron instrument, called a tapping gouge, to cut a place for the spout that led the sap to the trough. Sap buckets were not then introduced, nor did they use an auger, as they do now, for tapping trees.

Troughs were generally made from the butternut, and would hold about a pailful, and some nearly two. The season having arrived, boys with their hand sleds would soon distribute the troughs to the trees that were to be tapped, by drawing them in the morning on the snow crust. Then the master of ceremony would follow with his axe, spouts, and tapping gouge; the sharp ringing of the iron, as he drove the gouge into the tree, kept all advised where he was. The trees being tapped and troughs set, the next thing was to shovel away the snow, and prepare a place to hang the kettles for boiling.

I have frequently found the ground covered two or three feet deep with snow, entirely free from frost, and the young leeks already pricking up through the ground and reaching the snow that lay on it. The gathering of sap, which had to be done generally with pails, was hard work while the snow lasted, as we frequently sunk into the snow up to our knees. When the boiling was commenced, a small piece of pork was thrown in the kettle, to prevent the sap, as it boiled, from running over. The little chickadee birds are always attracted to where one is at work in the woods, and they would generally find the spare piece of pork and pick and eat it up, unless concealed. The sugaring off, gave great delight to the parties present, as every one knows;

and this sugar making, in a new country, is always to boys a delightful employment. When we had a good run of sap, as it was called, that is, when it ran freely, I have frequently remained in camp, and tended the kettles late in the evening. The atmosphere being clear and delightful in spring time, the dropping of the sap in the troughs could be heard in all directions ; and for a considerable distance ; and then the hooting and screaming of owls, often very near, being attracted by the fire, would, to an unpractised ear, render night hideous, discordant and melancholy.

Before passing to other matters, I may as well mention a little incident illustrative of the hardships and hardihood of life in a new country. We had been some two or three years at our new home, when it seemed to be necessary for some one to return to our former residence in Rennselaer county. The principal object was to collect in some small debts, and to adjust some unsettled matters. My mother wanted to go and visit her parents and relatives in Cambridge, Washington county, so she concluded to make the visit, and then go to Hoosic on business matters. One, and I am not sure but two, of my uncles, were going the same time to arrange their affairs, so my mother was to go with them. They were all to go on horseback, and my mother for want of a better, was to ride on a man's saddle. We had a high-spirited black horse, which she was to ride ; a pillow was strapped on the saddle, saddle bags or portmanteaus properly adjusted, and thus rigged and equipped, she started off with my uncles ; I think it was in the fall of 1792, and I am quite sure she carried a child. They were to strike the Mohawk river at Canajoharie, then across the country to Johnstown and Saratoga, and thence to Cambridge.

I remember how they looked as they started off. As soon as they had crossed a small pole bridge, near the house, my mother to shew her fearlessness, and that she could control her horse, gave him a slight blow, that put him into a good round gallop, and they were soon out of sight, as they rode along the narrow, crooked pathway through the woods. She returned in due time, having made the journey comfortably, had a good visit, and transacted the business correctly. Every woman in a new country soon becomes a fearless rider. It is a noble and invigorating exercise, and a woman never appears so well as when she is well mounted, on a spirited horse. This was the most fashionable mode of travelling in that part of the country for many years afterwards. Even as late as 1806—7, young people when they went to a ball, or fashionable party, generally went on horseback. It is so yet in the new States at the west. Even at Columbus, the capital of Ohio, a large proportion of the country women come into the city on horseback. I always admired the fearless manner in which those *buck-eye* women rode. Judge Cooper had a favourite daughter killed by a fall from a starting horse, as she was going to the town of Butternuts, at a very early day after the settlement of the county. I must say something about the scarcity of books, and the difficulty of obtaining anything like readable matter, except the bible, psalm book, and a few other books, till we had been several years in the county. Each family had a bible and psalm book; my grandfather had a large English bible with the liturgy, and versification of the psalms, as used by the English church. The bible was printed, the old testament at Oxford, and the new testament at London in 1715. He also had

a copy of Hudibras, which next to the bible, he regarded as superior to all other productions. My father had two volumes of Dryden's poems; and one of my uncles a copy of Young's Night Thoughts. This was about all the reading matter for four or five families in our circle, till a small town library was established a few years afterwards. After learning to read, I went through with the books I have mentioned, and could soon repeat a great number of psalms and hymns, and a large portion of Hudibras, as I can to this day. The library being established, was kept about two miles from my father's. The books were drawn out, and returned once a month. To encourage me to read he very soon after its establishment, used to send me to return the books, and draw new ones, directing me to select according to my choice. I used to read all that were drawn out, and among others I recollect reading six volumes of Bruce's travels to the sources of the Nile. Grecian and Roman history became familiar to me; superficially to be sure, but more in detail and incident than I now recollect them.

That old library was added to, and kept up till after I left Richfield, in 1810; and I have always thought, and have no doubt, that it induced a propensity for reading among the farmers, that for many years put them a-head for general intelligence, of those in other towns where a library was neglected. In imitation of this library among the men, I set on foot a project for a library among the boys, and we got up quite a respectable juvenile library, which ran down about 1805, in consequence of our treasurer and librarian misapplying the funds. I do not remember how many years it was after the first settlement, before we had a mail in that part of the

county, but should think six or seven years, and probably more; newspapers were scarce. The Otsego Herald, a very small weekly paper was published by Judge Phiney, and continued for many years; this was almost the only paper that any citizen in town had an opportunity of reading. It was sometimes brought by a post rider; and at other times a class of thirteen was formed, each member going to Cooperstown for the papers once a quarter. The motto of the Herald was kept up as long as it was published,

“ Historic truth our Herald shall proclaim,
The law our guide, the public good our aim.”

With the almost surfeit of newspapers that we now have, it is difficult to imagine with what avidity the little weekly messenger was sought after, and how thoroughly it was read among the neighbours. At an early day after I was able to read, my father to encourage me, used to buy small books, and among those was a little one, giving an account of the trial and execution of the King and Queen of France, illustrated with an engraving, shewing the guillotine, and Gen. Santerre, mounted on a large horse, with troops under arms. The reading of this book, with occasional scraps from newspapers, excited an eager desire to make myself acquainted with the important events growing out of the French revolution. I have a slight recollection of the siege of Toulon in 1794, when Buonaparte first distinguished himself in driving off the English. The campaigns of 1795 I recollect, the most of them from newspaper readings.

Buonaparte's Italian campaign in 1796, and from that time till his final downfall and banishment to St.

Helena, all the principal events are more firmly fixed in my memory than occurrences of a recent date.

In 1797-8-9, the Otsego Herald, was generally brought by a post rider, who left our paper each Saturday afternoon at a neighbour's about a mile off, and it was my business to run through the woods over a hill, (often before breakfast,) after the paper, and I generally read the part containing the news, before reaching home. The escape and sailing of the French fleet from Toulon in 1798, with the army for the Egyptian expedition; the pursuit by Nelson in search of it, created a deep sensation in this country, for several months before hearing of the landing in Egypt, and destruction of the French fleet at the battle of the Nile. It must be recollected that in 1798, our troubles with the French Republic had assumed a belligerent aspect, almost a declaration of war on each side.

The object of the expedition was secret, and many apprehended an invasion from this formidable army, with Buonaparte at its head; at last the expedition was heard from, by its attack and conquest of Malta. Next came the battle of the Nile in large capitals, with Nelson's official account from the Vanguard, off the mouth of the Nile, &c. The contest that we had with the French kept up an interest. Truxton captured Le Insurgent, of superior force. Bainbridge, Tingey, Talbot and others distinguished themselves. I recollect a doggerel song got up and published in the Herald, about that time. Let me give a stanza or two, to call up old recollections.

“ Of our tars so brave and handy,
Gallant Truxton is the dandy,
Talbot, Bainbridge, Morris too
Are among the valiant crew.

They're a match for hostile dogs, sir,
 Whether they eat beef or frogs, sir,
 Let them meet by night or day,
 They will shew them Yankee play."

Several other patriotic effusions appeared from week to week in the Herald, which as they bring up old matters may be now inserted and not deemed out of place.

"I wonder what the matter means,
 A cutting of such capers,
 The parson says the French are mad,
 He reads it in the papers,

Hey ho Billy bo, I b'lieve the wars are coming,
 And if they do, I'll get a gun as soon as I hear them drumming.

I heard them say on training day,
 That Washington's a-going,
 And Captain Toby swears they'll fall,
 Like grass when he's a moving,
 Hey ho, &c.

He says as how in t'other war,
 He ran right at the bullets,
 And never minded grenadiers,
 No more than we do pullets."
 Hey ho, &c.

ANOTHER.

"There's Yankee doodle come to town,
 From Philadelphia city,
 He's ranged the streets all up and down,
 And brought nice news to fit ye.

He's been among the Peeplish folks,
 And vows they'r rotten clever,
 They talk so 'cute and crack such jokes,
 Would make one stare for ever."

Soon afterwards the Herald was dressed in mourning on the death of the father of his country, General Washington, who died in December, 1799. The announcement of which melancholy event, threw the whole country in consternation and sorrow. We had an assemblage, and a funeral oration from our singing master Doctor Meacham, who stood on the table in Brewster's ball room. I have recently seen a piece of mourning drapery from the Otsego Lodge, Coopers-town, used on that occasion.

In the Herald and other papers, a discussion was kept up, whether the nineteenth century commenced 1st January 1800, or 1801; very similar to the recent discussion in regard to the commencement of the present last half century. I do not recollect which side Judge Phinney took, but I think in favor of 1801. Peter Porcupine had illustrated his views of the question, by comparing mile stones to centuries; and had asserted that any one differing from his position, had no more brains than an oyster. In a new year's address probably written by Judge Phinney, was this verse,

"This good day my friends will enter ye.
 Fairly in the nineteenth century,
 In spite of mile stones on the plains,
 In spite of Peter's oyster brains."

At the age of fifteen I had become a large stout boy, worked hard on the farm all the year, except about four month's in winter, when I went to school. From the age of ten years, I used to go to mill on horse-

back, often ten miles or more, which of course brought me in contact with other boys, who came many miles on the same business. Our casual interviews were not of the most amicable character, they often assumed a belligerent aspect, and not unfrequently bloody noses grew out of them. On one occasion, a boy a year older and much larger than myself, became insolent, and after threatening to lick me, persisted in fastening his quarrel so that I could not avoid a set-to. The miller wanting to see the sport encouraged it, and the result was my adversary was essentially flogged within three minutes, and came out of the contest with his nasal organ pretty well swollen and bleeding freely, while my face was only slightly scratched, but not hurt.

Many similar incidents occurred with the Dutch boys during these excursions to mill, who were very much inclined to flog the "Yankees," as they called us. So also at school such frolics were not unusual, as well as playing off divers pranks on those who were regarded as rather soft and green. My friend, Samuel Russell, was generally in concert with me, and was not only fond of fun, but full of school boy pranks in the superlative degree. A negro who used to go to school, was frequently duped and made the laughing stock of the company. On one occasion we made him believe he could fly, and persuaded him to jump from the highest part of a shed, some fourteen feet to the frozen ground. He went up, and after flopping and swinging his arms as a rooster does his wings, crowed stoutly, and then leaped off, intending to fly and come down lightly, but his avoirdupoise brought him to the frozen ground with a violence that nearly broke his limbs. On another occasion, we persuaded him to dive from a high stump, into what he thought was a bank of light snow recently

fallen, but which in fact was a knoll slightly covered; much of the new snow having been blown off. Ike, for that was the negro's name, went in head foremost, and although it of course did not hurt his head, it nearly broke his neck, for he complained for a long time of the injury. After these adventures he was more cautious, but was still the dupe of his tormentors, who frequently got him into other scrapes, such as could only be tolerated as boyish pranks, or as another has fitly said, "youthful indiscretions."

Russell has been prosperous in life, and though starting poor and entirely destitute, is not only comfortably off in regard to property, but a correct business man.

He has represented Otsego county in the assembly; has been commissioner of loans and county clerk; and now possesses, in an eminent degree, the confidence and respect of his neighbours and friends. I must relate an anecdote of his father, an old revolutionary soldier, who I remember seeing nearly fifty-seven years ago. The old man thought he was somewhat religious, and probably was, though it was not that strait laced religion that would preclude him from cracking his jokes and enjoying his fun, of which he was as fond as his son. On one occasion he was attending a conference meeting, when an aged sister, whom Russell disliked excessively, got up, and addressing the meeting with a decided nasal twang, said "My dear brothers and sisters, I feel like a poor miserable creature," and sat down. Capt. Russell immediately arose and said "I can fellowship you in *that*, for I think you are," and then took his seat. Some of those in attendance laughing, and others suppressing a desire to laugh, at the old man's prompt and appropriate response.

I ought to say something about our spiritual teachers. We had quacks, and empyrics in divinity, as well as in physic, during the early days of our new residence. Many straggling itinerants came among, us and would give the neighbours what was called a sermon, which might have been called anything else just as well. There was one man, who for several years gave us the "stated preaching of the gospel." He was a Rhode Island farmer, of the baptist denomination, very illiterate, and known all over the country, as "old esq. Pray."

He owned a fine farm on the Unadilla river, in the present town of Winfield, and kept a poor tavern, where he sold most villainous new England rum. Elder Pray had his farm carried on, but did not work much himself, generally staying in the house to 'tend bar and see to matters relating to his tavern. On Sunday he would ride away in pursuance of previous appointments, and preach, as he called it.

His education was so defective that he could hardly read his bible intelligibly; and his preaching, if possible, was more defective still. He used the most unsavory similes, to illustrate his positions. I heard him, on one occasion, describe the operations of the Holy spirit; and to show how inadequate human means were, to promote the new birth, he illustrated his views, by introducing as a simile, a carved basswood woman, and then went on with his comparison, altogether too indecent to repeat. It answered however for preaching, for want of better.

Jedediah Peck, the indomitable democrat, who soon after the organization of the county, got up an opposition to Judge Cooper, Genl. Morris, and the federal party generally, was a preacher as well as politician.

He was illiterate, but a shrewd cunning man. For many years he controlled the politics of the county, put up and put down who he pleased ; he had no talent as a preacher or speaker ; his language was low, and he spoke with a drawling, nasal, yankee twang, so that in public speaking he was almost unintelligible. He always had his saddle bags with him, filled with political papers and scraps, that he distributed whenever he went from home, and then at night and frequently on Sundays, would hold meeting and preach.

I have always been so uncharitable as to believe his preaching resulted more from a desire to promote political than spiritual objects. Still the judge was a worthy, honest, exemplary man ; and entitled to great credit. He represented the county many years in the assembly and senate ; and had as much influence, and I think more than any county member. It was through his exertions the foundation of our school fund was laid ; and for that act alone, if for no other, he is entitled to the gratitude of the state.

He was county judge for many years, and in 1812, although of advanced age, was in Queenstown battle, acting as paymaster of Col. Stranahan's regiment. The old man of nearly seventy years crossed the river and behaved remarkably well. The official account of the battle made honorable mention of him.

The federalists disliked the judge, and always ridiculed him and his decisions in court. Not being a lawyer by profession, his honor never pretended to much knowledge of the law, but went for the common sense reasonable construction of each transaction. I recollect a case of crim. con., when he charged the jury. The defendant attempted to show, that the plaintiff knew of and colluded at the transgression of his wife ; this,

if true, would have been a good legal defence. Not establishing this point, as he intended, he next resorted to proof in mitigation of damages, and proved the wife not only abandoned, but of infamous reputation; this, the books all agree, should be taken into consideration, in fixing the amount of damages.

His honor however decided and charged the jury, that it was neither a justification or mitigation, but on the contrary, a gross aggravation, which ought to enhance the damages against defendant, for having anything to do with the dirty slut. Not very sound law to be sure, but well enough for such a suit.

For several years very few incidents occurred worthy of record; suffice it to say, I worked hard all the year, except winter, when I went to school. In this way I became familiar with all kinds of work incident to a new country, and on arriving at twenty-one years of age, was a good practical farmer.

I recollect in 1801-2 or 3, when I must have been some fifteen, sixteen, or seventeen years old, of assisting my father in cutting down and sawing into logs, the largest and tallest wild (black) cherry tree that I ever saw. It seems to me it was very near three feet in diameter, and held nearly that size the whole length of its trunk; it was perfectly straight, and we cut from it five or six logs, twelve feet long, before reaching a limb. The logs were cut by a cross cut saw, and I know it was while I was a mere boy, as it fatigued me very much to carry my end of it while we were cutting them.

My father was preparing to build a house, and he wanted the boards and timber from this tree to use about the house, and for making cherry furniture. We cut it two or three years before it was to be used, that

it might be well seasoned. I speak particularly of this tree, because from some of its boards, in 1805, was made the case for that old family clock, that I have had long before the remembrance of either of my children. Soon after the falling of that tree, a young one shot up from or among its roots, and was protected by the stump of the parent tree for many years. We preserved it, and if still standing, as I suppose it is, may be seen very near the southerly line of the large orchard, planted on my father's farm. That young tree must be about fifty years old, and I suppose two feet in diameter. On returning from Columbus, Ohio, in 1846, where I had resided four years, I went to see if this tree was still standing; and found it large and thrifty, but every vestige of the parent had long since disappeared. Phoenix like, the young tree had risen from the dust and ashes of the old, and now remains in full strength and vigour of life.

To return to that old family clock. There is something interesting, I have thought, when we contemplate the busy and constant flow of time, as marked off by seconds, minutes, hours and days, indicated by the vibrations of the pendulum. How solemn the measured tick of that old clock at midnight! How many tales it could tell, were it gifted with speech. Before Buonaparte by one of those masterly stratagems and military combinations for which he was distinguished, invested and captured Ulm, in 1805, with an immense Austrian army; before Nelson lost his life, when he annihilated the combined fleets of France and Spain at Trafalgar—that old clock was in its present case-ment. And should we go back a few years we should find the clock itself, measuring off the time when Buonaparte crossed the great St. Bernard, and gained the

decisive victory at Marengo. Even as early as his Egyptian expedition, that clock marked the time, of minutes, hours and days, fraught with great events. It has, as will be perceived, been familiar with the times that brought forth the empire, under Napoleon. It has marked the periods of his rise, his greatness, his ambition, and his mad career—ending with his downfall, banishment and melancholy death, on a far-off isle, in the great southern ocean. It has marked the time of great events in our own country; all the presidential terms, except Washington's, and the first half of the elder Adams' have been measured, and passed away with years beyond the flood. If contemplated in reference to family and domestic relations, what tales it unfolds! how solemn and interesting! My grandparents, paternal and maternal, have all watched the march of time, as indicated by its dial. My parents, also, and yet they have all passed away; so also the greater part of my brothers and sisters; two of my children also. I can never look on that old clock, other than with awe and respect, almost amounting to veneration; and there it is yet, just as ready to measure off another half century as the one that has recently closed. But why moralize so much? Because there are times when it accords, and chimes in with my inmost feeling; when (to use an apt quotation,) "this our life, exempt from public haunt, finds tongues in trees, books in running brooks, sermons in stones, and good in every thing."

I ought to mention among these old recollections, my first visit to Albany, at a very early day, and several years before the present century. I went there with my father on a load of wheat, by sleighing; we started very early in the morning, which was the

fashion with those going to Albany, or they could not get back within five days, which was the usual time for a journey to the city and home again. It was a curious sight to observe the immense number of sleighs, on approaching the city; a string a mile long, was no uncommon occurrence in those days, and even more. Generally speaking, each teamster carried his own hay, bound on to the sleigh, with a bag or two of oats; he also had a pail or box of provisions, and always a bottle of rum stowed away among the bags of grain.

The fashion was to stop about once in ten miles, to feed and rest the horses, and while they were eating their oats, the owner felt bound to call for at least a mug of gingered cider, or gill of rum, which served as a remuneration for the use of the shed. At night he fed on his own provision, but generally paid sixpence for a cup of tea or a like sum for a mug of cider, and the same for his bed. For his horses when he fed his own hay and grain, he paid sixpence or a shilling, and he took care of them himself; and at these prices, William McKown, and others, who kept taverns for the farmers, got rich. Those were good jolly times; and if not rich and prosperous to those who thus visited Albany, they could not well fail to be interesting, for they brought citizens in contact, who lived remote from each other.

I recollect the old Dutch church which I saw at this my first visit, which stood at the foot of State street, very near the exchange building in Albany. The venerable edifice protected an old woman, who sold coffee and chocolate on the south side, and sometimes "strong beer," as it was called. My father patronized her, and bought a cup of the former, and a glass of the latter, which was the first beer I had ever tasted. I

recollect very well the appearance of the old church and of those sheltered on the south side, which I have since seen coarsely delineated in print. We of course went to *see the lion* that was kept somewhere on the hill; but father did not go to see the Albany witch, who was generally visited by those going there from the country, who wanted to know their fortune, and who delighted in the marvellous; which my father did not, for he was a perfect infidel, in relation to those matters. The witch made her craft a regular business at that time.

How interesting were those journeys to Albany, which from Richfield took about five days, and the usual load for a sleigh did not then exceed from twenty to twenty-five bushels, for the turnpike was not constructed. My father at this time received \$1 68 per bushel for his wheat.

Those large winter fires at the taverns were delightful; and then the jingling of bells made travelling exceedingly spirited and cheerful. I went to Albany in 1811 or 1812, with Colonel Fitch and Captain Loomis, of Richfield, who were going with their wives; each had a sleigh pretty well loaded with country products, and each had a pail or box of excellent provisions ready cooked; they insisted on my going with them, and said it should not cost me a cent.

We had a pleasant journey to and from the city, and while there visited the Otsego members, who were stowed away in a small room, and upper story of a poor wooden building.

How different from accommodations furnished the present members of the legislature, who have, generally, pleasant respectable rooms, and good comfortable living, if nothing more.

CHAPTER V.

Military Enrolment.—Brigade Training.—Arnold convicted of Murder.—Popular Indignation.—Command Infantry Company and Volunteer.—Plattsburgh Battle, Incidents and Anecdotes.—Country Dances.—Contest between Judge Cooper and Major Cochran.—Great Eclipse, 1806. School Keeping.—Great Snow Storm, April, 1807.—Vote for Governor Tompkins.—Political Matters.—Serve as Constable.—Quit Farming to Study Law.

ON arriving at eighteen years of age, I enrolled myself in a company of light infantry, commanded by Capt. Minerva Cushman, a worthy excellent man, who was father of Don F. Cushman, esq. a highly respectable and successful merchant of New-York, now doing business in Cortland street. This was one of the oldest independent companies in the county. In the autumn of 1805, our company, in common with the Otsego brigade, repaired to Cooperstown for parade, inspection and general review, in conformity to orders from Governor Lewis.

The governor was there with his staff, in full uniform; and I suppose was much gratified with the parade as well as his reception in the county. He was fond of show, and it was argued by his opponents, that he was excessively vain in reference to military matters.

Those brigade parades that he ordered, were not well received by the public; they required a sacrifice of three days time to a large portion of those subject to duty, and of course were attended with considerable

expencc. When brought forward as a candidate for re-election, these parades were urged against him with much effect.

In Otsego there was another matter of complaint that lost him some votes. Benjamin Arnold, a schoolmaster, had whipped a little girl in an unmerciful manner, which caused her death; and the circumstances were such, that he was convicted of murder and sentenced for execution. On the day appointed, everybody repaired to Cooperstown to see Arnold hung. A gallows was erected, the prisoner was brought out and placed on the staging, where the sheriff with his deputies were in attendance. Clergymen were there, and went through with their religious exercises; the criminal was exhorted to make his everlasting peace, and the spectators to take warning and profit from the melancholy exhibition. Arnold was invited to address the multitude, which he did in a few words, but in so low a tone of voice as scarcely to be heard. He stood under the gallows, with the halter about his neck, expecting, as did those who were looking at him, that the next moment would be his last; when the sheriff put an end to the painful suspense, by taking from his pocket a commutation of the death penalty to imprisonment for life.

Arnold fainted on the annunciation, and the spectators were sadly disappointed. They were not slow in giving utterance to their feelings; some swore, others laughed, but all were dissatisfied. Many had come a great distance, their curiosity had been much excited, a day had been lost; besides incurring considerable expence, for which they had no corresponding return. The greater part wanted to see a man hung; and when Arnold was excused from gratifying their morbid desire, they acted and talked as if they must have a substitute.

Had the governor himself been there, many of them would hardly have refrained from making him a conspicuous figure in the very interesting exhibition.

They had a right to be displeased ; for if the sheriff was in possession of the governor's commutation, before Arnold was taken from the jail, it was a wanton, inexcusable act of cruelty thus to expose him, and horrify his feelings ; and it was so regarded by the bystanders, who thought the public exposure of the criminal should have been spared. I do not know what explanation could have been given ; some said the messenger did not arrive with the commutation till just as the sheriff was preparing to swing up the prisoner ; others said he had received it in due time, but wanted to make a show and frighten the culprit. I have no doubt the governor lost votes for his interference, if not for the circumstances at the gallows.

In the company of light infantry, already mentioned, I continued to serve ; and went through every grade of promotion, until 1810 or early part of 1811, when I had the command ; holding commissions under Gov. Tompkins. By a law of congress, passed in 1811, authorizing the President to accept the services of one hundred thousand volunteers ; my company was enrolled, accepted and held in readiness to be called out at any time. Our year expired shortly after the declaration of war in 1812. In September of that year, troops were wanted for the Niagara frontier. I still retained the command, though I had removed to Cherry Valley two years before, but used to repair to Richfield to muster and drill my company, whenever it was necessary.

I went there in September, called them out, in pursuance of general orders, intending to induce them to

volunteer for the campaign. I had prepared a speech full of patriotic sound and fury, to induce the company to turn out, and go to the war. They were paraded and drilled a short time; the speech was delivered, but not responded to, as desired; the drummer was put in requisition; the troops being directed to shoulder arms, and such as would volunteer, to step out and follow the drum. At this order every democrat (or republican as then called,) came forward, and every federalist refused. Party spirit ran high; the war was unpopular with the federalists, who, as a party, condemned and opposed it; and thus my project of going with a volunteer company, which I very much desired, proved an abortion.

A draft was next resorted to through the regiment, for the requisite number, and with my company I stood a draft and drew a blank.

Norton, my brother-in-law, a lieutenant, was drafted; and as he had a family, I offered to take his place, (the colonel having agreed to accept me,) but Norton declined it and went himself. I afterwards tendered my services to Col. Stranahan, who commanded the regiment, provided he would give me an active place of equal rank with my own. I offered to take rank as lieutenant if he would make me adjutant, but that place had been given to Stafford, of Sangerfield, a fine brave fellow, who was shot through at Queenston, but who I believe is still living. Stranahan offered to make me quarter-master, but this was rather the place of a non-combatant, and I did not want it. Whether I should have gone through a fight manfully I have some doubt, but have none whatever that I should have gone where ordered, as I had no constitutional scruples, and my

pride would have impelled me even if my courage had faltered.

During the spring and summer of 1814, I had a severe fit of sickness that nearly proved fatal; and though very weak and lame was able to hobble about, when I heard of the approach of the British fleet and army before Plattsburgh. I at once concluded to arm myself and start for the scene of action, by the next morning's stage.

Without consulting any one, I selected a good military musket with equipments, and directed a knapsack with provisions and blanket to be prepared that I might be off. My wife knew it was a conceit, or freak, growing out of ill health and half shattered intellect, and remonstrated; but I was stubborn, and determined to go; so she called in Judge Hammond and Major Packard, in each of whom I had confidence, who soon persuaded me to give it up, as I was in no condition of health for such a journey, or the duties of a soldier; and thus ended this patriotic effervescence. During the autumn of that year, I was at Johnstown, Montgomery county, when a detachment of sailors passed through that place, on their way to Sackett's Harbor, to man the fleet on Lake Ontario. They were from Plattsburgh, having been in the battle under Mc Donough, when the British fleet was defeated. It is related, that on board of McDonough's ship, was a cock that was petted by the sailors, and was a great favorite with the whole crew. During the hottest part of the engagement, this bird was perched on top of his coop, listening to the "hurly burly" that was going on, and very complacently surveying the exertions of his patrons, the sailors, when an enemy's shot struck his

coop and shivered it in pieces. Chanticleer was "game;" and on the coop being knocked from under him, flew up and perched himself on a shroud, where he crowed lustily in defiance. Those who saw it, regarded it as a favorable omen, and cheered through the ship. On leaving Plattsburgh, they took their feathered favorite with them, regarding him as a talisman to avert danger. One of the sailors carried the rooster under his arm; and it was said at the time, and I suppose he was, the identical bird that crowed on the ship during the battle.

I recollect some of us clubbed, and gave the sailors a good treat, and filled their canteens, as I had assisted to do on another occasion at Palatine Bridge, where we had met a detachment of soldiers. Sailors are of all men most superstitious, and inclined to believe in omens. I have no doubt the presence and good conduct of this cock, during a naval battle, would have contributed to win it, as much as the exertions of ten resolute men. After giving up my military company, I held several commissions in the major general's staff; was division judge advocate, with rank of colonel, and some other positions of equal rank, for which I have commissions from Gov. Clinton. The highest position in rank that I ever actually obtained, was colonel; by which title, Cols. Deitz and Geer, who were with me in the senate, and who had been cols. of militia, were specially observant to address me, as they did each other.

On removing to Ohio, where they have a *weakness* for addressing almost every man by some title, they often magnified me into a general, which honor, my extreme modesty never allowed me to appropriate to myself. As I am on military affairs, I will remark that when I was first a commissioned officer, we wore

the three-cornered cocked hat, continental fashion : mine was of that description. Afterwards, the French chapeau de bras came in fashion, and was adopted in the country as well as the cities.

But to leave military matters for another subject.—

Dancing has been a favorite amusement in all countries, and in all ages of the world. In the new settlements it was not so fashionable as more athletic exercises. For several years they had no suitable rooms ; and then again, the farmers were staid in their habits, and generally had no desire to encourage it.

Those split logs from which the floors for houses were made, were not very well adapted for showing off the graces of motion. Governor Corwin, of Ohio, having been brought up in a new country, and being well acquainted with the customs of that kind of life, used to tell many amusing anecdotes, and among others, of an old Frenchman, of Cincinnati, who delighted to go into the country towns and dancing all night on those rough, non-elastic floors. Although we had dancing parties occasionally for several years, yet we did not have a dancing school in that part of Otsego county, till the winter of 1805 or 1806. A strolling dancing master then came there, and after much opposition from the *serious* part of the community, got up a class, and instructed them in jigs, French fours, and figures, throughout the winter. I was permitted to make one of the class, though my grand-parents regarded it as a great scandal, and little better than serving the devil ; they were probably about half right. We never aspired to cotillions ; and I don't know but our light heeled instructor might have deemed himself incompetent to impart instruction beyond the first rudiments : “ down the outside, up again ; turn your partner ; down

in the middle, up again ; cast off ; and right and left.”

We had no aristocracy in those days. The laboring man, who worked by the month, and the spinning girl who worked by the week, were as good as others, and of course must not be slighted, or overlooked. Dressed in their sunday clothes they appeared well, and were respected.

This was right. All were workers ; and hard labor brought all on a level of equality.

I remember one of the early settlers, who is still living, and is now a wealthy farmer ; who, when he came there had scarcely anything but his axe, and used to chop, and clear land by the acre, till he had earned enough to buy a new farm. On getting married, he was so determined not to disguise his condition in life, that he insisted on being married in the dress in which he expected to earn his living. The result was, that he dressed himself in a clean tow shirt, frock, and trousers ; while his wife, the daughter of a respectable farmer, put on her petticoat and short gown ; and in these every-day dresses they were married.

It was no uncommon thing then, for the daughters of substantial farmers, to go out to work by the week, when they could be spared from home. Such a thing now is hardly thought of by our native-born citizens ; in which respect I think they manifest a greater degree of false pride than good sense.

As I have referred to dancing ; let me describe the arrangements for getting up a ball.

The managers being chosen, had two ways of getting it up. One was to make a hap-hazard business, and let each gentleman select his partner, and wait on her to the dance. When this mode prevailed, there was a scramble among the beaux to get the start of

each other, to invite the young ladies who were regarded as favorites. This mode had its objections, as it not only induced scrambles, and competitions, but frequently resulted in leaving some of the girls less attractive at home, who would be overlooked. There was another objection that had weight, particularly with those young men who were admitted into society, not because their company was very desirable, but because it was an unpleasant business to exclude them. They were rather cheap, ordinary, or as the buck-eyes would say, "or'nary fellows," who were sometimes refused by the ladies, because they of course had preferences, and would give these fellows "the mitten," and take their chance of an invitation from some one else. I presume my readers, particularly of the younger class, will understand what "giving the mitten" means. At any rate, those who were so unfortunate as to submit, to that mortification, understood the meaning and preferred the other mode; because, as will soon be seen, they were backed up by the influence of the managers when the fair ones were invited. To obviate these objections, it was more generally voted that the other mode should be adopted, and that the managers should classify and select partners among the gentlemen and ladies. Preparatory to this important matter, lists were made out of those who were to be invited, and then the managers went to work and would sit down Mr. A. B. and Miss C. D., and so on through the lists. Tickets were given out something in this form, "Independence Ball, Mr. A. B. is invited to attend a fourth of July ball, at &c. and to wait on Miss C. D., who is also invited." On receiving the ticket, the gentleman must call on the lady for whom a ticket was enclosed, and invite her attendance; which, under this arrangement,

she almost invariably accepted; because to refuse would not only have been an insult to the gentleman, but to the managers who had selected, and by their ticket invited her; and they represented society, so that she would probably be excluded, unless she had good reasons for refusing. If it was a fourth of July ball, they frequently met before dinner, danced a few figures and then dined in the open air, under booths. After dinner they went to dancing in good earnest; had tea, cakes, and wine handed round at evening, and during the night; and frequently more stimulating potations, particularly among the gentlemen. They were not nice in the observance of hours, but danced them away till they were generally satisfied to break up at broad day light.

If it was a winter frolic they went in sleighs; but at other times, nearly all on horseback. The young gentleman would provide himself with as good a horse as he could, and another with a ladies saddle, for his partner. Thus furnished with the means of locomotion, he would start after the fair one, leading the horse she was to ride; and being equipped, girded, and mounted, they would start for the ball. As all were fearless riders, the horses were frequently put to the top of their speed.

It was no uncommon thing for a young lady to mount the same horse behind the gentleman, and thus ride double to the ball. The objection to the managers selecting and arranging was, that they generally secured the lion's share for themselves, by selecting the favorite girls.

They had the trouble of arranging for the ball; and I don't know that there was any violation of principle, if the managers did choose wisely. Some how-

ever did think it objectionable, as they thought it conceded too much, and gave undue advantages to monopolise the choice articles. For several years we had no musician near us, and a committee had to be appointed to secure a fiddler from abroad. My first acquaintance with Brayton Allen, who played the violin remarkably well, was his attendance at Richfield to discourse eloquent music for a new year's ball. He then resided at Cherry Valley; has since resided in Western Virginia, on the great Kanhawa, was always fond of fun and frolic, sang a good song, told a good story, was an accomplished shot, kept excellent hounds; a man of sense and sound philosophy, for he took the world easy, laughed at its follies, submitted to its crosses, and murmured not at its reverses. We have formerly ran down and unearthed many foxes; but for several years I have lost sight of him, and whether dead or alive, I really do not know. The fashions, in social life, have very much changed within the last forty or fifty years.

Now, when a party meet, and wish to take a social glass, a brandy smash or whisky toddy is prepared for each. Then, on meeting at a country tavern, some one of the company would call for a brandy sling, or a rum or gin sling, which required a gill of liquor; this being properly mixed, with sugar and water, and stirred up with the toddy stick, till the compound almost foamed, was ready for a sprinkling of nutmeg, and was then handed to the one who called for it. He took a drink and handed it to his neighbour; who drank and passed it along till it was drunk off, and the one who finished it called for another, each one generally calling for a sling before the sitting was completed.

In reference to musicians, it has been above remarked, that they were scarce. I will relate a trifling inci-

dent, growing out of a performance on the violin, though not immediately connected with the thread of my story. Major Cochran, who recently died at Oswego, (universally esteemed and regretted, and whose excellent lady resides there still,) could in his younger days play the fiddle. About the year 1796 he was a candidate for congress against Judge Cooper, of Cooperstown. The congressional district embraced not only Montgomery and Otsego, the residences of Cochran and Cooper, but nearly the whole of western New York. After Major Cochran was put in nomination, he had occasion to visit the western counties and took his violin with him.

He stayed over night at Canandaigua, where a dance was got up, and the Major obliged and amused the company by fiddling for them. He beat Judge Cooper at the election, but whether from the influence of music and dancing or other causes, is now too late to enquire. It was alleged however that Judge Cooper had either published or remarked that Cochran had been through the district with his violin, and had fiddled himself into office. This came to Cochran's ear and brought him from Montgomery county to Cooperstown.

He started on horseback, as I have heard him say, and went there, where Judge Cooper was presiding as first judge at the court of Common Pleas.

On his coming out of court Cochran met him, and after alluding to the election and what had taken place, informed the judge that he had come from the Mohawk to chastise him for the insult.

Judge Cooper treated it lightly, and remarked that Cochran could not be in earnest, who answered by a cut with his cow skin. Cooper closed in with his ad-

versary, but Cochran being a large strong man, they were pretty well matched for the scuffle, and the judge did not throw him down as he intended ; the by-standers interposed and the parties were separated. Cochran was indicted for the assault and battery, but removed the indictment to the oyer and terminer, where he pleaded guilty, and was fined a small amount for the breach of the peace. How it happened that they were opposing candidates, I really do not know ; they were both federalists, and I am quite sure both belonged to the same party at that time. Major Cochran has told me that he supported John Adams' administration, and was always regarded as an out-and-out old fashioned federalist.

Judge Cooper, I think, was elected at the next election, which I suppose must have been in the spring of 1798, so that his congressional term commenced 4th of March, 1799, and expired with 3rd of March, 1801, when on the election of Mr. Jefferson, Judge Cooper, in a measure withdrew from active political life ; though he remained a decided party man up to the time of his death.

He was present at those ballotings in congress, between Mr. Jefferson and Col. Burr, and with others of the federal party, voted for the latter. He was so unwell at the time, that I believe he had to be carried into congress to give his votes.

The 13th November, 1806, was the anniversary of my birth-day, when I became twenty-one years of age. Up to this time I had worked on the farm, the greater part of which was cleared and fenced ; houses and barns had been erected ; and a large orchard planted, which was fast coming to perfection. In the summer of 1805 or 1806, immediately after corn-

planting, my father went to the northerly part of Wayne county, then nearly an unbroken wilderness. He went there with a view of selecting a larger quantity of land; and thus providing farms for myself and brothers. Our farm in Richfield, with its improvements, had become saleable and valuable; and would then have sold for as much if not more than at any subsequent period. Had he been suited with the country he went to explore, he intended to sell his farm and buy a tract of new land, large enough for several farms.

He crossed the Seneca, or Oswego river, at three-river point, and went to Williamson, in Wayne county. Fever and ague were so prevalent that he concluded not to purchase. The result of this exploration, I suppose, gave a cast to my subsequent pursuits for life. Had he purchased, I should undoubtedly have remained a farmer.

When he went away he directed me to cut and split rails and make a line fence through the woods, on the east line of the farm. The fence I was to make must have been from sixty to eighty rods long, which was nearly completed when he returned.

In the summer of 1842, before removing to Ohio, I had the curiosity to pass along through the woods, and see if any part of this fence remained; but there was not a vestige—neither log or rail remaining, of those I had split and placed there; nor was a single stump to be found of the trees I had cut down to make the fence. Everything had rotted away, and disappeared.

In the summer of 1805, I was in the meadow, mowing, when news arrived that Gen. Hamilton had fallen by Col. Burr.

In 1806, I was at work on the day of the great

eclipse. I recollect precisely where and what I was doing; and the gloomy appearance at the time of total obscuration. The atmosphere became chilly. It appeared like the commencement of night: so much so that the fowls repaired to their roosts, as they do at night season. A more gloomy and at same time grand spectacle could hardly be witnessed, than the coming on; the total eclipse; and then its passing off; till the sun appeared again, unshorn of its beams, with all its strength and beauty. The winter after I became of age, I kept school about four months; and so again the next winter; thus devoting myself, two winter seasons, to the humble but honorable avocation of country school keeping; boarding round among the proprietors. Not far from the time of closing my school, we got up a sleigh-ride and ball, and went to Winfield to hold it, about the 7th or 8th of April, 1807. A snow storm came on, which resulted in the greatest fall of snow I have ever known. The snow was so deep that it not only blocked up the roads, but covered the stumps and fences, so that there was no communication till the roads were partly shovelled out and broken.

This snow remained during the greater part of the month, so that on election day of that year, which I think commenced the last Tuesday in April, it was very deep in the woods; but having thawed in the day, had, by freezing at night, formed a strong crust, on which I went to shoot partridges on their drumming logs in the morning.

At that election I gave my first vote, and voted the democratic ticket. Daniel D. Tompkins, who was designated the "farmer's son," was our candidate for governor, and was elected over Morgan Lewis, who was up for re-election. The federalists supported

Gov. Lewis, with a portion of the republicans; and these last were designated as "quids." Embargo times soon followed. Politics ran high. I was young, ardent, and active, and soon became a leader among the democratic young men; and frequently acted as secretary of political meetings for the old.

Entering into political matters with so much active zeal, secured me many fast and devoted friends among the democrats; of whom Col. Lemuel Fitch was one, to whom I have been indebted for many acts of confidence and kindness; and whose friendship I enjoyed till his death, in 1826.

In the spring of 1808, I was elected constable, and again in 1809, in which capacity I served two years. This required my frequent attendance at Cooperstown, at Court; and these attendances first suggested to me the propriety of turning my attention to the legal profession. I was not unaware of my defective education, and that it would be under discouraging auspices in case I attempted it. Reasoning on the subject, I satisfied myself that much might be done to overcome embarrassments by close application. From the time I became of age I had worked on the farm, at such times as I could spare, when not keeping school or engaged in my duties as constable. I consulted my father as to the propriety of entering a law office, and his advice was to follow the bent of my own inclination.

Soon after, I went to Cherry Valley, and consulted with my friend Jabez D. Hammond, who was then in successful practice, with whom was associated James Brackett, as law partner. On informing them that I thought of entering upon legal studies, they both advised me to go-ahead, and kindly offered to enter my name as clerk in their office; lend me books till I got ready to

go there permanently ; and to impart such information as they could, (classical and legal,) whenever I should take my place in the office. This settled the question. In the fall of 1809, a certificate was filed of my clerkship ; books were furnished which I took home with me, commencing with " Blackstone's Commentaries," of course.

These and other law books were read that year ; and turning off all the business I could, as constable, I intended in the course of the coming winter, to review my English grammar, while my law studies were going on. While acting as constable I had many adventures with those against whom I had warrants. On one occasion a fighting fellow, who had kept out of my way for some time, struck me violently on the head with a club, as I came suddenly on him in the morning. The blow stunned me slightly, but did not knock me down, as a stiff hat broke its force ; he was soon mastered and marched off. Kind treatment on my part subdued him, so that from that time forward he always professed to be, and I think was, an ardent devoted friend. He seemed to like me the better for having ventured upon him armed as he was, after he had warned me to keep off.

I never found but one man, against whom I had process, who I hesitated to encounter, and he was a large stout-looking fellow, against whom I had an execution for a small military fine, which required me for want of property to take the body. He lived about ten miles from me, near the county line. On approaching him he sprang over the fence, seized a heavy stake, and stood at bay ; declaring that he would not be taken and threatening to knock me down if I came over.

He had a sinister look, that I did not like ; pale,

firm, and determined ; his whole appearance indicated courage and desperation. Had he been charged with crime, I would have tried to take him, but for a paltry fine, when he might probably have to go to jail for the want of a few dollars, I thought it would be ridiculous to have my head broken, and had no desire to make the experiment, so deeming " discretion the better part of valor," I rode off, and that was the last of it.

I was now preparing to leave Richfield, to pursue my legal studies in Cherry Valley ; before going there I delivered a fourth of July oration, at Richfield in 1810, and in 1812 went from Cherry Valley to Winfield, Herkimer county, and delivered another on the fourth of July of that year.

CHAPTER VI.

Remove to Cherry Valley, 1810.—Notice of James Brackett, esq.—Incidents.—Murder of Huddleston, and Execution of Van Alstine.—Books read in 1810 and 11. Extracts, Remarks and Reflections.—Ossian's Poems, a favorite Book with Buonaparte.—Attempt at Poetry.—Death of Parents, and Reflections.—Admitted to the Bar, in 1812, and Copartnership with Jabez D. Hammond, esq.—Notice of Judge Hammond.

AFTER a residence of more than twenty years in Richfield, where I had resided nearly all the time at home, and that too at the most interesting period of life; it was not without painful emotions that I left the parental roof and separated from my old associates, to form new acquaintances abroad. No doubt almost every young man feels a deep solicitude, if not regret, when he thus assumes the responsibilities of life, and casts himself forth on the world, where he is to associate with strangers and carve out his own fortune.

The early part of July, 1810, I removed to Cherry Valley, where I found Messrs Hammond and Brackett had dissolved partnership, and were in separate offices. My law reading was principally with the former, but I always found both of them kind and courteous, for which they have my thanks, even at this late day.

Mr. Brackett was a good scholar, had graduated with reputation at Dartmouth, wrote well and with facility, and was a correct practitioner. He was ardent in his feelings, confiding and unsuspecting almost to a

fault, where professions of friendship were made ; kind hearted, popular with the masses, with whom he associated freely and whose confidence he enjoyed in an eminent degree. Social among his companions ; devoted to his friends, he could never do too much for them. If they had faults he overlooked or extenuated them, and from his confiding disposition, was at times more under their influence than he imagined ; or than a prudent cautious man should be.

These were amiable traits in his character ; but until men become less selfish and more scrupulous ; a cautious man will hardly permit even a friend to obtain an undue influence. Still Mr. B. with some small faults of course, was an excellent citizen, a boon companion, zealous but not illiberal in his political or other views ; and on all occasions manifesting a strong attachment to the liberties of the country, and its free institutions. I have known him well and intimately for more than forty-one years ; and though we often differed in our political views (for he was a decided federalist) yet I must do him the justice to say, that during the late war with England, he always urged its vigorous prosecution, though he condemned its origin. The encouragement he gave to enlistments, as well as pecuniary aid to those in service, was not only commendable ; but might have been creditably imitated by many democrats who were clamorous approvers of the war, but too readily avoided its burthens. He held several offices ; among others master in chancery, and surrogate of the county of Otsego.

Fond of field sports, he was one of my companions in the chase, and has assisted me to run down and unearth reynard on many occasions, in which he delighted ; though he never was a good shot at a fox. He was

too excitable, and the fox often coming suddenly upon him, was either the wrong fox and would get out of reach before firing, or he would look more closely at him, than at his gun, and almost uniformly miss him; and then was unsparing in his denunciations against reynard for not condescending to be killed. He appeared almost angry with the fox for not turning fool, that he might be the more easily circumvented; instead of sustaining his natural propensity for craft and knavery.

On one occasion we had got up a large *dog fox*, that was running right merrily before the hounds, and giving them fine play. We separated, and as the fox came cantering by Brackett, within a few rods of him, in an open field, he blazed away; but reynard disregarded it and made off, the dogs following in close and eager pursuit; I saw him as he passed over the hill, at a considerable distance; and from his running felt quite sure he had not been harmed by the shot, though I was equally certain that Brackett would claim that he had *peppered him* within an inch of his life. He soon came to me, and on my asking him if he had killed the fox, he said "no, but I knocked him down, and he has as many shots in his carcass as he can carry," and then added, in a subdued tone, "he is the most God forsaken fox I ever saw." "Where is he, Brackett?" was my enquiry, "gone to hell, or Pennsylvania, with the dogs at his heels," was his prompt response.

Waiting a short time and not hearing the dogs, we had no doubt the fox had left that range, and having been fired at and scared, at least, would not be likely soon to return; so we left and went home: Brackett dealing out many imprecations against reynard for getting off.

The dogs not having returned, and knowing their

spunk and perseverance, I got my horse and rode off to where I supposed the fox had led them; and on enquiry learned that they had been bellowing and coursing about a field, where there was a flock of sheep, but had left it three hours ago. This was between two and three miles from where Brackett had shot at the fox. I soon learned that to avoid his pursuers he had mixed with the sheep, as the fox often does when hard pressed, that their tracks might obliterate his own; and that he had kept with them for some time. The dogs, equally crafty, were not to be baulked by such a device, and soon frisked him out of the flock, when, on leaving the "woolies" he ran half a mile and crept under a carriage house, where the dogs coming up tore away obstructions so that they could get in, and killed him.

He was taken out by one of the neighbors, who knew my dogs; and they lay down, watching and claiming the dead animal, and loitered there waiting my arrival. He was given to me, and was "toted" to the village; the dogs following in a strutting manner, and taking great credit to themselves for their performance. Brackett was delighted to see the fox, told us where he aimed at him, and said we should find him full of shot. He caressed the dogs for their skill and perseverance; declared they were the best he had ever followed; and to satisfy the crowd that he had aimed with remarkable accuracy, insisted on disrobing reynard at once, when on pulling off his jacket, there was not the slightest mark of a shot to be found. Brackett was disappointed; but to make amends, treated the company, and sung us a hunting song to make us merry.

Our excursions were attended with many other

laughable circumstances. He and two others went with me to hunt the hare, or white rabbit: a light snow had fallen, so that they could easily be followed by the hounds, and we had three good ones. Before starting I had filled my hunting flask with gin, to be used as our comforts or necessities might seem to require. We got up a fine old *jack hare*, that gave the dogs good play; and after driving him through thick brush and many intricate turnings, I shot him and called my companions to me. We were all pretty well warmed with the chase, and concluded to uncork the flask and partake of the gin. I drank first, and found that it had been poured out and water substituted; which I had no doubt was a roguish, good-natured trick of my wife; and not wishing to be the only dupe, I said nothing, but handed it to Brackett, whose mouth actually watered for the delightful beverage, as could be seen from the complacent expression of his enlivened countenance. He drank, but his visage changed at once, as did the others, when they found we were two miles in the woods, wading in the snow, with no other stimulant than cold water. I saw him once amazingly excited on the Schoharie mountains, the autumn of 1818.

We had been at Schoharie, attending court, in relation to the murderer, Van Alstine, of whom I shall have something more to say. We were hunting for small game, when the dogs beating through the thicket unexpectedly started four deer that came within a few rods of Brackett, who fired a charge of shot at one of them, and set up a tremendous outcry. We hurried to him and found him almost beside himself with excitement. He had re-loaded, and just as we reached him the dogs gave tongue in pursuit of the deer. "There they are," says Brackett; and springing over the fence,

started to run across a field of ploughed land, and slightly covered with snow, but very rough. Mr. Seely, who was of the party, said, "Now see Brackett fall down;" when running a few rods further, he slipped and did fall, much to our amusement and his own annoyance. The dogs pursued, and finally ran down and killed one of the deer, which was secured by a poacher. We heard of it, and next morning called on him, insisting on his giving it up, which he refused; and neither our coaxing him, or the threats of the whole company to sue him, and of Brackett specially to flog him, would induce him to surrender the deer like a gentleman.

Nearly two years ago, Mr. Brackett removed to Rock Island, Illinois, on the Mississipi, where he enjoys good health, and is well pleased with his new residence. He is getting old, and will probably spend the remainder of his days there.

He frequently writes me, and always in decided terms of approval of the compromise measures of the last congress; and in a recent communication, speaking of the union of the States, he says, "Better live in the wilderness, like John the Baptist, and feed on locusts and wild honey, and preserve the union; than revel in wealth, grandeur, and luxury, after destroying it."

A few lines back I have spoken of John Van Alstine, of Sharon, Schoharie county, who had perpetrated a horrid murder on Huddleston, deputy sheriff, for which he was executed; and although rather out of place, I will mention a few circumstances now almost forgotten.

While in partnership with Jabez D. Hammond, we had been employed by Van Alstine, to defend a suit brought against him for carelessly driving over a

boy, and inflicting a most serious injury. I attended the Schoharie circuit at the trial, and made the best defence that the circumstances would admit; but the result was a verdict against him for \$400 or \$500. An execution was put in the hands of Huddleston, on this judgment, who attempted to collect it. I recollect of going to Sharon, with James Brackett, whom I have just mentioned, and Col. Starkweather, and I think Col. Prentiss, of Cooperstown, one Saturday, to shoot squirrels. In the afternoon we came to the public-house to get dinner, and there met Huddleston, who dined with us; and this was the last time I ever saw him alive. He said he was going to Van Alstine, that afternoon to close the execution, by selling his property if the money was not paid; and remarked that he had already had much trouble with him. He was very urgent that we should go with him; and I have always regretted that we did not, as the murder would probably have been averted had we gone.

He went there; and, as it subsequently appeared, while he was computing the amount of the execution on the barn floor, Van Alstine advanced upon him with a stake from the fence, and by one or more blows killed him outright, and concealed him through that afternoon by covering him with straw. At night he took him on his shoulders, and though Huddleston was a large man, at least one quarter heavier than Van Alstine, carried him fifty rods, over two or three fences, and buried him in a grave dug in a field recently sown with wheat. He then got his team, and in the course of the night harrowed that field, and cross-harrowed it, so that every trace of the grave was obliterated.

This was Saturday night, and early next Monday morning, before breakfast, he called at my office, having

come twelve miles, and said he wanted to settle with me for defending that suit. He then remarked that it had been a hard business for him, and he wanted we should be as reasonable with him as we could ; that he had at last paid the execution, which had given him much trouble, and he wanted everything relating to the suit settled, that he should no more have his mind troubled with it.

I had been told by several who knew him, that he always differed with his lawyers, and that he would never pay us without a quarrel, and probably a law suit. The bill was made out, and it was reasonable, as I intended he should have no cause of complaint.

He paid part, and gave his note for the balance, without a word of cavil or objection ; which I subsequently remarked to Judge Hammond was altogether unexpected.

After thus adjusting it, he asked me what would be the effect of payment of the execution, in case Huddleston should run away, and not pay over the money ? and remarked that it was indorsed on the execution, but he did not take a separate receipt.

He said it was quite a large sum, and he should not be surprised if Huddleston ran away, for he was a d—d rascal. The family and friends of the murdered man became alarmed at his not returning home, and on enquiries being made, suspicions were rife that a murder had been perpetrated.

Search was made and blood was found on the barn floor, which was finally traced, on the fences, to the wheat field ; where, a week afterwards, the body was found, and in the meantime Van Alstine had escaped on the horse of the sheriff, which for a week had been concealed and fed in an adjoining swamp. I saw the

remains of the murdered man, whose head and face were horribly broken and lacerated.

It seems almost incredible that a small man like Van Alstine could have carried his victim so far, and then to have had the hardihood to harrow over his remains after midnight. He must have been nerved for deeds of desperation; I can imagine nothing more horrible than those works of darkness. After his escape, and many weeks absence, so that almost all hope of his arrest was at an end, he embarked on lake Erie, on board a schooner for the western country. A storm arose, the murderer was there, and the vessel must needs return, to escape destruction; and then the homicide was arrested by a fellow passenger, and brought back to meet a murderer's retribution. Some apprehensions were entertained that he might be rescued by friends, as he was conveyed through his former neighborhood. I, with several others, went with the man who had him in charge, to see him safely delivered over to the civil authorities.

I was setting by his side, when his old mother, his wife and children, almost distracted, had their interview. She spoke to him in Dutch, and said, "what have you done?" His firmness did not forsake him during this heart-rending interview. He said to them, "don't grieve, don't grieve, all will come out right."

I attended his trial, which resulted in his conviction, and subsequent execution. If I recollect right, the rope broke or gave way after he was swung off, and raising a *law question*, he enquired of the sheriff, if he had a right to hang him again? I have but little doubt that part of the money he paid me was taken from Huddleston, for I observed a spot on one of the bills, when he paid me, that looked like blood; but it was passed

away before the murder was suspected, so that the bill never appeared in evidence against him.

But let me go back from this digression to my legal studies. On entering upon office duties at Cherry Valley, I methodized and divided my time, so as to devote a portion to professional studies; another to belles lettres, and light reading, with another, for writing and office services.

Besides law books, I read Blair's Lectures, Rollin's Belles Lettres, Locke on the Understanding, Paley's Philosophy, Akenside's Pleasures of the Imagination, Shakspeare, Ossian's Poems, with a great variety of historical works; books of travels and many others, both classical, poetical and miscellaneous.

Shakspeare I always admired, and still read his works with increasing interest. Who that understands our language and can appreciate the sublime and beautiful, in conception as well as description, can fail to admire Shakspeare?

Ossian was a favorite, and afforded me much pleasure in reading it during the long stormy autumnal nights of 1810. There was a melancholy cast of thought running through those poems, that seemed in unison with my feelings at that particular time, heightened no doubt from the November storms, which in a hilly country may always be heard sighing and moaning, like those, so in accordance with nature, described by Ossian. Then the fact that I had left my poor mother hopelessly ill, and evidently hastening towards the close of life; that I had separated from home, from my early friends, and the associates of youth; altogether so affected my feelings as to render Ossian doubly attractive. But without these predisposing influences, there are beauties and truthful delineations, with figures and adornments

so appropriate and with so much pathos that no man of sensibility or poetical feeling but must admire them.

It is related of Buonaparte, that during all his youthful campaigns, and in fact for the greater part of his eventful life, he always had Ossian's poems in his camp, and beguiled his leisure hours by reading them with profound admiration.

I was fond of reading poetry, and if good, could appreciate it ; but I could never write it, nor did I often attempt to do so. I could not make the rhymes jingle, nor had I the genius or imagination for a poet. That furor or frenzy of feeling, so essential for poetizing, was wanting. My mind and cast of thought were more staid and were of the practical matter-of-fact kind.

At the close of the year 1810, under a melancholy state of feeling, induced from the reflection that another year was passing away, I wrote during the last evening of that year, the following lines, which were published in the Otsego Herald, and are with few exceptions, my only efforts to " invoke the muses."

WRITTEN ON THE CLOSE OF THE YEAR, 1810.

Hark, the dread fiat of vindictive time,
Rings through the world's vast fabric, far and near,
As on his fleeting wings he moves sublime,
And views the ruins of the closing year.

" Another year is gone," the monster cries ;
Plucked from the future, added to the past,
The vanquished seasons close behind him lie,
And sing their death song, to the wintry blast.

Firm in one rueful hand, the scythe is placed,
Which cuts the brittle thread of life away :
The other, with an hour glass is graced,
And wasting sands fast measure out the day.

Before him falls the monarch at his feet,
As in his course he moves with swift career.
The charming maiden, innocently sweet,
Whose exit claims the tributary tear.

The beggar and the lord are prostrate laid,
When time puts forth his hand with awful might ;
Nor can his fatal blows be checked or staid,
By characters, however great or bright.

On his firm breast is placed the book of fate,
Whose leaves unfold, as time flies swift along,
And on each page is legibly engraved,
The various actions of the busy throng.

There read and meditate on ages past,
As up the long black course of time we run ;
Look back and see the multitude, how vast !
Who've acted on the stage beneath the sun.

Methinks I see the countless millions stand,
On life's small isthmus, busily engaged,
'Till from their places, time with ruthless hand,
Snatches the youthful hero and the aged.

Where are they now? alas, they are no more,
Sunk to the tomb, they slumber in the ground,
Till the last trump, with awful solemn roar,
Shall wake the nations from their sleep profound.

Thus time's corroding touch sweeps man away,
As dew-drops perish, when the rising sun
Lights up the horizon, at the opening day,
And drinks the pearly drops before 'tis noon.

The marble towers and adamantine walls,
Whose mossy heads defy the weight of years,
Must into undistinguished ruin fall,
Before the victor in his swift career.

Even planets, from their orbits, shall be hurled,
 And blazing comets, whose tremendous race,
 In fields of ether, circle other worlds,
 Sunk far in regions of unmeasured space.

The sun whose golden beams light up the day,
 Shall at his rueful touch expire.
 The waning moon that shines with midnight ray,
 Must from the face of heaven swift retire.

Old earth again shall into chaos fall,
 As wrapped in fire, the heavens shall pass away
 And all that move on this terraqueous ball,
 To time's destroying scythe must fall a prey

Time then himself shall end, and be no more,
 And nature shall expire and cease to be,
 On wings seraphic shall fair virtue soar,
 To spend an endless blessed eternity.

CARRIL.

Portions of Rollin's *Belles Lettres*, which I read in 1811, very much interested me.

I do not know that I can insert anything more likely to be acceptable to an American reader, than extracts from two letters, written by Marcus Brutus, who had aided to slay Cæsar in the senate house; and who destroyed himself after the fatal battle of Phillippi, rather than survive the liberties of his country. Those letters and their sentiments should be studied and appreciated by the young men of our Republic.

After the death of Cæsar, and the acquisition of power by his nephew Octavius, surnamed Augustus Cæsar, (the first emperor,) Cicero who was then regarded as an old man, being between sixty and seventy years of age, wrote to Augustus, and implored his clemency and protection for the "conspirators" as they

were termed, who had struck down Julius Cæsar. Atticus sent a copy of Cicero's letter to Brutus, who then wrote to Cicero and to Atticus the letters from which the following are extracts. To Cicero he writes, and referring to his letter to Octavius, says,—

“All that is required of him, you say, is that he would be pleased to protect and defend the citizens who are esteemed and valued by men of probity, and the Roman people. Are we then at the discretion of Octavius; and ruined unless he please to protect us? It were better to die an hundred deaths, than to be indebted to him for living. I do not think the Gods so much the enemies of Rome, as to require that the preservation of any citizen, and much less the deliverers of the world, should be asked of Octavius *as a favor*; for I think it proper to talk in this high strain to persons ignorant of what every one has to fear, and of whom anything is to be asked. Are we then, upon the point of settling the conditions of slavery; and not of abolishing the slavery itself? What matters it, whether it is Cæsar, or Anthony, or Octavius, that reigns? Have we only taken up arms to change our masters, and not to assert our liberty? The Gods shall rather take from me life, a hundred times, than to take from me the resolution of not suffering. I say not, that the heir of him I have slain, should reign in his place, but that my very father, were he to live again *should not* make himself *Lord of the Laws and Senate*. You intreat for our security, and return to Rome: but be assured, that we value neither the one nor the other, if they are to be bought at the price of our *honor and liberty*. To live, in my opinion, is to be at a distance from slavery, and from those who are friends to it. *Every place shall be Rome* to me, where *I can be free*. Take care, therefore,

that you do not hereafter recommend me to that Cæsar; nor, if I have any credit with you, yourself either. The *few years* you have left to live, are of strange value to you, if they can induce you to make abject supplications to *that boy*. For my part I am resolved not to be led by the *weakness*, and *desertion of others*. There is nothing that I shall omit to preserve our common country from slavery; and I shall look with pity upon those, in whom neither their advanced age, the glory of their past actions, nor the example of courage, which others set them, can diminish a fondness for living. If our desires and the justness of our cause meet with success, we shall be satisfied. But if things happen otherwise, I shall not judge myself at all the more unhappy, as I think myself born to defend and deliver my country; and that life is only desirable, on this account."

In his letter to Atticus, he expresses himself with still greater force and freedom.

"I agree," says he, "that Cicero had a very good intention, in all that he has done. Nobody is better acquainted with his affections, and zeal for the republic, than I am. But upon this occasion, shall I say that his wisdom is mistaken, or that he has been too much guided by policy? He who was not afraid for the safety of the state, to make Anthony his enemy? This I am sure of, that by treating Octavius as he has, he has only nourished and inflamed his ambition and presumption. He boasts of having put an end to the war against Anthony, without moving a single step from Rome. Did he do this, only to give him a successor? I am grieved that I am forced to write thus to you. But you have desired me to lay open my heart, with entire freedom. How imprudent is it through a blind

fear to draw upon ourselves the ills we apprehend, and which possibly we may avoid. Death, banishment, and poverty are too terrible to us. Cicero seems to judge these the worst of misfortunes; and provided he finds persons who respect and commend him, and from whom he may obtain what he desires; he is in no dread of slavery, in case it be *honorable*; if indeed, *anything* can be honorable, in the lowest, and most wretched degree of infamy. Octavius indeed, may well call Cicero *his father*; and seem willing to depend entirely upon him, and load him with commendations, and civilities. We shall soon see how much his words and actions disagree. Is anything, in short, more opposite to common sense, than to call him father, whom we do not look upon as a free man? But it is easy to see that the good Cicero labors only to make Octavius favorable to him. I no longer set any value upon all his philosophy. For of what use are those noble sentiments to him, with which his books are filled, where he treats of death and banishment, of poverty, and solid glory, of real honor, and the zeal which every man ought to shew, for the liberty of his country? *Let Cicero then, live in submission and servitude, since he is capable of it; and neither his age nor his honors, nor his past actions, make him ashamed to suffer it! For my own part, no condition of slavery, however honorable it may appear, shall hinder me from declaring war against tyranny; against decrees irregularly made; against unjust dominion; and every power that would set itself above the laws."*

REMARKS.

Such sentiments well become a Roman, and even a Brutus. His inflexible virtue, and fire of patriotism, which have been the admiration of ages, shine forth in

these two letters, with a lustre that awes the reader into a belief that he hears him actually chiding his friends for their servile entreaties. The love of liberty and of country appear the great movers of his actions; and an implicit belief that virtue only consisted in discharging his duty faithfully to that country and to those principles. Despising the pageantry of royalty, and the sordid views which governed the leaders of the different parties in his time, he fought only for his love of the republic. Liberty appeared dearer to him than life itself; and a real patriot, he nobly resolved to live free, or not live at all. The dignity of his spirit forbade his asking terms of Octavius; and he died as he had lived, a votary of freedom. With him fell the last hope of Roman liberty; and as it was a Brutus that freed the Romans from the tyranny of their kings, and formed the republic, so this Brutus sacrificed himself for that liberty, which his noble predecessor gained six hundred years before.

The letters from which the above extracts were made, may be found in Rollin's *Belles Lettres*, pages 218 and 219; and the remarks which follow them were made in 1811. A first impression on reading these letters will be an almost want of appreciation of the fact that at the age of the world, when Brutus lived, (about nineteen hundred years ago,) literature had so far advanced, as to afford so fine a specimen of composition. But it was the age of Cicero, when the lights of Roman science were most resplendent.

In December, 1811, my mother, who had been ill for a long time, departed this life. Although not unexpected, it was a sad announcement when the messenger came to inform me that her sufferings were over. She had cheerfully borne her share in the hardships and priva-

tions of a new country, where she had resided nearly twenty-two years; and that country instead of an unbroken wilderness, had now become well cultivated, and improved, where the comforts of life were scattered with a lavish hand. She was an industrious, intelligent woman, limited in her education, as most females were in the agricultural parts of the country, who were reared during the revolutionary troubles.

I have heard her say that during that war, when she was of suitable age to go to school, writing paper was so scarce in the part of the country, where she resided, that white birch bark, was frequently substituted for paper in country schools.

A baptist by profession, she was of a religious cast of feeling, and eminently careful to impress on the minds of her children, the importance of a virtuous and religious life. A faithful, devoted wife, and affectionate mother, her loss was irreparable; and so I felt it at the time.

A mother! what tender associations and reflections are called up in connection with mother? In those associations, are found untiring devotion to the interest and welfare of her offspring; an affection that never falters, which neither time nor circumstances can efface; and amidst the cares, the vexations and vicissitudes of life, a mother's love runs on, overlooking, extenuating, and even forgiving the derelictions of the child, when all else beside are ready to cast off the erratic and perhaps criminal object, to which her heart is bound by those natural ties, which death only can sever. The loss of a good mother can never be made up to her surviving family.

Her remains rest by the side of my father, in the churchyard at Richfield springs; who, thirty years

afterwards, at an advanced age, paid the great debt of nature. Their graves are shaded by four small thrifty maples, planted by him at the corners of a square, a few years before his decease.

I may as well remark that my father was a man of excellent judgment and sound practical views. He was pretty well read in general history, travels, and that kind of reading. A more honest man never lived, or more kind hearted to the poor; and a very good country magistrate, whose judgments were seldom disturbed by certioraries. He always made it a point to reconcile the parties, and induce settlements instead of litigation. Under Mr. Clinton's administration, he was appointed judge of the Court of Common Pleas.

I never knew a more industrious man; he could not be idle, and deprecated it above all things. Strong, hardy, active and popular among his associates, he was well calculated for a pioneer in a new country; and that with his limited means, he should have supported his family on his new farm, and brought them up so comfortably, is almost incomprehensible to those who have never encountered the hardships of forest life. His children have no occasion to blush for any stigma on their parentage, either paternal or maternal.

In 1812, I was licensed to practice in the Common Pleas; and soon after, at the suggestion of Mr. Hammond, entered into co-partnership with him, and remained connected in business till 1820 or 22, when he wishing to leave Cherry Valley, I bought him out, and took the whole office business.

He commenced his practice in Cherry Valley, in 1804 or 5, having come there poor, and depending wholly on his own personal exertions, to sustain himself. Popular with the masses, he soon acquired their confi-

dence ; built up within a short time a respectable and profitable legal practice, and took a prominent stand as a politician. He was kind hearted, and I never knew him oppress a poor man ; nor do I believe he can rightly be charged with it. While together, we did a prosperous business, and made considerable money.

We had no difficulties or misunderstandings that induced a dissolution of our copartnership, and I wish to say in reference to Judge Hammond, and in justice to him, that during ten or twelve years business connection I always found him honest, kind and courteous, and am indebted to him for numerous acts of friendship.

I hope he has no reason to have formed a less favorable opinion of me than I have of him. He is a man of sound practical good sense ; not a fluent speaker or eloquent debater. As a writer he is well known, and holds a highly respectable rank ; by his industry and excellent judgment, he succeeded at the bar, much better than many who were greatly his superior as advocates. From the time of my first acquaintance with him, (now some forty-three years,) he has mingled much in political matters. A member of congress for one term, then four years in the state senate, he formed extensive acquaintances, became a political leader of much influence and sagacity. Devoted to Gov. Clinton and one of his principal advisers for many years, he probably contributed as much as any one in the state, in sustaining the fortune and ascendancy of that truly great man. Fortunate indeed would it have been for the governor, if he had given more heed to the advice of Judge Hammond, and less to many of the favorites and sycophants, who basked in executive sunshine, and weighed down the fortunes of him, whose friendship imparted more importance to them than any merits of their own.

The judge and myself have frequently differed in our political views; we differ now on many points. For several years he has, in my judgment, held the abolition party in too high an estimation; and though I have no belief that he is willing to act the madman, as many of them are acting, yet it seems to me that the countenance he gives them, is calculated to excite feelings of discontent against the constitution, and unity of the states, that he never can sanction.

A republican in sentiment, he has too often found occasions to differ with the majority of the party, to retain a strong hold on decided party men. In other words, he has exercised the right of thinking for himself, and marking out a path, not perfectly in accordance with the prescriptions of the party; and thus has been brought in conflict with those, who have at other times acted with him.

A course like this, though it may be regarded as an independent exercise of the right of judgment, and the right that every free man has, to act and think as he pleases in those matters, is not calculated to build up a strong position in a political point of view. He is certainly a man of extensive reading and sound judgment; an accurate judge of men and profound in his discriminations of character.

As a member of congress, and state senator, and in short in all his official relations, which have been many, he has acquitted himself with distinguished tact and ability. Few men in Otsego, and I may say in the state at large, have been more shrewd and adroit politicians than Judge Hammond.

His suggestions, in reference to public policy, and his influences have frequently extended to remote parts of the state, though the mover was not publicly visible, as the suggestor.

In 1814, I was a delegate to the convention, when he was nominated for congress. An address to the republicans of the county, in favour of his election, was drawn by me, and since that time and even before, I have been familiar with all his political movements. In short he has been, through life, a good citizen, a kind neighbour, and in my humble judgment, an honest upright man.

DECEMBER 31st, 1851.—It is just forty-one years ago this evening, since I wrote those lines on the close of the year, 1810, which are inserted in this chapter. What a strange coincidence it is, that without any preconcert, it should so happen that I am this day reading and correcting the proof sheet of that very production.

Forty-one years ! what changes have been wrought. How solemn the reflection that those years have thus rapidly passed away, and have brought me so near the close of life. Yet so it is ; and although a vast majority of those who entered with me upon life's busy stage, have been called away, and their accounts made up and closed for ever ; I am still spared and have great cause to thank the sovereign disposer of events, for his manifold blessings and goodness.

Here I am ; an old man, my children grown up ; and my grandchildren about me. I can truly say, with Lord Byron, " I am not now, that which I have been."

CHAPTER VII.

Political Matters.—Madness and extreme folly of the Federalists.—“Fete of the Legitimates;” with introductory remarks.

IN 1812 the republicans of our congressional district, and in fact the republicans throughout the state, took a decided stand in favor of the war, and for sustaining the administration in its vigorous prosecution. I was secretary of the congressional convention, and wrote the address to the electors. I have recently looked over the old manuscript, which though decidedly approbatory of the war, shows a labored effort to make it acceptable to the people; and so we found it on going to the ballot box, for our candidates were defeated.

I have also been looking over some of my old political productions of 1809 and 10, which call up recollections of the points in issue between the republican and federal parties of those times.

To politicians of the present day, who do not recollect so far back, and who have not read the newspapers published at those periods, it would be interesting, as well as instructing, to mark the differences between the two great parties, and the issues raised to be passed upon, at each election. The federal party, great and powerful, particularly in the northern and eastern states, had been hurled from power on the election of Mr. Jefferson.

That party embraced a great proportion of the mer-

chants and commercial men, and much of the talent of the country. Though defeated in 1801, they did not give up the contest; but kept up their organization, ready to seize upon any false step of the administration, or any pretence to render it unpopular. Hence they represented the democratic, or republican party as being under French influence, and subservient to the views of the government of France.

There was a time during the early part of the French revolution, when great numbers of our people (I will not say a majority) desired to favor France; and those most ardent, seemed prepared to make common cause, and rush into an alliance, that must have involved us in the wars that grew out of that revolution.

This feeling was perfectly natural. We had recently come out of a seven year's contest with Great Britain, with feelings highly exasperated against her. France had been our ally, and had assisted to gain our independence.

The French people were now struggling for liberty, against an arbitrary government, that had ruled and oppressed the nation with feudal, ecclesiastical, and aristocratic restrictions, for a thousand years; and the crowned heads of Europe were in league and battle array against them.

They appealed to us; and French emissaries were among us, insidiously endeavoring to fraternise, and induce us to cast off our neutrality, and assume a belligerent attitude. Had we been powerful as now, we should very likely have rushed into the contest to aid France. It required all the firmness and popularity of Washington to withstand these popular impulses. Hence had the charge been confined to several years during the administrations of Washington, and the

elder Adams, that we had a French party among us, there would have been truth in the charge, to a considerable extent.

The federal party had imbibed and encouraged strong prejudices against the French, which were strengthened by the enormities of the revolutionists; and when the empire under Buonaparte was established, and the boasted liberties of that country were crushed in the strong grasp of a military despot; they pointed to the result as a consummation of their previous predictions.

With feelings exasperated almost to madness against France, it was natural for men to lean strongly to the other side; and hence partialities for England very generally pervaded the masses of the federal party; quite as decidedly so as could ever have been rightly charged against the republican party, of favoritism to France.

When I speak of partialities for England, as pervading the federal party at a more early day, I speak of it as contra-distinguished from their feelings towards France. That the public mind should be divided in our country, as between France and England, was to be expected. Our feelings would naturally sympathise with one or the other belligerent, nor would this difference be essential. But the federalists went far beyond this. They were so determined in their opposition to Mr. Jefferson's administration—so bent on acquiring political power, by putting down the republican party, that overstepping the line of propriety, and sacrificing their patriotism at the shrine of party politics, imprudently for their political reputation, and future chance of success, they not only became the apologists of Britain, but took the British side in almost every contro-

verted point between that government and ours. The impressment of seamen was glossed over by them.

The Berlin and Milan decrees of the French Emperor promulgated, the one in Nov. 1806, and the other in Jan. 1807, with the British orders in council of nearly the same period, were calculated to sweep a large proportion of our commerce from the ocean. The executive of the country became acquainted with these decrees and orders before they went into effect, and before the public knew of their existence. Mr. Jefferson, by special message, recommended an embargo; a law for which was immediately passed by congress, and this was justified as a prudential measure, as well as following a precedent of Genl. Washington, who for a limited period resorted to an embargo, during his administration.

It was certainly a rank measure, and operated with destructive severity on the commercial and agricultural pursuits of the middle, northern and eastern states; nay, it brought ruin and desolation in its train; and excited a determined opposition to its enactments, and open threats of resistance. Had the embargo been for a limited period, say three to six months, to have put the commercial interests on their guard, and enabled them to meet the risks they were to encounter; I have no doubt, it would have been acquiesced in as a prudential measure, with much more unanimity and complacency. But its limitation, depended on certain contingencies, which might or might not happen in an indefinite period; and this, instead of promoting commerce, as the constitution contemplated, was argued by the federal leaders to be its destruction; and it was nearly so, for the time being. Such a measure could not be sustained now, but would prostrate any administration

that should attempt it. Now we are powerful and feel an ability to chastise aggressors, which we then neither felt or possessed. As it was, the great body of republicans stuck to the administration, and justified the embargo, as both wise and prudent; on which point their opponents joined issue, and seemed likely to regain their lost ascendancy, had not England and France rescinded or modified their decrees and orders; which enabled the President to remove the embargo, and the democrats to allege that it had coerced the two great belligerents to succumb, and come to our terms. I do not intend to intimate that the embargo caused more losses to commercial men than would have been suffered under the decrees and orders, had our merchants gone on with their usual shipments without restraint. The losses must have been great in either event, and must have been sorely felt in every portion of the country.

The restrictive measures of the government (embargo and non-intercourse) exasperated and confirmed the federalists in a determined opposition; and to give effect to their exertions, they condemned the administration and took the English side on almost every controverted question. Their leaders were designated by the British press as the leaders of the *English party* in the United States.

After congress had declared in 1809 by an almost unanimous vote, (only two negatives, and they federalists) "that the United States could not submit to the French decrees and British orders in council without a sacrifice of their rights as an independent nation," and after Pearce had been killed in our own waters; the frigate Chesapeake attacked and captured by the ship Leopard; with reiterated instances of impressments;

the federal press and federal leaders had the imprudent hardihood to deny that we had any just cause of war.

Some even said we had no cause of complaint, and charged the administration with a desire to plunge the country in war with England, to gratify national prejudices and assist the French.

To show that I have not misrepresented the federal party, I will select a few articles, which those who lived at that time or will look at the newspapers of the day, will find are not overdrawn, beyond the general scope of political effusions of that party.

England, on one occasion, was alluded to "as the bulwark of our religion." A governor of one of the New England States gave the following toast, which was drank with acclamation, "The world's last hope; England's fast anchored Isle."

The Boston Centinel of Sep. 10th, 1808, has the following:

"This perpetual embargo, being unconstitutional, every man will perceive that he is not bound to regard it. If the petitions do not produce a relaxation or removal of the embargo, the people ought immediately to assume a higher tone."

The Boston Gazette:

"It is better to suffer amputation of a limb, than to lose the whole body. We must prepare for the operation. Wherefore then is New England asleep? wherefore does she submit to the oppression of enemies in the south? have we no Moses, who is inspired by the God of our fathers, and will lead us out of Egypt?"

Extract from Rev. David Osgood's Sermon, April 8th, 1810:

"The strong prepossessions of so great proportion

of my fellow citizens in favor of a race of demons and against a nation of more religion, virtue, good faith, generosity and beneficence, than any that now is or ever has been upon the face of the earth, wring my soul with anguish, and fill my heart with apprehensions and terror of the judgments of heaven upon this sinful people.”

Another extract from this gentleman's sermon after the declaration of war :

“ If at the command of weak and wicked rulers, they undertake an unjust war, each man who volunteers his services in such a cause, or loans his money for its support, or by his conversations, his writings, or any other mode of influence encourages its prosecution, that man is an accomplice in the wickedness, loads his conscience with the blackest crimes, brings the guilt of blood upon his soul, and in the sight of God and his laws, is a murderer.”

Rev. Elisha Parish, April 7th, 1814, had the following :

“ The Israelites became weary of yielding the fruit of their labors to pamper their splendid tyrants. They left their political war ; they separated. Where is our Moses ? where is the rod of his miracles ? where is our Aaron ? alas, no voice from the burning bush has directed them here. Such is the temper of American republicans, so called, that a new language must be invented before we attempt to express the baseness of their conduct or describe the rottenness of their hearts.”

“ New England, if invaded, would be obliged to defend herself. Do you not then owe it to your children, and owe it to your God, to make peace for yourselves ?”

*One extract more from Rev. Mr. Gardner's discourse,
July 23rd, 1812 :*

“What consequence is it to you, if they be repealed or not, if you are sold to Napoleon, as you have reason to believe, by the slaves who have abused your confidence ?

“Let no consideration, my brethren, whatever deter you, at all times, and in all places, from execrating the present war.

“It is a war unjust, foolish and ruinous.

“As Mr. Madison has declared war, let Mr. Madison carry it on. The union has been long since virtually dissolved, and it is full time that this part of the dis-united states should take care of itself.”

These are but a few specimens of ebullition of feelings, that everywhere teemed from the federal press and federal pulpits. How could a party of sensible men expect to succeed, with effusions so wanting in patriotism, and bordering, if carried into effect, so closely on treason ?

The war of 1812 went on, and the federalists, with unabated rancour, continued their denunciations against the government ; many of their leaders and the federal press taking the English side on that question. There were many honorable exceptions, but it cannot with truth be denied, that the great body of the party, particularly in the eastern and northern states, denounced the war, and refused a cordial support. The eastern federalists not only refused to support the war, but threatened resistance. The Hartford convention was gotten up, but negotiations at Ghent having resulted in a termination of hostilities, that convention dispersed under an odium that the leaders have never been able to shake off.

Now the federal party should never have placed itself in an attitude so wanting in patriotism. If, for a single instance, it might have been overlooked and forgiven; but it was reiterated from year to year, as if there was, in their opinion, no American pride, or love of country, except as it exhibited itself in opposition to our own government.

That party was great and powerful, and had a large share of the wealth and talent of the country. It could not be that they intended to subvert their own government, or wished to change it for another; for it had men of intelligence and patriotism, who had fought for the liberties of the country, and no doubt were inclined to defend them, if actually and seriously assailed.

Such a man as Col. Timothy Pickering, who had served with Washington during the revolution, and was now one of the most decided leaders of the federalists, could not be suspected of a desire to betray that country. No, it was party spirit, and party prejudices, so warping the minds of honest patriotic men, that they exhibited themselves in such unfavourable attitudes, before the country, that many of them were never able to wipe out the stigma.

Hence, on the election of Mr. Monroe, the once honorable party appellation "federalist," was gladly thrown aside as a worn-out garment; and no political leader has since been found, who had hardihood enough, to take it up.

To have done so, or to do so now, would be regarded as evidence of political insanity; and the name of a former great political party, when taken in connection with national transactions from 1807 to 1815, will go down to posterity unblest and unhonored.

It is marvellous that a party comprising so much

talent and respectability, could have so little sagacity, as thus to place itself in the wrong, and enable their political adversaries to hold them up as unworthy of public confidence, which they were not slow to do.

Thus the federal candidates were generally defeated; and the party leaders growing more wise from the often prostration of those they sought to elevate, hailed with avidity and joy, an opportunity to throw off their old cognomen, and mix themselves indiscriminately with their political opponents.

Such, I have little doubt, will be the fate of ultra abolitionists, who desire to obtain power and place, by denouncing the compromises of the federal constitution, even to the destruction of that sacred instrument, and the prostration of that national strength, derived from the union of the states.

So also, with nullifying mad caps, who seem to think the separation of the states a desirable consummation for all the toil, the sacrifices, and blood of the revolution.

Mad and insane, as the leaders of these opposing factions are, they are aiming at, and laboring for the same result. But I trust there is sufficient patriotism, sufficient American feeling, and love of country and of the union of the states, to consign to infamy those who shall attempt to prostrate the political temple reared by our fathers; or dissever the ligaments that bind the various portions together.

Have these madmen ever considered the injury they would inflict on the cause of civil liberty, could they effect the severance of these states?

What a sad exhibition would be presented; and how would the despots of Europe, and their abettors chuckle if they could witness the failure of the "model

republic." Where would liberty find a resting place if driven from these states? And driven from them it would be with the destruction of the union; for henceforth, civil wars, intestine broils, blood-shed and carnage; with jealousies, and intense hatred, would follow in the train of disunion, with as much certainty as night follows day.

The strong hand of a military despot, would most likely take the place of our present free government; and those who should come after us, would have abundant cause to mourn in "sackcloth and ashes," the weakness, the wickedness, and extreme folly of those who had been instrumental in subverting the pillars of the republic, and destroying the only free government on earth.

From a consummation so dire, so disastrous in consequences, and so deleterious to the cause of freedom, throughout the world, we may well say in the language of the church "Good Lord deliver us."

As I have in the course of this chapter brought in review to a limited extent the derelictions and short comings of the federal party, which contributed to weigh them down in public estimation, and to affix a stigma, that more than thirty-six years have scarcely effaced. My readers must excuse me for inserting a production, that appeared in the Boston Patriot, Dec. 13th, 1815. Who the author was, I have never learned; but the satire is so keen, and the hits so palpable, in reference to the legitimates in Europe, and the leaders of the Hartford convention, who represented a large portion of the eastern federalists, that its perusal by the present generation cannot be unacceptable.

It must be borne in mind, that the "poem," or "vision," or whatever else it may be called, was pub-

lished in December 1815, about six months after the decisive battle of Waterloo, which was fought on the 18th of June, of that year.

The result of that tremendous conflict, was the downfall of Buonaparte, who was sent as an exile or state prisoner to St. Helena; and the Bourbons were restored. The inquisition had been revived in Spain; and the crowned heads of the principal powers in Europe, known as the "Holy Alliances," who regarded themselves as legitimates, were in conclave, adjusting the balance of power, subjecting Europe to the old order of things, by which kings, lords, nobles, and priests, were almost deified and the yeomanry again reduced to servitude.

The most extravagant pretensions of divine right and kingly power were put forward, and all concessions of popular rights were declared to emanate from the crown, as a free gift to the people, which they had no right to require. To understand the allusions to the Prince Regent, it must be borne in mind, that in consequence of the insanity of the old king, (George III.) the Prince of Wales, who on the death of the king, succeeded to the throne as George IV., had, by act of parliament, been placed at the head of government as the Prince Regent.

The current reports of the time, which subsequent historical and biographical sketches fully corroborate, represent him as a man, gentlemanly in his appearance and address, a social companion, but leading a life of scandalous debauchery, which he took no special pains to conceal.

He had insulted, quarrelled with, and put away his wife soon after their marriage. This marriage took place in April, 1795, and was the result of state nego-

tiation, in which the prince and princess had no particular concern.

They had never seen each other, and he spoke of it as buying a pig in a poke; not a very refined expression, when applied to a lady who was to be his wife. The negotiation was entrusted to Lord Malmesbury. She was Princess Caroline, of Brunswick, and had been brought up in that petty German court, with a limited education, coarse in her manners, very little refinement, and altogether disqualified to shine at an English court.

An imprudent, romping girl, and nearly spoiled in bringing up, yet probably virtuous when she came to England; she had no qualities that were calculated to win the Prince or secure his affections. Bell, in his life of Canning, says, "she had scarcely touched our shores, when the timid feelings of the bride were outraged and insulted, by finding Lady Jersey already installed, and retained too, in spite of the expressed interdict of the sovereign."

When she was taken to the palace, the prince came to her, after some delay, and having received her, turned away, and called for a glass of brandy, and when water was suggested, he refused it with an oath. Lady Charlotte Bury relates, that the night of the wedding the prince reeled drunk into the bridal chamber, and fell under the grate.

This is corroborated in part by Lord Malmesbury, who says, "that on the evening of the wedding day the prince appeared unhappy, and as a proof of it, had manifestly had recourse to wine or spirits."

The princess said "judge what it was to have a drunken husband, on one's wedding day; and one who passed the greater part of his bridal night under the grate, where he fell, and where I left him. If any-

body says to me at *dis* moment, will you pass your life over again, or be killed? I would choose death." "Oh, mine Got," she would say, "I could be the slave of a man I love, but one whom I love not, and who did not love me, impossible."

It is sufficient to say, that the Prince became prejudiced and disliked her. He abandoned her, and she maintained a separate establishment, where she indulged in her coarse girlish amusements, romped and played blind man's buff, eat onions, drank ale, which in her broad German she called *oil*. Though imprudent in her conduct, there was no evidence of criminality, while she remained in England, though she was closely watched by spies and retainers.

In 1814, she retired to the continent, where she remained till the death of George III, in 1820, when she returned and insisted on being acknowledged and crowned as Queen Caroline of England.

The English government, knowing the scandal that would be elicited, in reference to George IV, as well as the queen, if a public trial should take place, which could not fail to shock the moral sense of the nation, offered to settle on her, for life, 50,000 pounds sterling annually, (\$200,000,) if she would live abroad, under an assumed name. This she refused, and the celebrated trial of the Queen was commenced; which after several weeks progress, and a display of the finest legal and forensic talent of England, resulted in the abandoning of the trial and the quasi triumph of the queen.

The English people sympathized with her, partly no doubt from the fact that she was a woman, and relative of the king, as well as his wife; that she was the mother of the princess Charlotte, who, before her death,

had been adored by the nation, but more from the fact that an infamous system of espionage had been practised against her, and that Italian pimps and spies had been brought to England to ensure her destruction. More than all; if she had been imprudent, or even corrupt, it was but a result that might be expected, from the shameful treatment she had received from her husband: and though to be regretted, yet a merited retribution for the profligate life he had led; that whatever her faults were, he had no right to complain. Her death soon after, relieved the nation from a further discussion of a painful subject; and left the king, her husband, to close his short reign, without further annoyance from an injured woman.

It was while she was residing abroad that the poem was written; in reference to which foreign residence, the prince is made to say, "I am rid of my wife, &c."

The notorious Mary Ann Clark, was then in the ascendant, and Mrs. Hamilton, who had been Nelson's favorite up to the time of his death in 1805, was now wooed by others.

Bearing these preliminary remarks in view, and keeping in remembrance what was going on in Europe, and the principal topics that excited and divided the American people, my readers cannot but appreciate the article as illustrative of the feelings and views entertained at that time. Whether they approve or disapprove of the sentiments inculcated, or those matters brought into ridicule, they can hardly deny the merits of the performance.

Without further remarks or apologies for inserting a newspaper production, which I have preserved thirty-six years, I will introduce to my readers:—

“THE MERRY-GO-ROUND, OR FETE OF THE
LEGITIMATES.—A VISION.”

THE moonbeam on the ocean slept,
No breeze her tranquil bosom swept,
I look'd abroad, and sens'd the pow'r
Of midnight's chill and awful hour ;
I watch'd the stars unclouded beaming,
I watch'd the north-light fitful streaming,
Save that the startled sea-bird scream'd
When o'er the deep the meteor gleam'd,
All silent was the awful gloom,
As if night's vault were nature's tomb.

The scene august my fancy fir'd,
My mind to solemn thought inspir'd ;
I view'd the folly, crime, and woe,
Too well, that wretched mortals know ;
I thought of mitres, crowns, and thrones,
Of dungeons, racks, and dying groans ;
I saw the few in splendor shining,
I saw the million hopeless pining,
I sicken'd at the tyrant's pow'r,
The tyrant's wrath, the victim's hour.

(*) E'en now, methought, in “dungeon damp” confin'd,
There sinks to ruin many a noble mind ;
E'en now, despair affrights befriending sleep,
From the lone couch, where worth and genius weep ;
Yes, for a word, a look, thought unexpress'd,
Swift to the victim flew the tyrant's hest,
The hinges sullen turn, the bolts are driven,
Farewell the breath of life, the light of heaven ;
There shall dread reason from her mooring swing,
And there shall fancy droop her angel wing ;

* There are at this moment, 50,000 of the friends of liberty imprisoned in Spain.

There shall his cheek grow pale, there fade his eye,
There shall he mourn and madden, sink and die.

There stands the palace—there the great ones meet,
And kings, and priests, (*) and lords, their fellows greet;
Blithe winds the dance, to minstrelsy divine,
And mirth and song, a wreath of joy entwine;
Fair flows the light, from tapers many hu'd,
Athwart as bright a scene as fancy ever view'd.

I see that blaze, so dazzling, and yet bright'ning,
The prison's massy battlements enlight'ning;
When stops the dance, when sinks the music's swell,
Far other sound breaks from that prison's cell;
(Curse on their mirth, hell blight their smiles of gladness,
Oh! 'tis the laugh, the shriek of "moody madness."
Why there?—does rankling guilt extort that cry?
Does murder haunt?—or foul adultery?
Oh no, mere trifles *these* to *monarchs* seem,
He wept, he wish'd, and freedom was the theme.

How long, uncheck'd, shall tyrants madly run,
And millions tremble at the frown of one?
I gave the victim all I could, a tear,
And thank'd kind heav'n, that kindly placed me here,
In this sweet land, where I can spurn the throne,
And scoff at crown'd heads, and yet wear my own.

Fast wan'd the night, chill rose the blast,
The sere leaves rustled as it past,
The east disclos'd the tints of day,
Low in the west orion hung,
And the dim moon, her farewell ray
Faint o'er the troubled waters flung;
The moaning wind soon lull'd to rest

* I refer to the priests of *religious establishments*, and under a head whose kingdom *is* of this world.

My mind with thought of woe deprest ;
 Yet, fancy wak'd, and o'er my slumbers
 Warbled in wild and varied numbers ;
 She seiz'd the shreds of waking thought,
 And lo, the tissue strange she wrought.

THE VISION.

I imagined myself on a spacious plain, surrounded by palaces, temples and splendid pavilions. In one of the temples, they were chaunting "*Te Deum* ;" the full organ swelled on the breeze, and never before had I witnessed "such sweet, such solemn notes divine." The music ceased, I approached the palace, and heard the noise of revelry and debauch ; at length the tumult partially subsided, and I caught the following strain :—

Nightly shalt thou watch the star,
 Trembling o'er the wave afar ;
 Thy music is the billow's roar,
 On Helen's wild and rocky shore ;
 And when thou seest the passing sail,
 Thy sigh, thy tear shall nought avail ;
 No eye of love shall beam on thee,
 But deadly hate thy portion be ;
 Nor shall that infant's angel smile,
 Thy bosom of one pang beguile.

The song continued, but my attention was called away by a procession of *Inquisitors*, slowly moving across the plain with heretics bound.

CHORUS OF INQUISITORS.

Blood—blood—oh blood,
 Dear mother thou shalt have it ;
 Blood— blood—oh blood,
 For keenly dost thou crave it.

How dim has burnt thy light,
 How has thy sun been clouded,
 Oh, cheerless was the long, long night,
 That deep thy glories shrouded.

How didst thou shriek in wild affright,
 As oft (to thee) a baleful light
 Athwart its gloom would blazon ;
 As oft upon that night's dread stillness,
 There broke a voice which boded illness,
 The light—the voice of reason.

That light is quench'd that voice is still,
 And on the high and holy hill
 Thy seat once more assuming,
 Thou richly shalt redeem the past,
 And heresy shall shrink aghast
 To see thy glories looming.

Blood—blood—oh blood,
 (*) Long has the church been thirsting,
 She hankers for the crimson flood,
 Her sons, with holy wrath are bursting.

The march was staid, the chorus ended,
 The pyre was rais'd, the flame ascended ;
 Good angels wept—hell laugh'd, to view
 The crimson banner wave anew,
 And dire anathemas were hurl'd,
 At him (†) who late that banner furl'd ;—

* * Reference is here had to no particular church, but to the spirit of an established priesthood, the villainy of which has ever been proportionate to its power: whether orthodox or heretical, whether headed by Pope, Patriarch, Protector, or Prince Regent, the Priests of Constantine and Constantius were alike given to persecution. Calvin burnt Servetus, and our pious forefathers were hugely delighted with the smell of a roasted Quaker.

† Doctor Buchanan allows that Buonaparte destroyed the Inquisition in Spain, though he supposes, as in duty bound, that it was for no good motive.

And oh, 'twas awful then to see
 The flame around them close ;
 To hear the shriek of agony,
 Which from that flame arose.

“ Father in heaven, oh, pitying see ;
 “ Father, we look alone to thee ;”
 Nor look in vain—the woe is past—
 All still—and that faint shriek the last.

Oh, mother church, in scarlet flaunting gay,
 I know thou little heed'st *my* humble lay ;
 Thine is the rack, the dungeon and the fire ;
 To thee, how harmless then the poet's ire.
 Yet no mean pleasure doth it yield my heart
 To *tell thee*, graceless hag how foul thou art.
 To flout thee, beldame, and the reptile fry,
 That spring and fatten in thy reeking sty.

I next beheld a procession of monks, marching in quick time toward a monastery, which had lately been swept, aired and prepared for their reception. They chaunted a peculiar kind of metre, wherein they set forth the praises of fat living, and celebrated the downfall of the “*Tyrant*,” the restoration of the *Bourbons*, and the re-enslavement of the “*plebeians*,” for their support in sloth and luxury. They continued the shout till they reached the monastery, when the discharge of cannon called my attention to another part of the plain, where I beheld a glorious spectacle indeed ; a company of monarchs, with Alexander the deliverer of—*Poland* at their head, advanced in measured step, to the sound of “flutes and soft recorders,” and halting in the middle of the plain raised the following chorus :—

CHORUS OF KINGS.

Come, come away,
 Monarchs all haste hither ;
 Hail, hail the day,
 That calls us thus together.

Oh! tremble ye not at the ill boding star
 That shone on the vine-cinctur'd vallies of France,
 How baleful that lustre, when, beaming afar,
 Thrones rock'd on their bases, that caught but its glance,
 The crown had no brightness, and craz'd with its splendor,
 No more shrank the vassal with awe,
 Nor the throne, nor the sceptre, would shield the offender,
 For the will of the people was law.
 'Tis past, they are down, and we'll bind them and grind them,
 And hunt them, and fleece them, wherever we find them,
 While the sorceress church, flings a mist that shall blind them,*

Come, come away,
 Monarchs all haste hither ;
 Hail, hail the day,
 That calls us thus together.

A full band now struck up "God save the King," and the Prince Regent entered, drunk, supported by two attendants, and preceded by the Poet Laureat.

ODE BY THE LAUREAT.

Hail to the chieftain, who reeling advances,
 As fat as a porpoise, and drunk as a swine ;
 Oh could he but stand, he would join in your dances,
 E'en now, save his highness, he'll guzzle your wine.
 Oft on the downy bed,
 Low have I seen his head,
 And faintly would he murmur, "Oh, pour, vassals, pour ;"
 When his royal lip was pale,
 When his eye august would fail,
 Yet fainter would he murmur, "Oh, more, vassals, more."

(*) The inhabitants of Mount Jura were actually slaves at the commencement of the French Revolution, being the absolute property of the noble Chapter of St. Claude ; and Jean Jacob, one of the natives who repaired to Paris in the year 1789, declared that the *Abbot* of Clairveaux was accustomed to shoot the peasants for his amusement.—See Stephens' History of the wars of the French Revolution, page 16, vol II.

Ours is no milk-sop, now drunk and now steady,
 Moist'ning at beltane, in winter to dry,
 When one goblet's drained, aye another stands ready,
 And, "brandy, oh brandy," forever he'll cry.
 O fill his cup anew,
 Bring the brothel's treasures too,
 For there does he limit his wishes below;
 Let all who hear it then,
 Send the shout back again,
 Hail to the Regent—boo!!—"ho! ieroc!"

Soft music, "When pensive I thought on my love," and enter Bishop of Banbury and Mistress Clark, Bishop of Derry and Lady Hamilton, (*) Duke of Clarence, Mother Jordan, and the Marchioness of Hertford.

BISHOP OF DERRY.

Oh, dance away cheerily, sing away merrily,
 Now is the season for glee,
 May love bloom for ever, and schisms happen never,
 Between my dear Emma and me.
 Let infidel tribes, fling their jeers and their gibes,
 And heretics cavil and sneer,
 Oh *blast* their scurrility and all infidelity,
 Save *thine* to thy *husband* my dear. (†)

(‡) PRINCE REGENT.—STILL SUPPORTED.

Huzza for Old England—huzza for her church—
 For of both do ye see I'm the head—
 Hold fast my good lads, or I fall in the lurch,
 Bad plight for a monarch so dread.

(*) The Bishop of Derry was with thirty or forty others rival to Lord Nelson in the affection and favors of the "all accomplished and incomparable."

(†) I have softened the Bishop's language a little. Read his letter to Emma, and you will see that *blasting* was but milk-and-water swearing to him.

(‡) Why meddle with the king and church at all? Why not let every nation quietly enjoy its own institutions? and why do you not say, let

Oh ne'er such a day have I seen in my life,
 I'm stewing in brandy, and melting in bliss,
 I'm rid of my foe, and I'm rid of my wife,
 Then come my dear Marchioness, give me a kiss.

The Regent approaches a splendid altar, made of the golden throne recently *taken without leave* from the king of Ceylon—and think ye, by the way, that Buonaparte would have converted his plunder to such pious purposes? No, no, Antichrist that he is! He approached the altar, I say, and received the sacrament from the hands of the good Bishop of Derry, and o all the pious young men in the army and navy. But now came an appalling spectacle indeed; Mrs. Clarke shrieked, and Lady Hamilton fainted, for lo! the CAR OF JUGGERNAUT, drawn by five huge elephants, moved slowly across the scene

JUGGERNAUT.

Blood has swell'd the tide of Ganges,
 Red the Burrampooter flow'd,
 O'er ev'ry path the Hindoo ranges,
 Ruin has triumphant rode.

Crowns have fall'n, and throne are shatter'd,
 India weeps for woe and crime,
 With scorpion lash, her sons are scatter'd,
 Yet still *unscath'd* I tow'r sublime.

The "Bulwark's" health in blood I'll drink,
 Friend of Religion—aye, of mine,
 Let her but speak, my fane must sink,
 Long may she live to guard its shrine,
 Which one shall bow before that fane?
 Mine be the glory, hers the—*gain*, *

the sheep-stealer quietly follow his vocation, and give full credit to his pretensions to sanctity? No, no—let not the crown or the episcopal robe shield the scoundrel, any more than the baize cap and leather breeches. I once heard of a society for suppressing vice, among those whose income is less than £200 a year—but I did not belong to it.

* "The Temple of Juggernaut is under the immediate control of

Health to the "Bulwark"—India weeps;
 Health to the "Bulwark"—Tippoo sleeps;
 Health to the "Bulwark"—Millions mourn;
 Yet of my sun, no beam is shorn.

On mov'd the car, and on they madly rush'd,
 Its massy wheel, the wretched victims crush'd;
 Yet o'er no head the awful engine roll'd,
 Till safely had the "Bulwark" *touch'd the gold*.*

My attention was now directed to a forlorn little group seated in a remote part of the plain, and zealously employed in draining the bottle, and devouring the snips, a basket of which was occasionally sent them from the palace kitchen. I approached the spot, and what was my astonishment on recognising the very persons who recently composed the very respectable

HARTFORD CONVENTION.

I was at first altogether indignant on beholding such choice characters served with slops and fragments, but soon finding that *they* were very well satisfied, concluded of course, that I had no business to be otherwise. I sat down to listen, in the certain hope of edification; but was too late, for no sooner was I seated, than they arose and called on the chaplain to dismiss the table. I forget the name of this gentleman, I only know that he had been a large trader in geographies, and said some hard things about southern infidelity, and Rhode Island paganism; and that from some scratches in his face, he appeared recently to have shared the fate of Sisera, whom the Lord delivered into the hands of a woman; he accordingly rose and addressed the convention in the words following:

the British Government, which levies a tax on the pilgrims as a source of revenue."—*Buchanan*, p. 110.

* "After the car had proceeded some way, the pilgrim laid himself down before it, and was crushed to death; how much I wished that the proprietors of India stock had been present and seen this peculiar source of their revenue."—*Buchanan*. p. 107.

We thank the givers for their fare,
 For all their shreds and driblets;
 The bones were good, the slops were rare,
 And pleasant were the giblets.

Long shall I ponder in delight,
 On this sublime occasion ;
 And ever bless with all my might,
 This pious congregation.

I'll bless Old England's good Mon—*arch*,
 And the whole brood of Rats too;
 The Duke of York and Mistress Clarke,
 And all the Regent's brats too.

I'll bless old mother Jordan kind,
 And bless the Duke of Clarence,
 And may she meet his princely mind,
 For many a pleasant year hence.

Bless Juggernaut and bless the Pope,
 And bless the scarlet — too,
 And praise and bless the world's last hope,
 Henceforth, for evermore too.

I'll bless the good legitimates
 And all their comely madams,
 Bless *all*—except the Democrats,
 And eke Miss H—— A——.

The charm dissolved—bright rose the sun—
 Then hush my lyre—the lay is done.

CHAPTER VIII.

Senatorial Convention, 1813.—Parley, Keyes, and Incident with Whittlesey.—Visit Niagara Falls, 1815.—Appearance and Impressions.—Chippeway and Bridgewater Battle Fields.—Incidents.—Squirrels swimming the Niagara.—Buffalo and Western New York.—Observations and general remarks.

I HAD never been to Western New York, till 1815. The spring of 1811, I went to Onondaga Hollow; and in February, 1813, went as a delegate from Otsego, to the Western District senatorial convention, at Onondaga Hill. That district then extended so far east as to include Schoharie and Herkimer, and now comprises one half of the population of the state. John Nicholas, of Ontario, was president of the convention; and Enos T. Throop, (since governor) secretary. So far as I can recollect, nearly all who attended are dead, except Governor Throop and myself, and I think Thomas Skinner, of Utica. What a change within so few years!

Here I first became acquainted with the late Henry Seymour, then a merchant at Pompey, a most estimable man, and father of Horatio Seymour, democratic candidate for Governor, at the recent election; who, though he failed by about three hundred votes, was well worthy the support of his party.

The convention took a decided stand in favor of the war, passed strong resolutions for its vigorous prosecution; and to test the views of the electors, nominated

those who had been actively engaged in actual service, or conspicuous in support of war measures.

Col. Stranahan, of Otsego, and Col. Bloom, of Cayuga, were nominated; they had both been in Queenston battle, and the latter wounded; Parley Keyes, of Jefferson county, who had been sheriff, and an earnest supporter of the war, was now first brought forward as a legislator. We elected our whole ticket, for the Western district was then the most reliable democratic district of the state.

The venerable Joshua Hathaway, of Oneida, was a delegate, as was also Chillis Doty, of Lewis county, father of Governor Doty, now member of congress, and of Baron S. Doty, who read law with me, was with me in the assembly of 1826, and now resides at Buffalo.

Those of my readers who recollect political events, and politicians who were active and influential from twenty-five to thirty-five years ago, need not be told that Parley Keyes was amongst those who in a great measure swayed the democratic party. He was a man of strong, intellectual powers, coarse and uncultivated, for his education was exceedingly limited; but he was full of expedients, shrewd in his observations, and as a political manager, far above many who supposed themselves the great men of the state. I am not going into a discussion of his merits, or his political standing, but to readers who have grown up since he was in active life, an incident in which he was a conspicuous actor will not be without its interest.

Near the close of the war of 1812, Mr. Whittlesey, a lawyer of Watertown, where Mr. Keyes resided, was paymaster for a portion of the troops, and was entrusted with large sums of money. Mr. Keyes and Jason Fairbanks, esq., the latter of whom is still living at

Watertown, were bail for Whittlesey. He had gone from home on official business, as he alleged, carrying a large amount of bank notes in his portmanteaus. They were cut and sliced; and he alleged that the money had been abstracted and stolen. The amount was large enough to ruin both his bondsmen in case they had it to pay.

For some reasons not necessary to mention, they believed he had robbed himself, and kept a strict watch on his movements, which resulted in the full conviction that he had the money, or knew where it was.

Keyes and Fairbanks were both of them firm, resolute men, who were determined to bring the matter to an issue at once; and to put Whittlesey to a test that should elicit the truth, if there was any truth in him.

They induced him to accompany them to a secluded spot, where they questioned him about the money; but he denied all knowledge of it, except that it had been stolen. Not being able to induce a confession by mild means, they charged the theft directly upon him; told him they were ruined if they must pay the money; that they did not prize life so highly, with beggary staring them in the face, as to restrain them from acts of violence; and unless he would restore the money they would drown him, and risk the consequences. On his persisting in his innocence, they seized him and immersed him head and ears under water, and held him there a considerable time, but he still made no confession.

Telling him they would certainly drown him, they thrust him under again, and kept him there till life was in danger, when they took him out, but he again denied it. They then gave him fair notice, that unless con-

fession was made, he might rely on *that* being the last opportunity he would have to make a disclosure; when on seizing him the third time, he became alarmed, and promised to inform them where the money was, if they would spare him.

He conducted them to his house, and to the room of Mrs. Whittlesey, who was found in the act of sewing the bank notes in a garment of her own, for concealment. She was a high-minded, well educated New-England woman, whose reputation had been, previous to this transaction, beyond reproach.

As soon as they arrived, the enormity of the deed and its disclosure, with all the fearful consequences, flashed upon her mind. Giving her husband a wild, but withering look, she reproached him for his cowardice, in preferring life and dishonor, to secrecy and resolute death. She said that to *her*, life was not so desirable as to be retained at such sacrifices; that though a woman, she had spirit and courage to set him an example, that he should have adopted, rather than to have subjected the family to obloquy and disgrace; but which from his craven spirit, she did not expect him to imitate. Then seizing her bonnet, she rushed in a perfect frenzy from the room, and ran towards the river, where boiling and surging its turbid waters roll in wild commotion through a deep chasm of rocks.

Approaching the edge of the precipice, she for a moment looked round, as if to take a last survey of earthly objects, when with an air of triumph, she threw away her bonnet, and leaped into the flood beneath. The dark waters of the Black river received and buried her for ever; and thus the high-minded, gifted but erring woman, too proud to survive disgrace, made that shocking sacrifice of self-immolation, which with those

of her strong nerve and elevated sentiment, is often the retribution of crime.

Almost forty years have passed away, and yet the transaction is vivid in the minds of those who lived at the time; and the place is still pointed out where she took that last fatal leap, and thus closed her earthly career.

In the autumn of 1815, I visited what is appropriately known as Western New York. Taking the stage, with my wife and child, we were rapidly trundled over the rough and muddy roads to Ontario county. On arriving there where peaches were plenty, and quite a rarity with us, like Falstaff, I found myself "heinously unprovided for," and like him, wanted "a good thief; one that could steal well, of about the age of three and twenty."

Leaving my wife there to make a family visit, I went on horseback to Buffalo; crossed the Niagara at Black Rock, and thence down the river to Chippeway, where I stayed all night, and next day visited the falls. The appearance of the rapids above, as the water rushed and tumbled along, was grand and imposing; and being the first time I had ever seen them, the impression on my mind was, from its novelty, more vivid than at any subsequent period. The great fall viewed from table rock was the consummation of all that is magnificently sublime, picturesque and solemn. The wild agitation of the water, as it rushed to take its final leap; the roar of the cataract; the boiling, surging flood beneath; the strong rush of air forced up by the immense weight of the descending column; the spray forming a constant shower; and the beautiful rainbow, with all its prismatic hues, present to the beholder, on first looking at them a spectacle grand beyond description.

I have often viewed them since from almost every position ; but never with such emotions and awe as at this my first visit. What an exhibition of Almighty power ! and what an emblem of eternity is suggested, in the constant, solemn flow of that great river, as it hurries along towards its final resting place !

Those who have read and admired the sublime and beautiful description of Lord Byron, of an Italian cataract, (and who has ever read it without admiring ?) will not doubt that, had he viewed Niagara, the inspiration of his mighty genius, would have prompted an effusion, that would have lasted as long as Niagara itself. How he would have felt, and how he would have written, had he visited the great American cataract, may be partly imagined from the following extract, above referred to :

BYRON'S DESCRIPTION OF A CATARACT.

CHILDE HAROLD'S PILGRIMAGE.

4th canto, 69th verse.

“ The roar of waters !—from the headlong height
 Velino cleaves the wave worn precipice ;
 The fall of waters ! rapid as the light
 The flashing mass foams shaking the abyss ;
 The hell of waters ! where they howl and hiss,
 And boil in endless torture ; while the sweat
 Of their great agony, wrung out from this
 Their Phlegethon, curls round the rocks of jet
 That gird the gulf around, in pitiless horror set ;

(70)

“ And mounts in spray the skies, and thence again
 Returns in an unceasing shower, which round
 With its unemptied cloud of gentle rain,
 Is an eternal April to the ground,
 Making it all one emerald ;—how profound
 The gulf ! and how the giant element

From rock to rock leaps with delirious bound,
 Crushing the cliffs, which, downward worn and rent
 With his fierce footsteps, yields in chasms a fearful vent,

(71)

“ To the broad column which rolls on, and shows
 More like the fountain of an infant sea
 Torn from the womb of mountains by the throes
 Of a new world, than only thus to be
 Parent of rivers, which flow gushingly
 With many windings, through the vale :—look back !
 Lo ! where it comes like an eternity,
 As if to sweep down all things in its track,
 Charming the eye with dread,—a matchless cataract,

(72)

“ Horribly beautiful ! but on the verge,
 From side to side, beneath the glittering morn,
 An Iris sits, amidst the infernal surge,
 Like hope upon a death-bed ; and, unworn
 Its steady dyes, while all around is torn
 By the distracted waters, bears serene
 Its brilliant hues with all their beams unshorn :
 Resembling, 'mid the torture of the scene,
 Love watching madness with unalterable mien.”

I had no desire at this my first visit, to venture under table rock beyond the descending column of water ; though I did at a subsequent period, when my old faithful dog attempted to follow me, but becoming alarmed, he for the first time refused, and turned back : and when I had receded from his sight, he gave up all for lost, setting up a most doleful howling till my return. I have often heard it stated by those who had passed under the rock, that rattlesnakes were to be found there, which I do not believe. I saw many eels which I presume by others have been taken for snakes

What could possibly induce a rattlesnake, who delights in warmth and sunshine, to visit so gloomy, chilly, and constantly wet receptacle? The story is incredible.

After visiting the cataract, Mr. Forsyth, the gentlemanly keeper of the "pavilion," the then only hotel at the falls, went with me over the Lunday Lane (Bridge-water,) battle-field.

He was in that sanguinary engagement, and pointed out the localities connected with it. This was but little more than a year after that terrible nocturnal conflict.

Passing over a pasture where the fight commenced, and where great numbers were killed and wounded, we observed many bunches of luxuriant grass, which he assured me had grown thus rank, from the fertility imparted to the soil from the blood of the killed and wounded. What a sad inhuman fertilizer!

A young officer of my acquaintance, who as lieutenant commandant, carried a company of upwards of sixty men into action, brought out only twenty-three uninjured. If I recollect right seventeen were killed, the others wounded.

In 1816, the late Col. Leavenworth, who was then in Albany, as one of the representatives in assembly from Delaware county, and who was major of one of the regiments engaged in that hard contested battle, related to me many incidents that transpired during the four or five hours contest.

Among other things he remarked, that in the course of the night his regiment during the darkness, had almost intermixed with the enemy. The two lines were within thirty or forty yards of each other, when several volleys were fired by each; our troops being cautioned to take the best aim they could from the flash of their adversaries guns. The English mode of infantry firing, is to

bring their pieces^r about breast high and discharge without taking aim. This will answer where the firing is in the dark, and the ground nearly level, but still I should think taking aim, even when it was imperfect, would be preferable to hap-hazard firing; and our troops practised it.

Col. Leavenworth remarked, that they were so near each other, that at the flash of the enemy's guns, as they fired volley after volley, they could, through the darkness, by the lurid glare of the flash and blaze, see the faces, and even mark the countenances of their adversaries; and also that the darkness and smoke combined with the fitful light made the faces of those in the opposing ranks wear a sort of blue sulphureous hue, and the men at each flash had the appearance of laughing. His horse was shot under him, and if I recollect right, he was himself wounded.

I had passed over the Chippewa battle field, and paused at the mounds where the dead were deposited; but the stench was too repulsive to render delay desirable. It was apparent the destroyer had revelled there, a few months before, when all was life, passion, and excitement; but now, those then so active, were forever hushed and still.

All along the river, the trees and fences were covered with black squirrels, and thousands were swimming from the Canadian to the other side. I never saw them so plenty, anywhere before; and have never seen them in such numbers in our own state as they were that year. There is something remarkable in regard to squirrels, as well as other animals, and birds also.

They seem to have a presentiment or knowledge in relation to the season that is coming, and hence if you have a mild winter you find birds and migratory animals

remaining, that usually go to the south. Thus it has been the present winter, (1851); wild geese and other birds, that almost uniformly go south to spend their winters, have remained in the vicinity of Rock Island, Illinois, and the upper Mississippi. I have no doubt that the migration of squirrels from Canada to New York, in the fall of 1815, was induced from a knowledge that nuts and such food, as they rely upon in winter, would be scarce, and that a hard winter for them was coming; while in New York, nuts were unusually plenty, and so were squirrels, and remained so for several years.

They could be seen in the river, in every direction, with their tails cocked up, which naturalists say are raised for sails. They also say, that the squirrel seizes on a bark or chip to buoy himself up, when he crosses rivers. I do not know whether that be so, but I can imagine a very good reason for keeping their tails out of water; they swim better. Just like the fox, who swims and runs poorly when his brush is wet. Many of the squirrels got in the rapid water and were carried over the falls.

Buffalo had been burned in 1813, and in 1815 they had scarcely begun to build up that now flourishing and populous city. It was in fact nothing. Look at Buffalo now, with its more than fifty thousand inhabitants. What a commentary on the favorable workings of our political system. What a monument does it present of the wisdom and foresight of our canal improvements, and how rapidly have former anticipations been more than realized. No wonder that Buffalo, and in fact the whole of western New York, look to the Erie canal as the sheet anchor of their prosperity.

What would that fine portion of the state be worth, without this great thoroughfare? Its influence has been

such, that it has built up and peopled not only that favoured region, but other states and territories, stretching far beyond; augmenting the value of real estate, exciting to industry and good husbandry; and is now the main artery, through which the great streams of commerce as regularly flow as blood through the human system.

Those western counties have from the beginning, been the steady, consistent supporters of our canals; and look with jealousy and displeasure at every movement or combination to retard their completion.

Those resigning senators would have done well, to have borne in mind that there is this uncontrollable feeling that has in former times overborne sturdy political opponents, and will probably, for the future admonish delinquents in reference to their duty.

A proper regard to the wishes, the views, and interests of the people, would have induced those senators to refrain from a revolutionary measure; and themselves and their party from an awkward untenable position, and disastrous defeat.

In 1815, Rochester, which now numbers more than thirty thousand, was then nearly a wilderness, and was only known as a place at Genesee Falls, favourable for mills, where Col. Rochester had recently gone to open a settlement and begin a village. Even as late as 1824, when my friend, A. M. Schermerhorn, now member of congress went there to reside, scarcely a lot in the city was clear of stumps, except where buildings actually stood.

Those fine towns, Bergen, Riga, &c. were then nearly in a primeval state. I went with the deputy sheriff to one of those towns to collect a debt from a man who had ran from Otsego county. He was living

two or three miles in the woods, away from his neighbors; was a bad tempered, ignorant man, and threatened to shoot me. His wife urged me not to annoy him in his angry mood, and she would bring him in the morning to see me. I left him, and staid all night three miles from him, where he came with her in the morning armed still with his musket. After talking mildly with him, and offering to give him time for payment, he secured the debt, and we soon became quite good friends. He said his gun was loaded with ball and buckshot, and to satisfy myself whether it was, I asked him to let me discharge it at a blue jay, to which he assented. I missed the bird but cut away the limb, as large as my finger, on which it was seated, which was satisfactory evidence that the gun was charged with ball, as he averred.

Wishing to visit my sister, Mrs. Norton, who resided in Sheldon, the south part of Genessee county, I went from Buffalo through the Indian reservation; where I called on Rev. Bacchus Hyde, who for many years had been a missionary, and teacher among those people. He was a worthy, honest, devoted man, an old acquaintance, and former townsman. I believe he is still living though I have not seen him in thirty-five years.

Falling in with a travelling companion, who resided in Sheldon, and was returning home, we kept together, and had a pleasant ride through the woods, and over pole bridges. His name is out of my mind, and I have seen him but once since, and then in Ohio in 1844 or 5.

Our recognizing each other was the result of quite a coincidence. We were riding in the stage coach from Cleveland to Columbus, and all the passengers, as I supposed were strangers to me. Riding along I became drowsy and being but partially awake, heard him con-

versing with some of the passengers, and relating an incident in connexion with my father, whom he designated as "old esquire Beardsley," who used to live down in Otsego county, New York.

The circumstance mentioned I knew to be true, and was this:—A chap from Rhode Island, at an early day had agreed to marry a young lady from his own state, and about as *green* as himself. They came to my father to marry them, and as money was scarce in the country and the aspirant for matrimony being *short*, he very frankly stated that he could not pay for the job at present, but would do so when dad returned from Rhode Island, who had gone there after money, or he would come and dress flax, a day whenever wanted. They were soon made husband and wife, and the happy pair departed, with many thanks for the kind treatment. The fellow, true to his word, came and offered to work the day, but whether it was accepted or not I do not remember, but think not. On hearing this I announced myself, which led to our mutual recognition. He was a respectable man, of considerable substance, and had been a county judge where he resided.

From Sheldon I went to Batavia, about twenty-six miles, the greater part of the way in a violent rain storm, and was wet through. Batavia was then noted for fever and ague, which afflicted its citizens every year, but is now as healthy as any of the fine western villages, and as flourishing.

CHAPTER IX.

Purchase part of Grand Island.—Major Noah and his Jewish Project.—Exploration of the Island, with Alvan Stewart and James O'Morse.—A Night on the Island during a Thunder Storm.—Laughable Incidents.—Visit Fort Erie.—Profound respect to Majesty.—Alvan Stewart and General Traits of Character.

THE summer of 1825, I visited the Niagara river a second time, having purchased in connection with the late James O'Morse and Alvan Stewart, a considerable portion of Grand Island in that river, which had been recently sold by the state.

Major Noah by himself and friends, purchased largely, with a view of colonizing it with Jews, of which the city of Arrarat was to be the seat of government; and to take a distinguished stand among the great cities of the earth. The Major was enthusiastic, but apparently sincere in his project, and shortly after went there and erected a monument to perpetuate the important event, acting as high priest for the time being, or as a distinguished rabbi.

The monument erected has survived him, and is still standing, though in a dilapidated condition. We were offered a handsome advance on our purchase, and on writing to him on the subject, he wrote us by no means to sell at present, as he had no doubt of the success of his project, which would greatly enhance the value of our lands. The letter written by him is still among my old papers, relating to that transaction.

The offer for our interest in the island was made up to about fifty per cent beyond what it cost us; the pay to be prompt; and on the whole we concluded it was more safe to take the profits, and make a clean business of it, than to wait for the coming of the Jews, or even Gentiles.

We sold to the late Rev. Andrew Yates, professor in Union College, who seemed to be as visionary as Major Noah; for the professor bought it with a view of establishing a high, or select school on the island, where his pupils would be uncontaminated with the world; and to make the safeguard the more perfect, he wanted the whole island, upwards of seventeen thousand acres, and actually authorised us verbally to buy largely for him at the advance paid us. He however soon changed his mind, countermanded his orders before we had purchased for him, established his school at Chittenango, where he subsequently died; and his grand island property bought of us, went into other hands. He probably lived long enough to satisfy himself, that to shut young men up, or seclude them from the active bustle, and rough and tumble of the world, is not calculated to make wise and practical men. If he did not learn this, he came far short of that worldly wisdom so necessary to stem with success the adverse fortunes of life. Before offering our lands for sale we were determined to know something of their value, and went there in July, 1825, to explore each lot. We stopped at Buffalo, on our way to the island, where Judge Morse, an excellent travelling companion, got a large jug filled with good port wine, a pail filled with bread and butter, boiled ham and tongue, with other substantials, which he was to bring to the island the next morning. Stewart and myself, with my oldest

son, about ten years of age, went to Black Rock, where we engaged three Irishmen, to take us to the island in a skiff, and to return at night to bring Judge Morse in the morning, with his jug of wine and other necessaries.

I had my rifle with me, so putting a bottle of brandy with a small quantity of eatables on board, we pushed off, and landing on the upper end of the island, examined some of our lots, and finally brought up at a log hut, about two and a half miles from the head of the Island, on the side next to our shore. The Irishmen returned to Black Rock, to bring the Judge in the morning.

The man who owned the hut was Stephen Morse, who had worked two seasons for my father, nearly thirty years before, and whom I had not seen or heard of during all that period. On hearing my name he enquired me out, and made himself known. He was glad to see me, and said he had been rambling about the world for several years, having met with rough usage and hard fortune; had been in South America, where he had been imprisoned; which I conjectured was not for any of his good deeds. He insisted on our staying with him through the night, which we readily agreed to, as a thunder shower was rapidly coming from the west. He was very poor, and had but little to eat; but we made shift for the night, from what we brought with us. To provide us with meat for breakfast, Morse slaughtered the only pig he had, which was about as poor in flesh, as his master was in purse.

There were none but squatters on the island, all of them poor, and living along daily from hand to mouth, just as they could catch it.

The house in which he lived had no floor, and was a mere hut, leaked like a riddle, and was so open under and between the logs, that when the shower came upon

us, several toads, frogs, and lizards crept into it, to avoid the rain. The family had what they called a spare bed, which Stewart and myself occupied. It was supported by boring three holes in one of the logs of the house, about as high from the ground as an ordinary bedstead. In these holes were driven three sticks that came out into the room, as far as the width of the bed. These sticks were each supported by a standard underneath, at the outer end, like table legs; and elm bark was interwoven from stick to stick, as a substitute for cords, to support the bed. The family bed was equally rude, which was given up to my son, and to Morse, the lord of the mansion; the good woman sitting up in her chair, and sleeping as well as she could through the night.

My readers shall soon be informed how our worthy host spent the night till twelve or one o'clock, when he turned into the bed with my son, leaving his wife still in the chair. My friend Stewart, at this time was quite too much given to his cups, and nothing seemed to delight him more, when off on an excursion, where he could lay aside restraints and checks of society, than to get half seas over; and then freely indulge in all the freaks and frolics, that his exuberant fancy could suggest. Respect for his memory, and for his worthy family, would restrain me from dwelling on these frailties, did I not know that after his reformation, and commendable pledge to total abstinence, he has himself, in public addresses, and elsewhere, frequently and unrestrainedly dwelt on these, his besetting weaknesses. Let me say then, that with the assistance of our Irish skiffmen, before they returned, and our host Morse, the brandy bottle was soon exhausted, and Stewart having become excited, was determined to have more.

What was to be done? There was not a drop of

the *creature*, on the island; the night was dark and stormy, the thunder and lightning had been constant, and the rain had fallen fast and heavy. The wind blew with considerable force, and blowing up the river, we could distinctly hear the solemn heavy roar of the cataract, after the rain subsided. In short it was dark and gloomy, and a most cheerless night; we were a mile from the New York shore, where there was a grocery on the canal to furnish whiskey to labourers and boatmen. Stewart was determined to have some; and though excessively dark and the river rough, Morse said he had a canoe that would carry him safely over; and on Stewart offering him a dollar to go and get a jug of whiskey, which Stewart paid for, Morse, about ten o'clock, after it had stopped raining, got into his canoe and paddled over. Another shower came up, which delayed his return, for it became so dark, that he could not see objects, and landed on the island some distance below his cabin. Between twelve and one o'clock he came in, thoroughly drenched with rain, and Stewart was delighted to find the jug had been filled and safely returned, of which we both partook before Morse retired to rest.

The truth is, that with the rain, thunder and lightning, sending away for the whiskey and a sweltering hot July night, with myriads of mosquitoes, there was not much sleep for any of us.

Stewart and myself wished to go and look at a lot before Judge Morse should arrive, so we were up early and found two or three squatting neighbors had made their appearance, to learn who the strangers were, who were the honored guests of neighbor Morse. They took a morning dram, and Stewart announced ourselves and business, as the lords of the soil, who had come to look after their estate. We all started off before

breakfast to look at the lot, but the brush and herbage were so wet with rain, that we were as well drenched as if we had been in the river.

On coming back a most laughable scene occurred, while we were waiting for breakfast. A loafer who bore the inimitable cognomen of *Tichout*, was very inquisitive; and being a pettifogger professed considerable knowledge of law and natural rights.

He had spoken several times, while on our way to the lot, in disparaging terms of the quality of the soil; and its value. Stewart, half in jest, reproved him, but Tichout, who had got *tight*, persisted; and Stewart with most imperturable gravity, and apparently half in earnest, repeated to him, that the lords of the soil were here, and would not submit to abuse. Tichout replied, but without much regard to the rights of the lords of the soil, and intimated the squatter's right as being quite as good as the state could impart.

Stewart said he would throw him in the river, and Tichout invited the trial. Stewart, a large strong man, immediately advanced upon him, and pressing him down, laid hold of him and dragged him to the river's brink, threatening to throw him in. I do not suppose he was very much in earnest, but on the whole I thought it was time to interpose and become a peace maker. They were easily reconciled, and another draft from the jug restored peace; so that they parted on excellent terms, highly pleased with each other and with the interesting incidents of the morning. Judge Morse soon came, with the three Irishmen, and then we prepared to make our further explorations of the island. The weather was excessively hot, and Stewart, always a poor walker, had no intention of traversing the island on foot. It was finally decided that he should go in the

skiff, and descend the river to the lower end of the island, stopping opposite Tonawanda island, where he was to go ashore and examine one of our lots; the Irishmen and my son to go with him, and on reaching the foot of the island, were to pass between it and Buckhorn island, to the other side next to the Canada shore. Judge Morse, though a heavy, fleshy man, was a good pedestrian, and he was to go with me across the island, zig-zaging from lot to lot, so that we should come out at the lower corner, near the Canada shore, among the pines, known as the old French burying ground. We had a map with the lots, as laid off, and I had my pocket compass and rifle. Stephen Morse, our host, was to pilot us across, and it was evident that with our zig-zag course we should have to travel twelve or fifteen miles; so filling the bottle and my hunting flask with port wine, and taking a piece of bread and meat in our pockets, we started off. The jug of wine was put in the skiff, and the remains of the whiskey donated to our host, Morse.

They were directed to hurry along, and get round in time to meet us, and all were enjoined not to run below "Buckhorn island," as we apprehended it might bring them too near the falls. Morse and myself struck off through the woods, and then I felt strong misgivings for having entrusted my son in the skiff, but it was too late to remedy the matter. We had a warm fatiguing walk, excessively annoyed by flies and mosquitoes, and found but little water on our route.

A little before sunset we reached the pine grove, where the boat was to join us, but it had not got round, nor was it in sight. The cataract was a few miles below; we could hear its roar, and see the heavy column of spray ascending, that appeared like a mass of fog

standing over the abyss. I fired my rifle to attract attention in case the boat had got in shore, and was concealed; and felt more anxiety than I expressed; for when we separated, it was conceded that the boat would arrive some time before we could traverse the island. At length we were gratified to see it come round the point, and enter the straits between the two islands, and passing over towards us. They rowed up to a house opposite the upper end of Navy Island, where we proposed to stay all night, but were told that the family could not keep us. Stewart had landed opposite Tonawanda, to look at the lot, but hearing a noise that he took to be the buzz of the rattle snake, which I suppose was the cry of a locust, he hurried down to the boat, and there he and the Irishmen loitered along through the day. The man of the house where we had stopped, took the two Moseses and myself across the river to Canada, as the skiff was deemed unsafe for the whole.

It was dark, but we were soon set across, passing a little above and in the shadow of Navy Island, afterwards distinguished as the head quarters of the Canadian patriots, in 1838.

We went to the public house, kept on or near the Chippeway battle ground, by a jolly old boniface by the name of Yale. His face was red and livid, for he kept his "salamander" constantly heated. He was a great talker, fancied himself witty, and was a good deal of a wag. He and Stewart had a keen encounter of wit after supper, and remained a considerable portion of the night on the stoop or vestibule, where the fresh breeze from the river rendered them much more comfortable than in the heated rooms of the house.

The next morning we took the stage as it came up

from the falls, and left our scarlet faced host, to crack his coarse jokes on the next comers. We went to Fort Erie, to look at the ruins of that old fortification. Stewart had kept in fine trim, just enough excited all day to be full of talk and anecdotes, which always rendered him witty and companionable.

No one, when in these sprees, could more attract or amuse the masses than Stewart. He was all life, wit, and conviviality. On reaching the fort, and after surveying the ruins, he wanted some wine to drink the health of the king, under the protection of whose laws he had spent so pleasant a night at Yales. A worthy loyal Scotchman furnished the beverage, and very meekly besought the honor of joining in the toast, which of course was assented to.

Stewart filled his glass, and made a speech, which he was always ready to do on such occasions; and it was an excellent one, and was well received by the bystanders. He then drank with great gravity and apparent sincerity, "Health, long life, and prosperity to His Majesty, the King of Great Britain;" to which he appended, "and of Tichout," the squatting loafer with whom he had the contest on the island. The Scotchman not knowing the allusion, took no offence, but brought in and filled again, and then responded to the sentiment; while Morse and myself kept dark as to who Tichout was; but laughed at the conceit of coupling Majesty with so base a specimen of humanity, and the Scotchman joining in the sentiment with so much gratification.

We then passed over to Buffalo, where we remained a few days with Rathbun, at the "Eagle." Stewart was not ready to wind off; but took his room, where he received his friends, conversed pleasantly with them, but managed to keep slightly excited. Some three

days afterwards, we came down with Judge Morse, to Lewiston, who went home ; and Stewart and myself went to Fort Niagara, and thence over the river to Niagara Village, where I wished to spend the day with my friends. Stewart stopped at the public house, while I went to find them, telling him I would call and see him in the morning. Accordingly I called, and my brother-in-law, Doctor Raymond, went with me, and invited Stewart to dine with him that afternoon ; to which he assented. He said he would go to the barbers and would then join us. As I was about leaving him, he called me aside and said very pleasantly, (at the same time giving me one of his peculiarly significant looks,) "Beardsley, you know we have been on Grand Island, away from civilization, for a few days ; I know what is due to gentlemen ; so don't be alarmed." He soon joined us, when we spent the day pleasantly, visited the ruins of Fort George, and went through Fort Massisauga.

We dined at three o'clock, where we met a small party, among whom was Hon. B. C. Beardsley, member of the provincial parliament, and his lady. Mr. Beardsley was cousin to my father, and was the son of Rev. John Beardsley, whom I have already mentioned as having left New York, and gone to New Brunswick, at the close of the revolution. B. C. Beardsley had for a time been king's attorney in Canada, was a highly respectable man, and a sound lawyer. He told me he had been at Detroit, to attend court, while the English held it, after Hull's surrender ; and that he acted as king's attorney at those courts. We remained late at table, and drank wine freely, as was the fashion in Canada. Stewart was full of anecdote, conversed remarkably well, and made a decidedly favorable impression on those present. They were all pleased

with him, as I knew they would be; and have often enquired for him since with deep interest. No man could have been more gentlemanly, or behaved better than he did.

After dinner we went to Queenston, where, after visiting the heights, and looking at Brock's monument, we came down upon the wharf, where the Niagara, with its whirlpools and counter currents, appears uncommonly grand and imposing. The inspiration was too great to be resisted. Stewart commenced a speech, which soon drew a crowd about him. He apostrophised the river, dwelt upon its magnitude, its beauty, and its grandeur; referred to the stirring events connected with Queenston battle, the fall of Brock, and the erection of the monument, to the memory of that brave and accomplished officer. Then, referring to our common origin, and the mutual benefits of peaceful relations, he exhorted them not to suffer any root of bitterness to spring up between us and them.

The Canadians cheered him, and responded to his sentiments. Then, pointing across the river, he said, "we were going to a State called New York, one of the United States, which he presumed they had heard of, and might probably again." He wanted them to remember that there was such a country as the United States, and such a people as the Yankees, who they might know better at a future day.

Then he remarked, that if they should ever wish to change their government, and set up for themselves, the citizens of the United States would bid them God speed, and very likely yield them more substantial aid.

All of this was good naturedly received, and no offence was given or intended

While he was in the midst of his speech, my son,

very much like a boy, got into a skiff that was slightly fastened, which in some way got loose, and floated off from the dock. He was frightened, and ran to the end of the boat nearest the shore, as if he intended to jump out, which we were fearful he might do; for the current was strong, and was moving the boat rapidly. We ordered him, in the most peremptory manner, to sit down, which he did; and then the boat was soon brought back by another that went in pursuit.

We crossed over to Lewiston, the Canadians cheering us as we pushed off from the shore—and here our adventures must be brought to a close.

I have spoken somewhat freely of Alvan Stewart; and desire, in justice to his memory, to make a few further remarks. My first acquaintance with him was in September, 1812, when he came to Cherry Valley. He had graduated in Vermont, and had been keeping school in Canada, from whence, on war breaking out, he came to Plattsburgh, and thence to Schoharie county, where he was arrested as a spy, by some "Justice Shallow" or "Dogberry" of that patriotic county. An examination was had at one of their country taverns, when he was honorably acquitted, and came to Cherry Valley.

We formed an intimate acquaintance, as young men of congenial feelings generally do, when brought in contact with each other. He was frank and social, conversed well, and read much, and possessed a most retentive memory. In short, he was an agreeable companionable man, in whose society I spent many pleasant evenings, during the latter part of the year 1812, and the years 13 and 14. When he came to Cherry Valley he was poor, and has often told me he had but a single pistareen on his arrival. This he spent for a treat for himself and

a wagoner, who was going to Richfield, where Stewart wanted to go, to visit a relative. The bargain was, that after the treat, Stewart was to amuse the teamster with stories enough to pay for the ride. After the visit, Stewart borrowed a dollar from his uncle, to get back; and thus he commenced life in Cherry Valley, teaching the academy for a living, and reading law when not engaged in school. In the course of 1814 15 he became embarrassed with some patent-right speculations; and in autumn of 1815, went to Kentucky, via Olean, and down the Allegany on a raft; taught an academy at Paris, Kentucky, where he became acquainted with Jesse Bledsoe; heard Mr. Clay make a speech, which he greatly admired; bought a horse; came back over the mountains; visited Mr. Jefferson, at Monticello; came on to New York, where he was admitted as an attorney. Then to Cherry Valley; paid up his debts; and became a law partner of the late Judge Morse.

Stewart was not a profound lawyer. He had read considerable law; but it was a sort of desultory reading; not systematized. But he was a man of strong discriminating mind, of sound judgment; took practical common sense views of his cases, and succeeded remarkably well; particularly as an advocate before a jury. That was his *forte*. He had a fine flow of language, and embellished his subject with figures and tropes—not the most classical and appropriate, but strong and original; marked with genius, and sparkling with wit. He was odd in his comparisons; and always kept the jury good-natured, by his sallies of wit and his ludicrous illustrations. • In short, he was a favorite—a successful advocate with jurymen; and succeeded in trying causes much better than many

advocates more profound in law learning, but yet greatly inferior to him as sound practical men. He was successful in the accumulation of property, far beyond those whose business was greatly superior to his own. The death of two favorite children was a terrible blow to him. He lost, in some degree, his fine flow of feeling and vivacity of spirit; became at times gloomy; and, I think, never after the death of his children, appeared like the same man. He had his flashes of wit, which like coruscations, would often shoot up and enliven; but it was not that full flowing stream that used to convulse those who heard him at the bar, and was wont to "set the table in a roar."

For many years he was fond of politics, but not a successful politician. In that particular he wanted stability, and always managed to enlist on the weaker and unsuccessful side. He finally became a temperance lecturer, pledged to total abstinence. This was a wise step, and probably saved him. A man of his temperament could not rely on any half-way measures. It must be total abstinence, or he was in danger. The moment he tasted, it seemed to create an appetite, and an inordinate desire to go farther and farther.

His friends, as well as himself, had great cause to rejoice at his resolution to firmly resist temptation. He became ultra in his feelings, and embraced the cause of northern abolitionism, which he advocated to such an extent as greatly to impair his influence and usefulness.

He was, as I thought, altogether wrong on this subject; and it was quite apparent that this was the end of his chances for political preferment.

He has gone to his last account; having left his family with a competency; (a very handsome estate)

and although we differed in our political views at times, and always on the abolition question, yet our friendly relations were not interrupted.

Let him rest in peace. I shall always remember our early associations, and contemplate them with a melancholy pleasure.

During the struggle of the Greeks against the Turks, Stewart and myself took the lead in getting up and sending forward contributions. We went about the town, held meetings, and made speeches. The Lodge and Chapter at Cherry Valley contributed freely; and among other articles sent, was a box or two of rifles, made for that particular service; each of which I tried before boxing them up; and each, if rightly loaded, and accurately held, would bring down a man at thirty rods every shot. They were shipped to Leghorn, to be forwarded to Greece, with a letter, written by me, giving special directions, in reference to the use of the American rifle.

CHAPTER X.

Visit Chautauque County.—Land Purchase.—Several Incidents. — Mysterious Noise. — Superstitious Belief. — Dreams and Supernatural Appearances.—Anecdotes of Solomon Southwick.—The Late James O. Morse.—Outlines of Character.

THE excursion to Grand Island has been the subject of a long story, in the preceding chapter; but I will make amends by studying brevity in the present. Morse, Stewart, and myself, went to Chautauque county, the autumn of 1827, where we bought upwards of sixty-thousand acres of the Holland land company, at one dollar (cash) per acre.

Preparatory to the taking of our deeds, we visited almost every town in the county, to determine where we would select the land.

The deeds were ready the next spring, when we paid the money and obtained the title. We divided the land into shares, and retaining eight or ten thousand acres for each of us, let the residue go to others at cost, they paying a small per centage for driving the bargain, and selecting the land. The purchase was safe; and we made some money out of it; but it was a long winded concern, and required close attention. Had we laid out our money in any part of Buffalo, at the then prices, and had not hurried the sales, the astonishing growth of that city would have enabled us to realize much greater profits, and with far less trouble. In short we should have made a very handsome fortune.

While we were in Chautaugue, in 1827, exploring with a view of selecting our lands, we hired a man to take his wagon and go with us for several days.

It was nearly night, and we were going to the Connewongo Valley, and thence up to Cherry Creek. That is, we were going east to the Connewongo, and then north up the valley. The roads were rough and the riding uncomfortable; when coming to an old indian trail that led across the hills, through the woods, and shortened the distance, I concluded to go on foot. They remarked that I must hurry along, or I might be caught out in the dark, and have to sleep in the woods.

I had my rifle with me, and as the weather was not very cold, the sleeping in the woods had no peculiar terror. Coming down to a branch of clear creek, a drove of deer started up, and ran a north-west course up the creek, towards the most hilly part of the present town of Cherry Creek. The forest was large and intricate, but I could not resist the temptation to go after them, for I saw at least a dozen; several of which were large, well-antlered fellows. Taking their trail, and going slowly and cautiously, I followed on, hoping to find a loiterer among them; but they eluded the pursuit, and I saw no more of them. I had followed a good distance; in fact, as far as I thought it safe to go, in case I was to get out of the woods that night. Hurrying along, I rejoined my companions after dark, who had got through with their suppers, and booked me as a lost man. One night we stopped at a log tavern, at what is now known as Panama, several miles westerly from Jamestown, where notice was given of a religious meeting, which was to be held in the school house, across the road. It was a methodist meeting, very much like those we used to have among the first

settlers in Otsego county. Stewart and myself walked over to the meeting, where we heard an itinerant preacher, who for want of something more appropriate, entertained his enlightened hearers, with common-place remarks; told some stories to illustrate his positions; and wound up with an exhortation. The greater part of his auditors were females; who in accordance with the fashion of all new countries, had to bring their children with them. I think eighteen were present, of whom fifteen or sixteen had infants, and nursed them during the interesting performance of the preacher. On one occasion we were examining land in the south-east part of the county, where we had ascended a high hill that divides the waters of the Connewongo and the Allegany. One of the company had seen a bear, and having my rifle, I was on the look out for him. Pretty soon, I saw a black animal climbing a tree, a considerable distance from me; and looking at him through the brush and leaves, he appeared much larger than he actually was, so that I magnified him into a bear. Running forward and approaching the tree, till within fair rifle range, I saw him through the leaves, and taking deliberate aim brought down an immensely large porcupine; but bruin was not there.

At another time we came down from this hill, late in the afternoon, to the house of a respectable farmer, where we were to stay all night. Three deer had been seen in a field near by, and I hurried away to get a shot, but they escaped. Coming back near the house, I heard in an adjoining thicket, something like the crying and moaning of a child.

The good woman of the house had heard it, and was out looking for it, actually believing it to be a child. We both listened and searched the thicket, but never ascertained what it was. She was superstitious, and

became alarmed. She believed in sights and noises, as forerunners of coming events.

When I went back the next spring, she was in deep affliction, having lost a favorite child, in the course of the winter; and asked me if I remembered hearing the cry the fall before. On my answering in the affirmative, she said, she had no doubt it was a forerunner of the death of her child. I mentioned that I had lost my little son the preceding January, and then she was sure it was intended as a warning to both of us; for each of us had heard it, though Stewart did not, who was quite near us. We never ascertained the cause; and it is useless now to speculate.

Thousands of people in our own and other countries, and those too who are well informed, believe in supernatural appearances, as well as indications of coming events by dreams, noises, or other manifestations. The late Solomon Southwick, of Albany, was a remarkable instance. He was a well-educated man; of sound mind, fine talents, great popularity; and for many years possessed an influence in the state, particularly with the democracy, that few could aspire to, and that none could surpass.

More than thirty years ago I was attending court in Albany, and Mr. Southwick asked me to go with him a few miles the next day, where we were to take a skiff, and fish in the Hudson river. He was to have a horse and buggy ready to take us to Van Wie's Point.

I found him with his fishing dress and tackle, his pail of eatables and refreshments, ready to start off. He sent for the horse and buggy, and the livery man brought a white horse, which as soon as Southwick saw, he started back as if he had seen a ghost.

He ordered the man to take him back and get

another; declared that he would not ride after him, for he knew he would kill him if he did; and then said he saw that horse in a dream the night before; with other things that had so alarmed him, that I do not believe he could have been induced under any circumstances to ride after him. Another was procured, and we rode off; but he continued to talk much of this and other dreams through the day. It seemed to have made a vivid impression on his mind. He said many dreams indicated nothing; that they were fugitive, and often but the result of impressions the mind had dwelt upon before going to sleep, or from a derangement of the physical system. He then referred to many instances, where the impression was so vivid that the dreamer had awakened; and then, on going to sleep, had dreamed the same dream a second and third time. "These," to use his own expressions, "are revelations or night visions from Deity; and when they come with all those solemn impressions that fix themselves on the mind with a stamp almost ineffaceable, they are as sure and true as the throne of God."

He had just been reading those marvellous adventures of Capt. Riley, who, when he was wrecked on the coast of Africa, had so miraculously escaped through the breakers, that he ascribed it to a special interposition of Providence. Southwick believed all this; and mentioned many similar instances to fortify his belief.

I have been greatly at a loss to determine what to believe, in reference to supposed supernatural appearances; as well as manifestations or indications of future events by dreams, visions, and other exhibitions of power and intelligence beyond our com-

prehension; call them what you will. There is an innate feeling in almost every man, that such things *may* be, though he does not actually believe them. On passing a grave-yard at night, in a secluded place, it is natural to glance over it, to see if there may not be a ghost or other supernatural appearance.

Almost every one, I apprehend, has had such impressions. The belief in witches, demons, ghosts, spiritual appearances, dreams, visions, and miraculous interpositions, has been as universal as a belief in Deity himself; *or nearly so*. And this belief has not been confined to the ignorant and uninformed; but has been adopted generally by the wisest and best of men in ancient, and by many in modern times. The Bible, both the old and New Testament, fully inculcate and sustain the doctrine. It was no uncommon belief in apostolic times, that "a spirit" had appeared, or that "visions" had been seen. Witchcraft and demonology were prevalent in those times, which to discredit, is to discredit holy writ. Even Herod believed "that John the Baptist had risen from the dead;" and the apostles and people at large "thought they had seen a spirit."

If we go to profane history, we find this belief just as prevalent; and supernatural appearances as well authenticated as any other historical facts. The same author who informs us that there were such men as Cæsar and Brutus, relates prodigies in reference to the former, and that his "evil genius" appeared to the latter.

All these things may be the result of ignorance and superstition; or the ready acquiescence of popular belief in the marvellous; and that all have been duped, or "left to believe a lie." Polemical writers

often refer to the universal belief of mankind in the existence of Deity, as an impress or revelation of Deity himself, of his own existence; and why not the other. If such things were in olden time, why not now? Some one may say, the age of miracles has passed, and with it supernatural events, witchcraft, and demonology. But where is the evidence, and who has declared it? I do not intend to assert the truth, or even the existence of satisfactory evidence of either proposition: but it seems to me, that in modern times, we have accounts of extraordinary occurrences and appearances, in reference to particular men, just as well authenticated as that such men existed; and that cannot be accounted for on any known principles short of miraculous or supernatural. Still it is certain, that much superstition pervades the human mind *now*, as well as *formerly*; and, no doubt, many things that appear strange and incomprehensible, are the result of self or other deception; or of a superstitious belief, in which the ignorant are too prone to indulge.

Animal magnetism and clairvoyance, have challenged the belief of many intelligent men, after witnessing exhibitions coming under this class, who were unbelievers before. The same may be said of dreams, spiritual communications, supernatural appearances, and miraculous interpositions. With biblical authorities and profane history, in reference to ancient times; and the many apparently well authenticated instances of later years; he must be a bold man, who pronounces the whole (ancient and modern) to be the result of imposition, self-deception, jugglery, or vulgar superstition,

Witchcraft was believed in, by the learned and un-

learned throughout Europe; and it may be said, was not only a common, but an almost universal belief, previous to, and even during a portion of the last century. It is now a common belief throughout many countries on the continent of Europe; and even in Great Britain and Ireland, is far from being eradicated among the common people.

Our ancestors brought that belief with them, when they came to this country; and though they have been taunted and ridiculed for hanging and burning witches, yet they were but carrying out the same principles that were believed in and practised upon in England, Scotland, and Ireland, at a much later period. Even as late as 1745, laws existed in some of those countries, against witchcraft and demonology, and punishments were inflicted.

Chief Justice Holt, and Sir Mathew Hale, were believers in witchcraft. Cotton Mather, in our own country, was also a believer; and denounced the "hellish art." Doctor Johnson, the great moralist in later times, was a firm believer in second sight, and supernatural appearances; and so, I believe, was Sir Walter Scott.

In our own times, Lord Castlereagh, the celebrated English minister, whose melancholy death threw a gloom over the nation, told Sir Walter Scott, that he had himself seen a ghost.

I really do not know what to believe on these subjects; but if we are to give credence to the bible accounts of witchcraft, demonology, visions, and spiritual appearances, I do not know upon what authority we are to deny them now.

When I was a boy, about fifteen years old, I had, as it appeared to me, a most extraordinary sight, or

vision; perhaps the result of a disturbed mind, and possibly, but partially, though it seems to me I was never more perfectly awake in my life. My brother and myself slept together; and before going to bed we had been stealthily playing several games of cards, with an old pack that we kept concealed. We played "old sledge," (high low jack); the first game of cards that boys learn to play. I say stealthily, because it was in direct violation of the commands of my parents. We finally laid the cards aside, and went to sleep. I have no doubt my mind reprov'd me for the transaction; and this mental reproof disturbing me, very likely contributed to what I am going to relate.

Falling asleep, I could hear the cards shuffled and played, one after the other; and the counting, "high," "low," "jack," and "the game;" part of the time by one, and part by the other. I knew I was not playing, but was sure my brother was, and his antagonist sitting in a chair facing the bed; and my brother on or in the bed, playing with him. I could not only hear the cards shuffled and played, and the game counted, but looked in my brother's hand, and saw the cards he held. Although fifty years ago, the impression on my mind, if not on my vision, was so strong, that I recollect precisely how his playing competitor appeared, and his cast of countenance. With a thick-set frame, poorly clad; a large head; large teeth; some of them partially, and others entirely decayed; and his head and teeth quite too large for any human being I have ever seen. His complexion was sallow, partaking of a gangrene; and he was surrounded by a dim blue light, just enough to enable me to see what was going on. I reached my hand to my brother, and found he was lying

in bed ; and then enquired what he was doing. The moment I spoke, "the charm dissolved apace;" and the figure that I had looked upon with a feeling of dismay, moved without noise and receded, till it finally disappeared at the window. My brother was asleep; and I suppose the whole must have been an illusion, which I shall never forget, though I am unable to account for, or explain it on philosophical principles. I have always supposed it resulted from my mind not being at ease; and that I was but partially awake till after I spoke.

Probably it was in a state similar to that of a half crazy man, who conjures up in his imagination, things and forms that have no existence in nature. All appeared to me natural and real, till I spoke; and then, I presume, on opening my eyes, the creations of fancy receded and disappeared.

It was a strange freak, that perhaps may be explained by some principle of physiology or psychology, or by physicians who are familiar with the operations of the mind. But I have never been able to solve it satisfactorily, except by regarding myself as having been partially asleep till I spoke, (though I fancied myself perfectly awake) and that when I did speak, the vision disappeared. While in a partial sleep, I must have seen with the "mind's eye," objects that were invisible to the natural eye; and probably the whole was the creation of fancy—a mere illusion of the mind.

I have introduced the late James O. Morse, of Cherry Valley, in this and the previous chapter, as having been associated with me in several landed transactions, as well as other matters of business. Our acquaintance commenced at an early day, while

we were law students, in 1810. He was a man of untiring industry, great energy of character, and excellent judgment. He was a graduate at Union college, where he acquired a highly respectable standing. Not a fluent speaker, but well read in his profession; a ready, forcible writer, a good classical scholar, and of extensive general reading.

In addition to these qualifications, he was eminently practical, and conservative in his views. He was distinguished for his liberality; and few men of his means, contributed more freely to public objects; such as the support of the gospel, religious and charitable institutions, academies, colleges, and literary purposes generally. He had an extensive acquaintance, and for many years his hospitable mansion was open to respectable sojourners, who visited the village.

He wrote much for newspapers and periodicals; and left many unpublished manuscripts that would do credit to his memory.

I used to marvel how he could write so much, and yet keep up an extensive correspondence; at the same time transact his office business, which was large and respectable, while he always had so much time for conversation; which as he conversed well, was entertaining and instructive. He read a large proportion of the periodicals of the day, with a great variety of other matter, besides law reports and professional books generally. He was appointed first judge of Otsego county, and discharged the duties of his office with fidelity, good sense, and dispatch, to the general satisfaction of the community; yet, with this accumulation of business, he found much leisure for study and conversation.

In many particulars he was a remarkable man.

Kind and benevolent, the poor of his neighborhood lost by his death, one of their best friends.

I think Judge Morse, take him all in all, was one of the most able men we had in the county; and in many respects he had but few superiors in the state. By this I do not mean, that he was a distinguished advocate, though in that respect he spoke well, and always with good sense; but he was a ready writer, had a remarkably accurate knowledge of men, and was an excellent discriminator of character. It will, I fear, be many years before Cherry Valley, or the county of Otsego, can boast of a superior.

Having very little paternal assistance, he was in a great measure, the artificer of his own fortune; yet he lived well, reared his family respectably, and left them a snug estate, on his decease. At the time of his melancholy death, (the autumn of 1837,) we were associated in some large landed operations, in which our interests were so blended, that it seemed to throw a double burthen upon me, which I hardly knew how to bear. His death was sudden, and to me altogether unexpected, for I was in the city of New York; and the news of his illness was soon succeeded by the astounding information of his death, which I could hardly realize. We had at different times many pecuniary transactions, often amounting to several thousand dollars; sometimes resting merely in parol; and at other times evidenced only by slight memorandums; in the adjustment of which we never had the least difficulty. I had full confidence in his integrity, and believe he had in mine, of which he gave conclusive evidence, in making me by his will, one of the trustees of his estate.

Such men are a great loss at any time; and few

men have died in Otsego county, whose death was a greater calamity to the community, than was that of James O. Morse; while to his family it was irreparable.

CHAPTER XI.

Incidents in Justice's Courts.—Encounter with a Pettifogger.—Justice insulted for not appreciating public sentiment.—Dutch Justice commits for contempt.—Charge of Witchcraft and threatened Lawsuits.—Favorable influence of common Schools.—Early Jury Trial.—Hunting and Shooting Anecdotes.—An old foxhunter confounds religious "tracts" with "tracks" of the fox.—An interesting knock-down on special request.—Other anecdotes and incidents.

It may be amusing to my readers, if I throw together several trifling incidents illustrative of the times, which I will do in a separate chapter, instead of intermixing them with other matters.

I will first relate an occurrence that took place in 1811, in a neighboring town, while I was reading law, which will give an insight into the proceedings in Justice's Courts in the back country.

I had agreed to go ten or twelve miles, to prosecute a trifling suit, and was to be opposed by a noted pettifogger, who, although ignorant, and without character, had acquired such an influence over the justices and jurors of his neighborhood, that he generally gained his causes, whether "right or wrong."

He was dirty, ragged, and slovenly in his appearance, and was known as "the black sloven." I had never met him in court; but had been informed by those who had, that he was not only personally abusive in speech, but with young men, would swagger, brow-

beat, and threaten to flog them; though an arrant coward if manfully withstood.

On appearing before the justice, issue was joined, and a jury called for; the summoning of whom among the hills would take all the afternoon, which would require the trial to be had in the night. This was precisely what the witnesses and jurors expected and desired; for it would afford an excuse for wasting the night in fun and frolic, if nothing else.

The jury were finally empanelled and sworn; and his honor, who had a distillery hard by, took his seat by a long table, a little after dark, the jury sitting near him. It was fashionable then, to treat the court and jury as the trial proceeded; and a party who should be so wanting in good sense or generosity, as to forget or refuse to enlighten the minds of the jury, by a good substantial drink, before the constable was sworn "to keep them together without meat or drink," would be very likely to lose his cause.

In the present case, both parties were determined to "conciliate" the justice and jury; so they sent to the distillery for whiskey, and clubbed together to pay for it. They took a drink all round, and the bottle was placed on the table, to be used as the trial progressed, whenever it should be necessary to solve an intricate question.

My antagonist and myself were standing on opposite sides of the table; and, as the trial proceeded, he began his objections to certain testimony, and called on me to produce law, to show that it could be legally introduced. As I was twelve miles from home, and in the woods too, he was very sure that I had no law books with me; and on my asserting our right to introduce the testimony, he became very rude and

insulting ; and said it was a common thing for young men who were upstarts, to come out among honest farmers, to deceive and mislead them. Then he remarked that they "wanted none of my butterfly stuff; and unless I kept a civil tongue in my head, he would slap my face." This was about as I had been told he would treat me, so that I was not taken by surprise.

As soon as he said he would slap my face, I reached across the table, seized him by the shoulder, and with a good smart jerk, pulled him on to it, so that he lay across it, where, with one hand I held him. The court and jury got up, and peace and quiet was soon restored. As we were about resuming the trial, he called me one side, and in a very friendly, good-natured manner, asked me if I "was a mason?" My answer was not very masonic; for it was in Yankee style—by asking him a question—"what if I am?" He then said, in an under tone—"I have been found worthy of a place in that ancient and honorable order, and have understood that you belong to it. You are under the tongue of good report, and I have a high opinion of your character." He continued—"You must not notice these little altercations. If we did not have them, these fellows would think we did not earn our money; but among gentlemen they are overlooked, of course;" laying special stress on the word "gentlemen," as if by possibility it could apply to himself. He then told me to go on with the trial, and we should have no difficulty—that he had no doubt my client was in the right, but his own was a stubborn unreasonable fellow, and he must make the best defence for him he could.

The further proceedings were very amicable. He

behaved well, and treated me with civility; and, towards morning, the jury rendered a satisfactory verdict for my client. The court, jury, witnesses, and attendants, seemed well gratified with the night's performance, as the whiskey jug had been kept replenished, and they had been treated to the altercation and collision between the counsel; which seemed to delight them as much as the copious drafts, and inspiration derived from the jug of whiskey. Nor were they displeased that the old greasy pettifogger had the worst of it; and I am quite sure he was not, as it seemed to make him my fast and devoted friend, which for several years he manifested by sending me many clients. I did not hurt him, nor did I intend to; but felt quite sure I could frighten him, though he was much larger and heavier than I was; and in this respect I succeeded to admiration.

At last he was indicted for some small alleged offence—nothing less or more than perjury; and employed me to defend him. Before the indictment was ready for trial, he concluded to give “leg bail,” and show “a light pair of heels;” and this was the last I ever saw or heard of my former competitor, and subsequent client: and thus end my recollections of the “black sloven.”

Many of those country trials were rich with adventures and laughable incidents. To see them in perfection, you must go back to the early settlements, in the remote towns.

I recollect on one occasion the justice had been holding court at night, where the cause was tried by a jury. A crowd of course assembled, and as usual, took sides with the parties, some on one side, some on the other; but in this instance, were nearly unanimous

for one of the parties, and in opposition to the justice; who, they thought favored the wrong party. To avenge themselves on him, and to bring him and his judicial authority into contempt, after the trial was over, and the bystanders had partaken freely at the bar of the country tavern, they gathered round "his honor," and commenced urinating on him, from every direction. He set up an outcry and escaped from the crowd, but brought actions of assault and battery against the perpetrators, which in due time the defendants settled, by paying costs and making suitable amends to the distinguished jurist. There was something ridiculous in the idea of bringing actions of assault and battery for such a transaction. That action is always predicated upon what the law terms "a trespass, with force and arms;" and although the *flowing*, if not *blushing honors*, were bestowed lavishly on his honor, the justice; yet it was not pretended that there was a great degree of *force*. Technically it might have been "a trespass *vi et armis*," though certainly not "*pugnis et calcibus*," but I suppose the injury to the justice was as repulsive to his feelings, and quite as offensive, as if he had been sorely beaten, instead of thus saluted and insulted. Hence, I suppose, that gentleman "learned in the law," would have no difficulty in coming to the conclusion that the actions were well brought, and were sustainable on principle.

A Dutch justice came to me once for counsel, who had been sued in an action of assault and battery, and false imprisonment, by one whom he had sent to jail for contempt. To make his incarceration certain, the justice had given the constable strict injunctions to bind him, and had assisted in tying his legs, after he was placed on horseback. The culprit had fallen from the

horse, either intentionally or accidentally, and his feet being tied under the horses belly, he was dragged a short distance on the ground. His honor said it was only a device to try to enhance the damages; and went on to state the circumstances that led to the commitment.

He was delighted with having gotten the fellow in Johnstown jail; and on my enquiring into the offence, that constituted the contempt, and the substance of what he had set out in the warrant, or mitimus for the commitment, he said he did not recollect the whole of it, but he had ordered him "committed till discharged by due course of law;" that he had the jailor's acknowledgment of his reception; "and the d——d rascal might find out himself what that due course of law was."

Another Dutch justice, once came to me to consult about the defence of a suit with which he had been threatened, for calling the wife of one his neighbors a witch, and charging her with looking with an evil eye at his cows, and bewitching them. He admitted that he made the charge, and believed it true; but I told him it was hardly worth while to get into a law suit about such a matter, and subject himself to the expense of litigation; that I knew the woman, and whether witch or not witch, I had no doubt that matters could be amicably adjusted, when I saw her, which I would and did do soon; and by talking with her and her husband kindly; neighborly relations were soon restored. It will hardly be believed, that so recently such things were so thoroughly believed in, and probably would have produced a law suit and bitter quarrel had it not been adjusted.

Such a law suit would have been rich in its dis-

closures; and I have sometimes almost reproved myself for acting as a peace-maker, and not letting it go to court.

The settlement, however, saved good, honest, industrious people from angry litigation and expense; and on the whole, was the best though not the most profitable course for me.

I shall hardly be believed, when I state that within seven miles of Cherry Valley, is a valuable farm, from which two acres of the best land was carved out, and conveyed, to settle a claim, for having charged a woman with witchcraft; and that by her witcheries she had destroyed his property. She accepted the two acres, and still holds it, under this witch consideration for the title, having hitherto refused to sell it back at any price, though the original owner was desirous to repurchase, and offered a high price for it.

In the same neighborhood lived a man who was a seventh son, and has been sent for hundreds of times, to charm away, or take off the witch spell, from those afflicted by the "hellish arts," as Cotton Mather, and other old writers used to designate them, when speaking of witchcraft.

Within sixteen years, there were portions of country in several counties, where very few of the Dutch population could speak a word of English, so that a drover who did not understand Dutch, and wanted to go among them to purchase cattle, had to take an interpreter with him.

The common schools, however, have changed this state of things; and now, scarcely a neighborhood can be found, where the English language is not understood and generally spoken; particularly by the younger classes.

One more story.—At a very early day, a Dutch magistrate, who was the father of one I have previously alluded to, had issued a warrant against a lawless neighbour, who had been brought by the constable, to answer the plaintiff's action. The justice went to a country tavern to hold his court in the bar-room, which was the only room in the house large enough for the court, jury, and attendants, and was not far from the line of the county. The defendant was a noted fighter, a hard drinker, and very much of an outlaw. He had amused himself, while the jury were being summoned, with drinking, and playing with an old dirty pack of cards on one end of the bar-room table. The jury being in attendance, the justice called the parties, and had the warrant returned, and then directed the plaintiff to state the nature of his demand; which being done, he with great humility, and in broken English, asked the defendant, who we will call Mr. C. "Well, Mr. C., what do you say to dat?" "What do I say to that?" says the defendant; "I say that you are a d——d old fool." "Oh! tut, tut," says the justice, "dat may very well be, Mr. C., but what has dat to do with this case?" At this stage of the proceedings, the defendant knocked down the constable, threw the cards in the justice face, kicked over the table, and cleared out for the adjoining county, where for a long time he concealed himself, or eluded those who wanted to take him.

As I am on story telling, I will relate one of a Yankee justice, who used to hunt foxes with me, and was passionately fond of the sport. The transaction took place at the same tavern, where the constable was knocked down. The old man had been with several companions on a fox hunt, who always delighted in

playing off their tricks; so coming to the tavern, they called for refreshments. The landlady had a large flock of geese, and while she was getting dinner, one of the party got some corn, and scattering it in a row, called the geese, who soon huddled along to pick up the corn. Two of the party then discharged their pieces from the tavern door, as if shooting at the geese, but intending to shoot over them. The justice prided himself on being a good shot, and having taken two or three drinks while waiting for dinner, was in excellent condition to show off his skill to the best advantage. He believed his companions had fired at the geese, but for want of skill had missed them. Stepping along to the door with his long fox gun in his hand, he said, "stand away and let me try; I'll be bound I'll pepper them," and so he did, for he knocked down nearly a dozen, which he had to pay for. This old man used to attend our annual fox hunts. I hunted with him after he was eighty years old; and though very much affected with an almost shaking palsy, he managed to shoot a fox, though he could not for his life hold his gun steady.

Preparatory to one of those annual fox hunts, another old man, who for many years joined in those sports, came to my office, having travelled seven miles across the hills, a large part of the way through the woods, to satisfy himself whether we were likely to have a good time of it, from the foxes being plenty. He assured me that their tracks indicated them in great abundance, and he anticipated rare sport. While sitting there and conversing earnestly about fox hunting, a "scant of grace" preacher came in, with his pockets filled with tracts, by the distribution of which he seemed desirous to make up for other delinquencies. He offered

some of them to the old fox hunter, and began to expatiate on their importance. The old man never read a word, for he did not know "B from a bull's foot," nor had he ever heard of a tract; the nearest that he comprehended the meaning of the divine, was, that it related to fox tracks, of which he had been conversing.

He declined receiving them, and then was told by the minister, that they were tracts to be read. Old Nimrod said "we do not read at our house, we think;" and then addressing himself to me, repeated "tracks! why Mr. Beardsley, I never saw tracks half so plenty; the d——d curses have been running all over the hills, and we shall have plenty of them on Tuesday." On my telling him what the tracts were, and advising him to take them home for his daughter, who would read them, he put them in his pocket and took them with him; but remarked to me, after the clergyman had gone out, that he was always suspicious of those black-coated gentlemen, and wanted nothing of them. However unreasonable his prejudices were, he was probably not much out of the way, in reference to the one who had offered the tracts; for, unless he was awfully belied, his subsequent conduct, to all human appearances, showed him as far from a state of grace, as was the old fox hunter himself.

At one of those fox hunts, which usually came off the day before Christmas, unless it was on Sunday, I witnessed in the evening a most laughable transaction.

If it could be described as Fielding used to describe his hunting scenes, it would be inimitable.

We had a noisy swaggering fellow who drove us to head quarters for the hunting excursion, who remained through the day at the tavern, instead of going to the woods and joining the hunt. For swaggering he was

nearly equal to "Pistol," and with but little more courage. He had the reputation of being a most arrant coward, when among his equals; but was overbearing and insolent with those he thought he could master; and hence, when he wrangled, as he often did on such occasions, he would strut and bellow, and make great pretensions to courage. During the day he had "got tight," and at night fastened a quarrel on a young man, who he professed to be desirous to flog. Our swaggerer always excused himself from commencing a "set to," by saying his adversary would "take the law of him, and sue him for assault and battery;" and this he did on the present occasion.

The young man was a stranger to him; but that did not abate his desire to have a row with him, particularly when he discovered a disposition on the part of the youngster to avoid a contest. Bully finally told him that he would "lick him like a sack," if it was not for the law; and wound off by taking out a quarter of a dollar, which he said he would give youngster if he would strike him.

The money was eyed for some time, and the offerer was asked if he really was in earnest; to which he replied that he was; for *then*, acting in self-defence after the first blow, he would lick him without fear of the law. The young fellow told him he felt very much disposed to take the quarter, and give him the consideration for it; and was again invited to do so. Finally, after conversing back and forth, and throwing the old fellow partly off of his guard, he seized the piece of money; at the same time planting a "smasher," partly on his "nob" and between his "peepers;" which, while it started the

"claret" from the nasal organ, brought star-light to his half-obscured vision; and disturbing his perpendicular, laid him sprawling on the floor.

The youngster ran out of the house, and was not seen there again. The performance was greeted with loud shouts of approval. Old "blow-hard" got up; and looking round with amazement, enquired "where he was?" and after he found his man was gone, went on to describe how he would maul him, were he there; or if he could ever come across him. He finally went home, feeling no doubt much the better inwardly, for having blown off so much of his gas; but on his frontlet he carried the mark of his adversary for several days, who he never had the pleasure of recognizing afterwards.

As I am in the vein for story-telling, bear with me, gentle reader, while I relate an incident that took place at an early day.

The old fox-hunter, who never knew any thing about "tracts," except fox "tracks," was a strict observer of every thing that looked like cunning and device. No man knew the habits of the fox and deer, and in short all animals with which he was familiar, better than he. Anything that looked like a curious ingenious device, always attracted his attention. He had a brother, who, growing dissatisfied with the world, concluded to make a short job of it, and rid himself of life, with all the cares and vicissitudes that "flesh is heir to."

One day he was missing; and, after a protracted search, was found in the woods, dangling from the top of a small sapling. It appeared that he had got on a log a considerable distance from the ground; and after climbing a small tree, had bent its top-most

branches down to the log where he stood. Having tied a rope, or bark, or *withe*, round the small tree, as it was bent down, he fastened it round his neck, and then let the tree spring back to its natural position, which took up the man with a jerk that soon strangled him. When the old fox-hunter came to the tree, and looked at his brother, who was still suspended by the neck in the top, he could not but admire the skill and sagacity of the device. Looking at the dead man, and then at the log from which he had swung, he broke out with this expression—"Look, how ingenious the crittur was!"

The last adventure that I had with him, was on the steep side hill west of Cherry Valley, in plain sight of the village, just above the residence of the late Judge White, where my friend Jacob Livingston now resides.

We had been out fox hunting; and the dogs had driven a fox into his burrow in that steep side hill. We sent to the village for working tools; and my old and esteemed associate, James Brackett, being informed of what was going on, soon came to us, bringing a bottle of brandy, which was most acceptable after the long chase through the snow, over the Middlefield hills. We went to work in good earnest, and soon excavated a deep pit, which ran into the hill.

We had five dogs; but it was necessary to tie up four of them, while one was allowed to dig and follow the hole of the fox. Those that were tied up were almost frantic, and kept up a constant outcry while the work was going on. One of our party had to be with the dogs, to keep them as quiet as possible, and prevent their breaking away. My old friend Bennet, (for that was his name) had got down

into the hole that was dug, and by breaking away the earth round the fox-hole, a small hound was able to crowd himself so far in, that the fox advanced and took him by the muzzle. The dog was game; but as he could not get hold of the fox, all he had to do was to whine, and "grin and bear it," while reynard had him by the nose. Bennett swore tremendously when he found the fox was punishing his dog; and told the company to loose my old dog Primo, that he might take the place of the small hound. Primo was good spunk, and rushed in as far as he could, digging and working himself in, till reynard greeted him, by taking him firmly by his nasal organ, and holding on with a most tenacious gripe. Primo whined, and tried to get hold of the fox; but reynard just held him by the nose, and thus punished him for his intrusion. Bennett broke away the ground, to make more room for the dog, and then ordered the small dog to be brought forward, who crowded in by the side of Primo; and Bennett, by taking Primo by his hind legs, dragged him back; and the fox still holding him by his muzzle, was so far brought forward, that the small dog seized the fox by his face. The two dogs were then pulled out by main force, bringing the fox with them; and Bennett, to save the fox from being torn in pieces, got him away from the dogs.

On getting out of the hole where he and the dogs had been digging, he intended to kill the fox, by striking his head against a tree; but the dogs were as eager to share in the death, as he was to prevent it. The hill was steep, and the leaves being covered with snow, rendered it slippery. While he was preparing to kill the fox, the dogs that had helped pull him out were

constantly striving to get hold of him, and were jumping up to get him away from Bennett. He held him as high as he could to keep him away from the dogs, when one of the company wishing to see all the sport that could be got out of such an affair, let slip the other three dogs, who rushed down with tremendous yells to share in the conflict. All five leaped upon Bennett, determined to have the fox, and by jerking and scuffling soon got him down as he slipped on the side hill. Part of the time he was under, and the dogs on top, and at other times he had some of them under him; but he held on to the fox most manfully, while he was dragged several rods down the hill. They were jerking him by his clothes, and striving for the possession of the prize, at the same time keeping up the most discordant yells, which were interrupted occasionally with horrid oaths and imprecations, uttered by Bennett with stentorian power. The swearing of the army in Flanders, was no comparison with it. I do not suppose there has been a rough and tumble conflict between man and dogs that would surpass it, since the memorable occurrence between Parson Adams and the pack of hounds, so inimitably described by Fielding, in his "Joseph Andrews." We finally interfered and beat off the dogs, and the old man after despatching reynard *secundem artem*, went with us to the village, where we gave him a good warm supper, and night's lodging, with plenty of good cheer.

He amused us through the evening with his stories, and took the fox skin in the morning, which we all concluded belonged to him.

This was our last frolic with Bennett; for, desiring to remove where he could enjoy in a greater degree the pleasures and excitements of frontier life, he went

to the forests of Michigan, where a fever of the country soon terminated his eventful life.

Before his removal he often complained that the encroachments of society had nearly destroyed the pleasures of life; and he never expected to live so happily again, as he had on the banks of Otsego Lake, before settlers intruded. Deer were then plenty, and the old man always regretted that the country should not have remained in its primeval state.

CHAPTER XII.

Exemption of Homestead and Household effects.—Professional incidents.—Admitted to practice in Chancery.—Anecdotes of Chancellor Kent.—Judge Spencer.—Judge Story.—Excursion to Boston, Providence, &c.—Interesting case of Habeas Corpus.—Elisha Williams and Rhode Island Bar.—Presidential Election in 1824.—Last interview with Gov. Tompkins.—Celebration on completion of Erie Canal.—Gov. Clinton visits Otsego, and incidents.

AFTER my admission to the bar, in 1812, I devoted myself to my profession with much assiduity; worked hard, lived prudently, but respectably, and saved from my earnings as much as possible. Everything went on favourably. I made money slowly, took good care of it, made good bargains, was ready night and day to serve my clients; and in this way, secured business from many mercantile firms in the cities, who had debts to collect in the country.

I do not recollect ever selling the household furniture of a debtor, where the debt was due to me personally; but in many instances where I was acting as attorney for others, sales have been made that gave me pain. So also in relation to imprisoning debtors. It was not my business to interpose where clients were concerned: but the going into the house, and selling the furniture necessary for family comforts, always appeared wrong, though justified by law.

Let us look at it for a moment. Those sales never

amounted to much. The household furniture of almost any family, costs considerable at the commencement; but when you come to sell, it goes as second-hand property, and brings but little. The sale depresses the debtor—mortifies and distresses the family; while the creditor gets but little from it. The homestead and furniture of every family, in my judgment, should be exempt from seizures. The state has an interest in the welfare of each individual; and should not suffer the house or furniture to be sold, and thus turn the family upon the charities of the world, helpless and dependent. I hope to see laws that shall entirely exclude sheriffs, constables, &c. from the interior of every dwelling-house. Let this be understood; and creditors will look to the character and integrity of the debtor, instead of looking to his homestead, where the quiet of the family should be protected, without coercion, which too often operates on the sympathies of friends.

In the course of my practice as attorney and counsel, very many incidents occurred, which, if related as anecdotes and reminiscences, might be interesting; but I should fear a general recital would too much enlarge my narrative. I must, however, relate a few of them.

On one occasion, I prosecuted a suit in the Otsego common pleas, to recover a note, where the defence was usury. The late Isaac Seelye was counsel for the defendant; and, having by evidence made out a strong case, he urged the defence with zeal and much ability. Judge White presided, and it was quite apparent he was against my client. His honor the judge, although a money-lender, did not exact usury; but, on the contrary, despised those who did.

All of this I knew, and expected a decided charge from him against the note, which my client had bought honestly, but which, if the defendant's evidence was to be believed, was tainted with usury, and void.

I summed up the cause to the jury, better I think than any cause I ever argued; and, dwelling on the hardship of the case, to allow a man to make a note, and send it out to the community with the guarantee of his own name, thereby entrapping and defrauding innocent purchasers, should not be excused from payment, except on the most conclusive evidence.

The jury finally gave me a verdict, notwithstanding a direct charge from the court; and Judge White often complimented me, for winning that cause against "law and evidence," as he expressed it, and in opposition to that charge. The evidence, however, was not all on one side, but was such that the jury might honestly differ, and having found in my favor, the court would not interfere with the verdict.

My first appearance in chancery had some amusing incidents. I was in Albany very near the time Chancellor Kent had published his rules of practice. I was entitled to an examination as solicitor, but had never read a book on chancery practice, and but barely glanced over his rules.

Knowing the chancellor to be talkative, kind, and good-natured, I called on him at chambers, and exhibited my *Supreme Court* license, told him I thought of applying for one in his court. He remarked that he was very glad of it, and asked me what books in chancery I had read. "Not any," was my reply, but I have to-day bought your new rules, and am going to read them. "Well," says he, "you are a good-looking man, and are taller than I am; I know your

brother Sam personally, and you by reputation. Your father and I were born in the same neighborhood, and were nearly of the same age. Go to my brother Moss, who is register of my court, and ask him to come here and bring the rolls. You know Moss, don't you? He is a clever man, used to live in Otsego, and was called the 'honest lawyer;' bring him, and I will admit you. You must pay Moss the fees for admission, for he likes the fees; and you must read my rules. If you come into court without understanding them, or with a weak cause, your client will have to pay for it." In this way he ran on for some time, and told me his dining hour, which he said was early, and was regarded unfashionable; described a journey he had made with Mrs. K.; and another he intended to make. I think he said he had met Denny, a distinguished writer, and mentioned some anecdotes and adventures with him. Denny resided at Pittsburgh, and for a time edited a periodical, "the Portfolio."

His brother came; I subscribed the roll, took the oath, obtained my license, and was thus legally qualified to practice in the high court of chancery.

My first suit in that court, was to restrain certain defendants from trespassing on lands, cutting down and carrying off timber, and thus working an irreparable injury to the estate of my client.

"Eden on Injunction," a standard English work had just been published; and on drawing the bill, setting out the grievances of my client, I felt sure it was a case of equity jurisdiction, where we were entitled to relief.

I despatched my client to Albany with the bill, and synopsis of its contents, for the chancellor, and asked for an injunction. Without much reflection, I suppose; and under an impression that a suit at law would be

sufficient, he refused it. My client, a good, honest Dutchman, told him that Squire Beardsley said he was entitled to it. The chancellor replied, that he thought he was as good a lawyer as Squire Beardsley, and if he did not think so, he must come to Albany and see to it himself. A few days afterwards I went there, and called on the chancellor. "Well," says he, "I am glad to see you. A client of yours, a very worthy Dutchman, came here the other day and wanted an injunction. He said you told him he was entitled to it. I thought not; and told him I was as good a lawyer as you are. These injunctions are too frequently granted. They are the result of an arbitrary power; a tremendous power. A strong case should be made out to warrant them." "I admit all that, chancellor, but still I think we are entitled to it; and upon well established principles of equity jurisdiction." "You must argue that question," says the chancellor; "sit down now, and argue it before me, at chambers." I referred to the allegations in the bill, shewing the trespass and irreparable injury; and referred him to the leading cases in "Eden."

He told me to come in the next morning, and he would decide it. On going there, as soon as I entered his office, he said, "You are right; you have beat me; you have fairly beaten me; step up and bring Moss, and the injunction shall be made out at once." All of which was done, and in the end I succeeded in every particular in the suit.

He was an excellent man, full of talk and anecdote. No man was more honest, or had a better heart. He had stock in the central bank, which my friend, A. M. Schermerhorn and myself, had transferred to him and to his brother, from whom, on his death, the chancellor

derived the stock held by Moss. I think he retained it up to, or very near the time of his decease.

Many years ago, I applied to the chancellor, to appoint appraisers of improvements, under a statute of the state, in reference to certain military lands, that I had recovered in ejectment.

One of the appraisers appointed by him, was the late Robert S. Rose, of Ontario county, who had been in the constitutional convention with him. In his order appointing appraisers, he alluded to Mr. Rose as having been a member of the convention, and indorsed him as follows: "Known to me to be an honest man." A flattering adjudication to Mr. Rose, coming as it did from the high court of chancery.

On the first of January, 1847, I made a New-year's call on the chancellor, and also on Chief Justice Spencer, then in New York. The chancellor was cheerful and affable as ever, enjoyed good health, took a glass of wine, remarked that he had always taken his wine occasionally; that he was old fashioned in his opinions; that he was sure wine did him no harm, but was rather a benefit; that he was never ultra in his views; and he would not give up well settled opinions, or habits of life, to conform to ultraisms of the day.

On calling on Judge Spencer, I found him in fine health and spirits. He, like Chancellor Kent, was not ultra, but seemed to enjoy life; though I believe he did not drink wine at that time. One incident occurred, that showed the strength and accuracy of his memory. On my remarking to him, that he had licensed me to practice as attorney, he replied that I was mistaken, that Judge Thompson signed my attorney's license; and he, (Judge Spencer,) my license as counsel; which was correct, though I had forgotten it.

Judge Spencer was a remarkably strong-minded man. I don't suppose he had read so much as Chancellor Kent; but as a common law judge, we have never had his superior in the state. He always took a strong, common-sense view of the case, and grasping the whole subject, applied the law with an accuracy and consistency, at which but few men can arrive. At the circuits, and at oyer and terminer, he disposed of cases with great promptness, and was generally accurate in his off-hand opinions. He was very much of a politician, and for more than twenty years, exercised an almost uncontrolled influence throughout the state, with the democracy. Unbending in his views, competitors usually yielded to him; and if not, a trial of political strength was sure to follow. While he was a member of the bench, it would have been an ornament to any state or country. I fear it will be many years before we shall have a court equal to that old supreme court. Its superior I do not expect to see.

The New Year's call just mentioned, was my last interview with each of these great men, who now "sleep with their fathers."

I have thought the late Judge Story, very much resembled Chancellor Kent, in the cast of mind, and conversational powers. Kent was the most talkative of the two. In 1824, I had business before Judge Story, and went to Salem, where he resided, to have him allow a writ of habeas corpus.

The object of the writ was to obtain the custody of a little motherless girl, who resided with her grandparents, at Pawtucket, near Providence. Some family difficulty between them and the father of the child, induced them to keep her secluded from him. He was my client, and sued out the writ.

Under the advice of the late Thomas Addis Emmett, the father and myself, at a previous time had started for Providence, intending to pick up the child as she was going to school, or wherever she might be found, and carry her out of that state to Connecticut.

We came to New York, and corresponded with friends at Providence, who discouraged that summary mode of proceeding, and expressed a belief that we would probably fail, and get imprisoned ourselves.

Mr. Emmett's opinion was predicated on the right of the father to the custody of the child, as the natural guardian and protector. The advice was rash; and we did well in giving up the project, and resorting to legal proceedings. Having obtained the writ, I came on with Judge Story, to Providence, where the court was to be held, and where the late Elisha Williams, who was associate counsel, was to meet me.

The child was at school, at the quaker seminary in Providence; and was spirited away at night, as soon as the grand-parents learned that we were after her. The next day they appeared in court, to make return and answer the writ. We had served the habeas corpus at night, on the principals of the seminary, who also appeared and answered. All of them denied having the child in custody. They made return to the writ, and put in their answers, under the advice of counsel, and the best counsel they could get. Dutee J. Pearce, and the late William Hunter, acted as counsel. Mr. Williams moved the court for leave to file interrogatories, and that the defendants should answer on oath. This was resisted; and the questions were argued with much ability, and by Williams with thrilling eloquence, and most powerful effect

He had never met the Rhode Island bar before, and this was his first appearance before Judge Story; who, as well as the members of the bar, were delighted with him. Williams seemed to enter into the argument, and the whole proceedings, with more heart and feeling, from the fact that the parent of the child, who was a respectable clergyman, was the son of the old pastor under whose preaching Williams had been brought up. The cause was argued with much ability on the other side; for Pearce was quite an able man, and Hunter was at the head of the bar in that state. But Williams broke down all opposition, and carried the court and audience with him. When he discussed the natural right of the father to the custody of the child, that he might enjoy her society, and direct her footsteps along the path of life, while her tender mind should be guided in the ways of truth and virtue; and then depicted the cruelty of the attempt to exclude him, and to prejudice her mind against him; while those having the custody of the child were setting the laws at defiance, and evading or disregarding the mandate of the court—his appeal was eloquent and effective beyond description. Many of the crowded audience were in tears. The court allowed our motion, and ordered the parties to appear the next day, to answer interrogatories.

In the evening, we drew up and copied interrogatories, twenty-five in number, as searching and sifting as we could make them. When we were through it was eleven o'clock. Williams said, "we will stop now; we have got enough. We will go down, and let Horton make us a good glass of whiskey punch; and to-morrow we will have the girl, or have the quaker in jail."

On serving copies of interrogatories, the opposite party in a measure gave it up, and proposed a compromise, which was assented to, and an order made by the court to carry it into effect.

In due time the child was surrendered to her father. She has often told me, that had we gone there, and carried her away, she should have been frightened to death.

While we were at Providence, we were invited by Mr. Whipple, a highly respectable member of the bar, to a supper party. Judge Story, and nearly all the legal gentlemen, with several others, were present. We spent a pleasant evening, full of anecdote and conversation. The supper was good, the wine excellent; and Whipple brought out a bottle or two of rum, which his uncle, Commodore Whipple, had bottled during the war in 1780, forty-four years before.

Hunter, who was a lover of good things, became quite gay and loquacious, somewhat in advance (though not a great deal) of the rest of the company. He was a man of fine talents; occupied, for many years, a distinguished position in that state, and in the senate of the United States; and died either last year or the present.

Few men in this state have equalled Elisha Williams, as a jury advocate. His fine form, open, generous countenance, sonorous voice, contributed towards his success: but his great *forte* was, his manner of convincing the understanding, and then controlling and carrying the feelings of the jury and auditory with him. Some of his efforts I used to think superior to any thing I had ever heard. David B. Ogden was an able man before a jury, but not

a match for Mr. Williams. Before the court for the correction of errors, I think Ogden was his superior. Ogden had the faculty of condensing his arguments, and seizing upon, and presenting the strong points of his case, in a manner more effective than any man I have ever heard before that court; and at the same time demolishing those of his adversary.

I had letters to Hon. Daniel Webster, as well as to Judge Story; and on my way to Salem, called on Mr. W. which was the first time I had ever seen that distinguished gentleman. He invited me to a small party at his house that evening, where, among others, I met the late George Blake, an eminent lawyer of Boston; and Major Russell, editor of a leading city paper. It was in November, 1824; and the New York legislature were then in session, to choose electors of president and vice-president. The contest was between Adams, Clay, Crawford, and Jackson. I was on the Clay electoral ticket, and on the first trial five Clay electors were chosen. Had the legislature gone on, and perfected the work at that sitting, probably the whole Clay ticket would have been elected; but having adjourned, the Adams and Crawford men became alarmed; and, under an impression that Mr. Clay would be elected by Congress, should he be returned as one of the three highest candidates, as he undoubtedly would have been; they united, and divided the rest of the votes between Adams and Crawford, except one given for General Jackson. The Boston gentlemen felt a strong interest for Mr. Adams, and were very inquisitive to know what I thought would be the result in New York.

I told them I thought Mr. Clay would get a majority of the New York votes, unless the other parties com-

bined to defeat him, which I somewhat apprehended. They knew I was on the Clay ticket, and spoke kindly of Mr. Clay, as their second choice. I thought the next mail would announce my own election, with several others from our ticket; but after the first trial we were never able to command a majority; the combination controlled, and Mr. Clay failed by a few votes of being as high as Mr. Crawford. When congress assembled, they proceeded to elect a president from the three highest; and Mr. Adams, through Mr. Clay's influence, was chosen.

Mr. Clay, in my judgment, was then in a position, as speaker of the house, to have been Mr. Adams' successor, had he remained as he was, instead of taking a place in the cabinet. No matter whether he had opposed or sustained the administration, his high standing and personal popularity would have made him president; but his friends, particularly those from the west, wanted him in the cabinet with Mr. Adams, and insisted upon and controlled him. They felt unbounded confidence in him, but did not in Mr. Adams, to the same extent.

It was an error for Mr. C. to take office as it gave the opposition, an opportunity of holding his appointment up to the community, as the result of a bargain between him and the president. This was seized upon with avidity, and was believed by great numbers, though the allegation was without the slightest ground of truth. Mr. Clay was urged there by his friends; and abundant proof has been furnished, to exculpate him and Mr. Adams from the foul charge. In fact, their high reputation, and many years devotion to the interests of the country, with characters untarnished and undefiled, should have been a sufficient

guarantee of their integrity, without the abundant refutation from well-established facts.

While in New York, on my way to Boston, Providence, &c., I met Gov. Tompkins, at or near the post office, which I think was the last time I ever saw him. He was decidedly favorable to the election of Mr. Clay, and complained of the pertinacity of those democrats, (Mr. Van Buren in particular,) who insisted on forcing Mr. Crawford, in direct opposition to the feelings of a large majority of the voters of the state. He predicted the defeat of the democratic party, from these dissensions.

I had seen the Governor a year or two before, at his house on Staten Island, where with a committee from the Grand Lodge, I had gone to invite him as Past Grand Master, to attend our sitting; which he complied with the next day. Nathaniel Allen, of Ontario county, (since deceased) was one of the committee; and he was a man of integrity and great energy of character; a good democrat, and popular political leader in his county.

In the summer of 1825, I met Judge Story, at Niagara Falls, and again for a short time at Cherry Valley, where he stopped on his way home. He was at the public house kept by the late William Story, who for several years kept the stage house, which was one of the best hotels between Albany and Canandagui. The judge had observed the spelling of the name on the sign, and was criticising it. I think he said it was spelled wrong, and sent for the host to make enquiry. If I recollect right it was spelled on the sign "Storey," which on explanation, turned out to have been a mistake of the painter, for I believe they spelled their names alike,—without the *e*.

Mr. Webster was with the judge, and had been with him to Niagara.

As I am on events of 1824-5, I may as well refer to the completion of the Erie canal, which was finished in 1825; when the waters of Lake Erie were mingled with the ocean.

It was a proud day for New York, and particularly so for those who for years had sustained and upheld the canal policy. The great work was completed; and cannon stationed along the canal had announced it from Buffalo to the ocean.

I had gone to Albany to be present at the imposing ceremony, where were collected in immense numbers, citizens from every part of the state.

Masonry was then in its zenith. The fraternity were there in greater numbers, and in more splendour than I have ever seen them on any other occasion.

On reaching Albany, the public houses were all filled. I was put in a room with three others, one of whom, was the late learned Doctor Mitchell, of New York. He was there to take charge of the waters from Lake Erie, which were to be presented by the doctor to "Old Neptune." The doctor was always sociable and interesting, for his varied learning on almost every subject, rendered his conversation attractive.

The boats had arrived at the locks at Albany, where they were to be passed through into the river, when the procession formed and moved there, to perfect the masonic ceremonies, typical of the completion of the great work. The military and citizens generally were out; and the procession was striking and imposing.

The late Ezra Ames, of Albany, acted as Grand

Master. Gen. Stephen Van Rensselaer, "the Patroon," was in fact Grand Master of the State, and Gov. Clinton of the United States; but they being canal commissioners, or belonging to the canal board, were in the first boat with the other commissioners.

Several boats were in the procession, all of them loaded with passengers containing as many as could safely be on them. As they approached the lock, a deposit was made in the monument, of papers, manuscripts, and other articles, giving a history of the work. The acting grand master then proceeded in the presence of the fraternity and thousands of spectators, to adjust and place the "cap stone," in masonic forms. He finally gave the three emblematic knocks, declaring it finished. The brethren passed round, as if to inspect and verify the truth of the annunciation, performing their part of the ceremony; the cannon announced the completion; and the boats glided through the lock into the Hudson. Gov. Clinton was standing in the bow of the first boat; he was well dressed, and never appeared better. He no doubt exulted in his feelings, in the success of the great measure, on which he had for many years staked his reputation, and for which he had contended against fearful odds, and a determined opposition. I could see his emotions as they were manifested in his manly countenance. A nervous, or muscular twitching of his cheeks could not be unobserved by those who watched him closely.

It was not far from this year, though I think a few years before, Governor Clinton came to Cherry Valley. Judge Hammond, Oliver Judd, Esq. and myself, went with him to see "Brimstone Falls," as they were called; then in the solitude of a deep forest. We had no way of getting into the profound

gulf, except to go down some half-mile and descend, and then walk up to the falls, unless we crowded ourselves through a narrow fissure in the rocks, on the easterly side, and then, by a very rapid descent, reach the bottom of the gulf.

We took the latter course; but Mr. Clinton being a large man, it was as much as he could do to crowd through. I had my gun with me, and shot a large cat-headed owl, that was flitting about in the tops of the trees, secluded, as he thought, in this recess, from observation. Mr. Clinton examined him closely, made a note of the exploit in his note-book, and frequently afterwards referred to my shooting his "owl-ship." He gave us an interesting dissertation on the great variety of the owl family, with the habits and mode of life of many of them; showing himself a well-read ornithologist.

I think it was at this visit to the county, that he procured some of the "Otsego bass," which he Latinized, and called them the "*Salmo Otsegoensis*." He had an accurate drawing made of the fish, which for many years was deposited in the Albany institute, and is probably there yet. He wrote an able article in relation to this fish, which he said was not to be found in any other waters of the United States, or elsewhere, so far as he had been able to ascertain. He declared it among fish the "beau ideal" of perfection, as the canvass-back duck is among aquatic birds.

Doctor William Campbell, late surveyor-general, and myself, were made honorary members of the Albany institute; and as long as I visited it, the drawing of that fish was there, with an extract from Governor Clinton's description of him.

CHAPTER XIII.

Elected to the Assembly, 1825.—Democratic Caucus first held with open doors.—Distinguished Men in that Legislature.—Great Southern Road, the Leading Measure.—First Railroad Charter.—Ignorance in regard to Railroads.—Great Impulses from Construction of New York Canals and Railroads.—Fiftieth Anniversary of American Independence.—Extraordinary Coincidence in the Lives and Deaths of John Adams and Thomas Jefferson.—Incident of Col. Stranahan.—Morgan Outrage, and Anti-Masonry.—Reflections on Sale of Paternal Homestead.—Migratory Habits of our Countrymen.

AT the election of 1825, I was sent to the assembly, from Otsego county, by a very flattering vote, and served through the session of 1826; during which we apportioned the representation to the legislature, under the census then recently taken. Previous to organizing the house the democratic members held a caucus.

Those caucuses had always been held in secret, with closed doors, and every one excluded, except members of the "right stripe." In accordance with former usage, it was proposed to close the doors, which was opposed by several of us. Ogden Hoffman was then a democratic member from Orange county, and he, with myself and a few others, advocated a public caucus, contending that there was the same propriety in having our convocation with open doors, as there was in open county conventions, for nomination of candi-

dates. That we had no work of darkness to perform; and from the fact that these meetings had been private, the community were suspicious of them, and disapproved secret conclaves. Gen. Root, and some old politicians opposed public caucuses, as an innovation upon democratic usages; but on putting it to vote we carried the question, which threw open the doors; and since that time those meetings have generally been public. I do not recollect an instance to the contrary.

Col. Young was selected as our candidate for speaker, by a unanimous vote, and was subsequently elected by the house. He made me chairman of the committee of ways and means; a conspicuous position for a new member. That house of assembly was an able one, and comprised many men who have since taken high and commanding stations in state and national affairs. Gen. Root, a veteran politician, was there. Francis Granger was then for the first time member of assembly; John Tracy, since Lieutenant Gov.; Judge Jewett, now of the court of appeals; Judge Monell, late circuit judge; Hon. Aaron Vanderpool; John G. Forbes; Ogden Hoffman; Baron S. Doty; Gen. Sill; David Woodcock; David W. Bucklin; Daniel Wardwell; Sam. S. Lush; Stephen Allen; Asa Haskell; Isaac Hayes; Eleazer Burnham; Elisha W. King; Henry Stephens; David Woods; and Peter Robinson; the two latter having been speakers of assembly. Gen. Cruger, and several others of highly respectable talents besides Col. Young, the speaker. Few houses of assembly have contained so many good debaters, and men of practical good sense, as the assembly of 1826; and I think it may be said that none since that time have excelled it. De Witt Clinton was then Governor, who had pre-

viously recommended a road from Lake Erie, through the southern tier of counties, to the Hudson river; and in pursuance of that recommendation a law was passed authorising an exploration and survey; in pursuance of which law, the late Nathaniel Pitcher, George Morell, and Jabez D. Hammond, were appointed commissioners.

They made a favorable report, and the Gov. urged the construction of the road, which became the leading and absorbing question of the session. The house was nearly equally divided; the northern and canal counties generally opposing it. General Root and Col. Young taking opposite sides, the former for, the latter against it; between whom a bitter personal discussion took place, resulting in a quarrel which was never wholly reconciled.

After a protracted and animated debate, the bill was finally rejected by a very close vote; and soon after, the advocates of the road partially avenged themselves by repealing the law authorising a half mill tax.

Bills having in view the construction of lateral canals were also rejected, so that very little legislation succeeded, that was regarded as of deep importance to several local interests. One law however, was passed, which has in its consequences led to most important results; and has nearly changed the mode of locomotion, as well as business. I allude to the first railroad charter in the state, which was incorporated this session: Albany and Schenectady.

Railroads have become so common, and we are now so familiar with their construction, their management, and the running on them, that it is almost impossible at the present day, to realize how little was then known of them. At that time, if I recollect right, a locomotive

had not passed over the Great Western railroad, in England: and, comparatively speaking, little was known of them there. Now every one comprehends them and appreciates their general utility.

The Erie canal had been completed in 1825, which splendid achievement had enlarged the views, and removed many prejudices against internal improvements, so that men began to believe many things possible which they did not fully comprehend; and railroads were among the incomprehensibles. There was scarcely any one in the legislature who knew any thing about them, or who had a correct idea in relation to this grand modern improvement. Tredgold's work on railroads, had recently been published, and a few had slightly glanced over it, but it was not understood except by professional engineers; and hence, when they talked of railroads, locomotives, flanges, &c. the great body of the legislature had no adequate idea of the subject. It was all "Greek" to them,—“a sealed book.” I know the bill was advocated, and voted for, more to enable an experiment to be made, than from a belief that the road would be constructed.

It was apprehended that frosts in our climate would operate upon, and throw the track out of place, that it would be buried many months with snow, and that the whole would prove a failure.

Under such impressions our first railroad was authorised; and what has been the result? Twenty-five years have dispelled all illusions, solved the doubts, and removed prejudices, that then existed. Now no one is so blind, or incredulous, as to regard railroads with doubt or disfavor.

They are the great annihilators of space in locomotion; as the magnetic telegraph is, in reference to

thought and mind. The authorization and construction of this road, was but the commencement of a system of improvements, that has already spread over the country, interlacing and binding together, with iron bands, far distant and disjointed portions of the republic. The Erie canal was the precursor to many others in the empire state; and these, as a system, have demonstrated their utility and value, to such an extent, as to be followed and imitated by other states of the union. What would western New York, or the western states be worth, without the benefits of canals to reach tide water?

It was the Erie canal, under the auspices of Mr. Clinton, that shed light on understandings darkened with ignorance, or warped by prejudice; thereby creating and sustaining a system that has enlarged and diffused itself, to an unlimited extent; and resulting in benefits to every portion of the country, beyond estimation. So too, in regard to railroads, New York has given the impulse. If the history, in detail, of the various canals and railroads, shall ever be written, it will present great outlines, in a high degree creditable to my native state; and yet there has been no time, that ignorance or narrow prejudices, have not to a considerable extent existed, even in the city of New York; where certainly, the splendid revenues, and immense benefits of the canals, should have dispelled illusions that honestly existed before their completion. Party spirit seized on these prejudices, during Mr. Clinton's time, and wielded them in opposition to him and his canal projects. They have existed ever since, and still exist; and have too often been used with hurtful effects, to the great leading interests of the country. Poli-

ticians, however, have generally been rebuked; and found it an unprofitable, as well as unpopular position to place themselves in opposition to state improvements. Several instances might be given, fully sustaining and illustrating the truth of this remark.

It is a reflection in the highest degree consolatory, that my efforts, humble as they have been, have uniformly sustained the great systems of improvement, from the time canals were first urged upon the consideration of the state authorities, up to their final triumph, and the general adoption of railroads throughout the country.

To show how little was known of railroads, even by men of general information and scientific acquirements—men who had travelled abroad, and were distinguished for their devotion to projects of improvements—it may be interesting to my readers, to look at the following letter from Chancellor Livingston, in March, 1811, with remarks of the Philadelphia Ledger. Chancellor Livingston had been our minister to France—had spent several years in Europe—had patronized Fulton, in his steam-boat improvements—and yet had no adequate conception of railroads.

“RAILROADS IN 1811.—‘Impossible!’ is still a word of thundering sound and mighty influence, in the ears of some of the most sensible of people. It seems a characteristic quality of human nature, to think that each great invention or improvement must of necessity be the last. As an illustration, we copy a letter recently communicated to the National Era, written by Robert R. Livingston, (a great man in his day, and at one time Chancellor of the State of New York,) on the subject of a projected railroad. It contains a homily for progress, and a deal of amusement besides :—

“ALBANY, MARCH 11, 1811.

“DEAR SIR,

“I did not till yesterday receive yours of the 25th of February: where it has loitered on the road, I am at a loss to say. I had before read of your very ingenious propositions as to the railway communication. I fear, however, on mature reflection, that they will be liable to serious objection, and ultimately more expensive than a canal. They must be double, so as to prevent the danger of two such heavy bodies meeting. The walls on which they are placed must be at least four feet below the surface, and three above; and must be clamped with iron; and even then would hardly sustain so heavy a weight as you propose, moving at the rate of four miles an hour on wheels. As to wood, it would not last a week. They must be covered with iron, and that too very thick and strong. The means of stopping these heavy carriages, without great shock, and of preventing them from running upon each other—for there would be many running on the road at once—would be very difficult. In case of accidents, stops, or the necessary stops to take wood and water, &c. many accidents would happen. The carriage for condensing water would be very troublesome. Upon the whole, I fear the expense would be much greater than that of canals, without being so convenient.

R. R. LIVINGSTON.”

“The reader of the present day, who sees what a railroad is, and what it accomplishes, may readily laugh at the above suggestions. Yet every discovery of the present day is met with objections equally as absurd. Not that men ought to receive everything new as practicable and good; but they ought not to oppose a thing without proper examination, and because it is new, conceive it to be a humbug. Careful and patient examination is necessary, in both cases; and where such examination is made for the purpose of discovering the truth alone, the properly-informed man is seldom mistaken in his conclusions. Investigation establishes truth, and exposes error.”—*Philadelphia Ledger*.

The fourth of July of this year, was the fiftieth anniversary of our national independence; on which day, John Adams and Thomas Jefferson, by so many, and scarcely short of miraculous coincidences, closed their eventful lives. The facts that they were members of the same congress; on the same committee for drafting the declaration of independence, thereby immortalizing their names—then that each had been vice-president and president, and should have gone off the same day, and that day just half a century from the nation's birth—presented coincidences so strange and unlikely, that chance could not bring it about, one time in many millions.

Preparations were made to celebrate the day at Cooperstown with extraordinary show and spirit. Alvan Stewart was orator, and a large assemblage from every part of the county was present.

On arriving at Cooperstown, Stewart and myself ascertained that Col. Stranahan, who for many years had been a leader of the Otsego democracy, had held a respectable standing at the bar, and in the community; had behaved gallantly in Queenston battle, (though taken prisoner) was locked up in jail for debt. We thought it too bad that he should be incarcerated, when everybody else was free; so we went to the sheriff, and gave our word to indemnify him, if he would bring Stranahan to the celebration. They came; and after the oration, dined with the celebrating party.

The toasts being drank, and table exercises over, as night approached the sheriff wanted to return to the jail, and Stranahan must go with him. We were all in merry mood, and felt independent. Some one proposed to go with the colonel, and see him locked

up. Stewart, Judge Morell, and myself; and I think one or two others, went with them. I think Sherman Page was one: when, on reaching the jail, we concluded to be locked in with the colonel, to ascertain how it would seem to be confined in jail. We enquired the amount of the debt; and finally proposed to the sheriff to have an interview with the plaintiff, which resulted in our paying about \$20 each, and he losing the rest: so that Stranahan was discharged, and released from confinement. This, if I recollect right, was the last time I ever saw poor Stranahan. He seemed to have fallen from the "high estate" which for many years he had occupied, and died a few months afterwards.

During the autumn of 1826 I first visited Ohio; and while there, that wicked and ill-judged occurrence took place, known as the abduction of Morgan; from which arose the anti-masonic party that swept over western New York like wild-fire, revolutionizing a great number of counties, formerly the most democratic portions of the state.

The excitement was not confined to the western part of the state, though it was more pervading, from the fact, that the outrage being committed there, was brought more immediately under observation, and became the subject for embittered discussions in newspapers, the pulpit, and among politicians. In fact, it came very near revolutionizing the whole state: but the democratic party, planting itself on its old, well-established platform, and adhering to regular nominations, was able to withstand it in the state at large; though it found in anti-masonry, a most fierce, unrelenting, and powerful adversary. The outrage was the act of a few enthusiastic, misguided masons; who

assumed the lawless and fearful responsibility of kidnapping and carrying off Morgan, to punish him for having revealed, what he declared to be the secrets of the society.

William Morgan is represented by those who knew him, as a garrulous, trifling man; of some smartness to be sure, but not distinguished for talents or profound judgment. He had written what he called a disclosure of the secrets of the order; and several masons, more imprudent than himself—as if to give consequence to his production—by their anxiety to destroy his manuscript, and to punish him, gave it more credit for truth than it could otherwise have obtained; and, in the end, committed an outrage, from the odium of which, the society of free-masons, after more than a quarter of a century, has not yet entirely recovered.

He was seized at Canandaigua, put in a carriage, and posted hastily and secretly to Batavia; thence to Lockport; and thence to Fort Niagara, on the Niagara river; where, from the fact that he has never been heard of since, and from the threats and givings out of those who had him in custody, there can be scarcely a doubt that he was murdered.

To say nothing of the wickedness of the transaction, and its lawless assumption of power over life and liberty; it was weak and impolitic in the extreme. Had the masons disregarded the publication, it would have passed off and died away, like "*Jachin and Boaz*," and other ephemeral productions; and would soon have been forgotten: while the attempt to suppress it, accompanied by acts of violence and disregard of law, seemed to be an indorsement, that could hardly fail to satisfy the uninitiated that it contained much truth. That the public mind should be exasperated,

and wrought up to a high state of excitement, was to be expected; for the transaction assumed and sanctioned an inquisitorial power superior to law; by which a secret society claimed to have, or did exercise authority, over the liberty and life of the citizen.

It is extraordinary, that men of reputation, fair standing, and sound judgment, could have been so infatuated as to engage in the lawless enterprise. Yet it was so; for many of those implicated were leading influential men of Western New York; and hence, it is not extraordinary that the great mass of the people condemned and denounced the act, when they learned that men of property and high standing had thus violated law.

Had anti-masonry confined its exertions to warring against the institution of free-masonry, and against masons themselves, it would very likely have nearly destroyed the one in the state, and put down the others for a season, at least. But it was bitter and proscriptive; and not only denounced all members of the society, who did not renounce, and that too, whether they justified or condemned the outrage. They went far beyond this; and proscribed and denounced those who were not masons, unless they would join in the crusade against those who were; whether guilty or innocent.

Those who were not masons and refused to join the anti-masons, were designated by them as "mason's jacks;" and the "jacks" were as bitterly stigmatised, as the masons themselves, and even more so, by the anties. This intolerant spirit sealed the fate of the anti-masonic party, which in a few years pined and dwindled away.

Its operation was singular. It never made much

impression or gained much foothold in the "river counties," as they are called: or in counties where a large proportion of the inhabitants were of Dutch origin: nor did it materially affect the city of New York, or Long Island. In some towns, in the same county, it changed democratic towns, and placed them in decided opposition to the party; while in others, it rendered towns democratic that had always been on the other side. Thus, in my own county, (Otsego,) the towns of Cherry Valley, Springfield, Middlefield,, and Otsego, had always been relied upon, as the strongholds of federalism, or whatever names the opposition to the democratic party assumed; and these were completely revolutionized, and remained democratic for several years, from the mere attempt to introduce anti-masonry. They are strongly democratic still, with the exception of Cherry Valley, which, since anti-masonry died away, is able, if canvassed closely, to give small majorities for the whig party. In Richfield, Plainfield, Exeter, and Hartwick, which had uniformly been democratic towns, anti-masonry turned them over to the other side, where they remained, till anti-masonic zeal began to abate. The county of Otsego, one of the most reliable democratic counties, though much infected with anti-masonry in many portions of it, was able generally to maintain its republican ascendancy, notwithstanding the efforts of the anties, aided by those who did not profess to be such, but yet from political considerations went in with them against the democracy.

In one or two elections, they succeeded in electing portions of their ticket; owing more to the popularity of their candidates, and the unpopularity of the democratic nominees, than from the strength of parties. Nor was the sixth senatorial district, of which I was

one of the senators for eight years, so far carried away as to be of equivocal political standing, except for a single year, when the opposition carried their senator, through the joint efforts of anti-masonry and its allies, aided by some local questions in the district.

My first election to the senate was in the fall of 1829; when the anti-masonic party were quite as powerful in Otsego as at any other period, and I think more so; and my election was contested by a candidate of that party, who was defeated by nearly six thousand in the district; and, if I remember right, almost two thousand in our county, (Otsego.)

On the whole, my vote was probably increased from that kind of opposition; for I had an unusually large majority. I first heard of the Morgan outrage at Niagara, in Canada; where I stopped a few days, on my return from Ohio. I saw at that place, an acquaintance who was residing there; formerly from Cherry Valley; on whom I had, as master of the lodge, conferred the degree of master mason. He had heard rumours that Morgan had been brought to Fort Niagara, and that he had probably been murdered; and asked me if I had heard of it? On my answering in the negative, he said he had been told by certain masons in the village, that a deputation had been sent from the American side of the river, to consult with masons in Canada, as to the best mode of disposing of Morgan; and to solicit their co-operation, which had been refused. He also said, that the lodge at Brantford had been consulted, of which John Brandt, son of the celebrated Joseph Brandt, of revolutionary memory, was master, or a leading member; and that Brandt had been urged to take charge of Morgan, and dispose of him as he and his Indians should think proper.

This proposition, my informant said, had been promptly and decidedly rejected; and he was apprehensive Morgan had been sent out of the country, or slain by those who had him in charge. He did not seem to know anything about it, except from hearsay; and as this was the first intimation that I had received, I regarded it as a rumour without any foundation in fact, and thought but little of it at the time.

I have recently been informed by a gentleman from Canada, who then resided at Niagara village, whose word is entitled to implicit confidence, that he *knows* such a proposition was made to Brandt, who repelled it with indignation. My informant says, that when Brandt spoke of it, as an attempt to place Morgan in his hands, that if murdered, it might be charged as the brutal act of hardly half-civilized savages—he denounced it as a base, cowardly attempt to induce him and his nation to do a lawless deed, desired by the instigators, but which they lacked courage to perform. Indian as he was, he declared that blood in the peaceful walks of life should neither stain him or his nation. My informant added, that his denunciations were in language and in manner, that would have conferred honor on the most finished orators of Greece or Rome, in their palmiest days.

I shall have something more to say of this John Brandt, who is now dead, in another chapter.

It was not far from this time that my father frequently spoke of selling his farm. He was getting old, his children had left him, and he thought its management required too much hard work, and brought with it too many cares for his age.

It was the farm on which we had first settled, and was then under good cultivation, with a large orchard, commodious buildings and every thing comfortable.

I could not believe him in earnest, as the farm was a favorite one, on which he had resided since 1790; which he had cleared up and brought to, from an unbroken wilderness to its then improved condition. He had reared his family there, and on that farm in his new house my mother had died in 1811.

Knowing his industrious habits, and his attachment to that farm, I did not believe he would be contented off of it; or anywhere, unless he had employment that should keep him busy.

Not wishing him to sell, I rather discouraged it, but always objected to his working so much; and advised him from time to time to get a steady industrious man and woman, to take charge of the place; and he to oversee and work occasionally, as best suited him. He would never consent to any permanent arrangement of this kind, but kept along, occasionally hiring such outdoor help as was required, and keeping a hired girl to do the heavy work in the house. Had I believed him determined to sell, I should probably have bought it, for I could have paid for it without inconvenience; and rather wanted to keep it in the family; but regarding the talk of sale as the whim of an old man, who would probably change his mind and want it back again, I paid but little attention to it.

In December, 1830, I went to see him, when he informed me he had sold the farm. When he had previously spoken to me about selling, I had requested him, if he made up his mind to do so, to let me know before he made an absolute bargain. He always replied that the farm would be valueless to me—that my profession was better; and if I should buy it, one or the other would suffer from neglect.

The view he took of it was business-like, and good common sense; for it must have been just as he said

it would. But when I came to realize that the farm was gone; and that henceforth I was to feel myself a stranger, where I had spent the days of my childhood—where I had labored from year to year; clearing up, planting the orchard, erecting buildings, improving and beautifying the place—I could not but feel unpleasantly. My first thought was to try to break up the bargain, and buy it myself. There, said I, in my reflections, is the place where we first broke the forest, and erected the old log-house. My mother was then alive; shared the toils and hardships incident to a new country; discharged her duty faithfully to her family, and to community; assisted in building new houses; bore her youngest child in the house where she died; and now that place, hallowed with these associations, is to go into the hands of strangers. There is the pine-tree, transplanted when but a shrub, by my own hands; and now towering and lofty by the side of the brook, in whose waters and on whose banks I have so often amused myself. Then again those poplars, eight in number, which I brought from the nursery at one time, and planted before the house, and are now eighty feet high. Ought I to give up these, and other objects equally attractive? and make no effort to get back the *family home*, where so much of my own life was passed, and my industry bestowed?

“*The family home!*” How many associations, cherished, hallowed, and dear, does that bring to mind! My own childish existence; my brothers and sisters, some of whom have passed away; my parents, of whom one is gone, and the other verging towards that period when the grasshopper becomes a burden. Reflecting in this way, it appeared plain that I ought to secure the farm. *Pride* says, you ought to own it: you

will be disgraced to let it go out of the family. Family! what is family pride, when the policy of law is to subdivide and break up, instead of perpetuating estates? You are indulging in anti-republican feelings. Prudence (call it avarice if you please,) says, what can you do with the farm? You have a good profession: you cannot and ought not to think of giving it up. You are eighteen miles off: what can you do with it, if you buy it? You will have to lease, and intrust it to a tenant; who will require all the profits, and by some device or other will get them. He will suffer the fences to go to decay; the buildings to become delapidated. The farm will go up to thistles and briars; and here will not only be a constant drain by way of outlay, but you will be sadly vexed, mortified, and disappointed in your expectations. Common sense and many years observation, convinced me that these were sound, practical views; but I could not, without a struggle, reconcile myself to the idea, that the old homestead must go into other hands.

Shall I ever again meet my brothers and sisters under the paternal roof, where we shall all feel as if we were at home? No! that will be impossible, should it be at another place. Home! everything dear is included in that word; yet everything connected with it must be sacrificed, unless I step in and break up the sale.

Such were my feelings; but after reflecting upon it, and looking at the subject in a business-like view, I reluctantly reconciled myself to it, and the sale was consummated.

It has appeared to me that there is less attachment among our countrymen to their birth place, or the family homestead, than almost any civilized people on

earth. It is true that almost every one feels a veneration for the place where he first saw the light, and where the glimmerings of reason and memory first made a lasting impression. This is a natural impulse of our nature; and it is one, I apprehend, that grows stronger as we advance in years; still the roving propensity of the Yankee is proverbial.

Our actions but too clearly indicate us as mere "pilgrims and sojourners on earth," ready to settle down in one place, and then break up and re-settle in another, just as interest shall seem most likely, in our estimation, to be promoted. Our ancestors gave up home and country, and came here as pilgrims and adventurers, to acquire a residence where they might enjoy civil and religious privileges, and lead a life more congenial to their feelings. Restless and unsettled, they and their descendants, like the ram seen in vision by the prophet Daniel, have pushed "westward, northward, and southward, so that none might stand before them."

Not content with the vast domain, washed by the stormy Atlantic, and bounded by the Alleghanies, they have climbed the Appalachian range, and like an avalanche have precipitated themselves into the wide-spread and far stretching Mississippi Valley. Discontented, the restless backwoodsman, with axe and rifle, following the orb of day, presses on to the west, to find a more favored resting place. The rocky mountains, in solitary grandeur, interpose their eternal barriers. These, with indomitable resolution, are surmounted, and rushing down the western slope, regardless of hardships and dangers, nothing short of the great ocean seems capable of arresting their onward course, or of repressing the migratory habits of our countrymen.

CHAPTER XIV.

Visit Ohio, 1826.—Interview with Gov. Barry.—Shoot a fine Buck.—Again visit Ohio, 1835.—Maumee Country.—Wayne's Battle-field.—Fort Meigs, and incidents at its Siege.—Defeat of Col. Dudley.—Gov. Metcalf, of Kentucky.—Anecdotes of him.—Indian Burying-ground.—Removal of Wyandots.

My first visit to Ohio, as has been elsewhere mentioned, was during the autumn of 1826. Governor Clinton gave me introductory letters to several of the leading men of that young state, which, if necessary to be used, would have secured a kind reception wherever I might have gone. The roads, though excessively bad a large portion of the way, were preferred by my family to a lake passage; for in 1826, very few thought of trusting themselves on the lake, except those living on its borders, or in its immediate vicinity.

We started off in our own hired conveyance, and were upwards of a fortnight reaching Norwalk, Huron county; to which place I could now go, in the summer season, within about forty hours. Such are the facilities of travel since 1826, only about twenty-five years!

Traveling one day in the western part of Huron county, where the country was new, I stopped with my family at a log tavern; and while they strayed into the garden for peaches, I went into the bar-room.

A tall, good-looking man, who had just arrived on horseback, was sitting at the bar-room table, with some cold meat and potatoes before him, from which

and some corn bread, he was making a hasty, though cold dinner; while his horse was eating corn at the trough.

He had a bottle of rum standing before him, which he had brought from Cincinnati. I had lost my old hound, and was enquiring for him; which attracted the notice of the tall gentleman at the table. Addressing me in western style, he said, "Stranger, will you sit down and take some dinner with me, and a drink of rum? I have some that is right good, brought from Cincinnati; for I knew that nothing but raw whiskey could be obtained in these parts." A second invitation was not necessary; so without apology I sat down, and a fair demonstration was soon made towards a total demolition of the cold meat and potatoes; while his black bottle was subjected to several heavy potations. He was jovial, communicative, and social, and on the whole a fine, well-informed, agreeable man, who turned out to be Gov. Barry, of Kentucky, a decided opponent of Henry Clay; and was travelling through Ohio, as I ascertained, to organize an opposition to Mr. Adams' administration, with a view to the election of Gen. Jackson; on whose coming to the presidency, Barry was made post-master general. He had many good points; a fine, dashing, off-hand, high spirited and chivalric gentleman; open and frank, but I should think imprudent, and by no means a safe adviser in the cabinet, or discreet manager of a department. His qualities however, were such as told effectually, with such a man as President Jackson; and hence, when that great man came into power, Barry was selected as one of his cabinet.

While on this excursion, I shot a fine large buck, near the Huron river, not far from Monroeville. He

was driven from a corn field, by a small dog, in which field deer frequently concealed themselves, and fed on the corn. I heard the dog a good distance off, and soon the buck came bounding along through the small hazel bushes, with head and "flag" up most beautifully. He stopped about sixteen rods from me, presenting his side, though standing rather quartering. As soon as he halted, I took quick aim, and fired the rifle barrel. He bounded off as if unharmed, and as he came into the path, twenty rods from me, I discharged the other barrel loaded with ball and buckshot, but undoubtedly missed him, for it was firing the moment he bounded from a thicket into the path. On going to the spot where he crossed the road, I found his track, but there was no appearance of blood. The track, from the cleft hoofs spreading apart, indicated that he was fatally wounded and in *extremis*, but where was the blood? Excessively mortified, I began to think I had missed him, though I could not understand how that could be; for the rifle went quick, threw its ball accurately, I was within fair, even short rifle range, and I had good aim. The dog came up and soon solved the mystery, for he scented the deer, where he was lying in the weeds, a few rods from the road, and in plain sight. He was large and fat, with fine branching antlers, and was shot just were I intended to plant the ball.

My next visit to that state, was in 1825, when I visited its northern portions and Detroit. My wife went with me as did also Judge Morse and his lady. We took stage to Buffalo, and were wheeled rapidly through the country, and arrived at Batavia, the afternoon of the 4th of July; where, not to be wanting in patriotism, we had a bottle of champagne to drink a toast on the occasion.

Lake navigation was still held in so much fear and detestation by those living away from the inland waters, that the judge and myself could not induce our "better halves" to venture cheerfully on the steam boat, so we continued through by land, in the stage coach. He and I visited Toledo, then beginning to attract public attention; we also visited Perrysburgh, and thence up the Maumee river, to the head of the rapids. The country was new, and the greater part of the way up the river was uncultivated. The Ottawa Indians were then on their reservation, where a missionary station had been for several years established; but the Indians were a poor squalid, degenerated race, given to nearly all the vices of the native population, where they are brought in contact with the border settlements of the whites.

As we went up the river on the northerly side, we passed over the battle ground where Gen. Wayne, in August, 1794, so signally defeated the savages, and restored peace to the western frontier. He and his army came from the Ohio river at or near Cincinnati, and after striking the Auglaise, descended it to its junction with the St. Mary, thence down that river to Fort Wayne, from which place he descended the Maumee, intending to fight the Indians wherever he could find them. His army was composed of a few regular troops, and the residue were volunteers, many of them from Kentucky. They had performed a long march through the wilderness, and had suffered much. Many of the volunteers were in buckskin breeches and shirts, and had been so long exposed to the weather, that their dresses had become greasy and dirty, and were nearly black. The Indians had many white men among them; some were old Tories; others were from Canada; and some were said to be English officers.

They posted themselves where the land rises and forms quite a hill, or ascent, making a steep bluff where it approaches the river. This hill was covered with brush and forest trees, the path or trail running through them. The left of the Indian line was on the river, and this line extended back a considerable distance into the forest. Wayne had his spies, and not only ascertained their position, but that the Indians intended to make a stand. He determined to fight at once, and to surprise them with the promptness of his attack, and celerity of his movements. Dividing his forces, he sent a detachment under his second in command, to his left, who were to march westerly into the forest, and turn the right flank of the Indians, while he with the residue attacked them by a forward movement, in the thicket. He had a small cavalry force, of which Gen. Solomon Van Rensselaer was a cornet. Part of these were directed to ride into and down the river, with a view of turning the Indian left, and either cut off their retreat, or be ready to pursue when driven from their position. The bottom of the river along the battle ground is a smooth lime rock, with occasional fissures, over which the water flows rapidly, but is not deep at that season of the year. I have frequently ridden over this rocky bottom.

Having perfected his arrangements, the attack was made with great vigor. The detachment sent to the left had alarmed the Indian right, and out-flanking it, had nearly got in the rear of the right, which forced the Indians to fall back, and crowd towards the left, so that the bulk of their warriors before the battle was over, were mixed in and supported those who attempted to resist Wayne. The Kentuckians in his division, with characteristic ardor, rushed up the hill into the thicket,

where being received by a close and deadly fire they were roughly handled: but the main force supporting them, and all pressing forward, the Indians were soon forced back, but continued the fight from tree to tree, to the opposite side of the hill, where the bluff descends north east down the river. At the foot of this hill, on the north easterly side, a few rods from the river, was quite a large rock, since known as "turkey-foot rock," behind which the Indian chief, "Turkey-foot," stationed himself, when the Indians attempted to make their last stand. He bravely maintained his position, and was killed there, falling forward upon the rock when he was shot. On this was afterwards roughly engraved or chiselled out, the foot of a turkey, emblematic of the chief. It has lately been rolled out of the road, and lies by the wayside as you descend the hill coming down the river. While the Indians remained on the reservation, they always revered this rock, and would place on it tobacco, and pour on it whiskey, for the spirit of the deceased warrior, for whose untimely fate they mourned with great apparent sincerity. I have often seen those offerings of tobacco remaining where they had been placed. The Indians on being routed gave up all for lost, and retreated down the river, closely pursued by the victorious and incensed Americans. Many attempted to cross over and some were forced into it where it was too deep to ford, and were drowned. They hoped to be received into Fort Miami, at the foot of the rapids, then in possession of the British; but Wayne informed the English officer that if the fort was opened, or aid or protection given to the savages, he would storm it and put every man to the sword. He was just the man to do it, for he stormed Stoney Point, during the revolution; and there

was nothing short of the infernal regions that he would not storm, if duty required it. His announcement had the desired effect on the garrison, for the gates were kept closed against the poor Indians; and Wayne, as if to tantalize and provoke the English officer to fire on him, thereby giving a pretence for taking the fort, passed leisurely in his canoe under its guns, closely observing its means of defence, and its assailable points.

The Indians being excluded, dispersed and disheartened, made no further resistance, but sued for peace. Their crops and many huts were destroyed, and the defeat was overwhelmingly calamitous. The treaty at Greenville finally settled those difficulties.

Those large oak trees, where the brunt of the battle raged, many of which are still standing, show by numerous scars where bullets have been cut out, the fierceness of the contest. I have hardly ever passed over that battle ground without seeing an eagle perched on one of those large trees, as if exulting over the result of the battle; while on the rocks along the margin of the waters, numerous turkey-buzzards were often congregated, as if still searching for the remains of the slain, from which they desired a horrid repast.

The ruins of old Fort Miami, are still remaining, and may be seen and easily traced on the river's bank, in the lower part of Maumee city.

It was one of the western posts, retained by the British, in opposition to the treaty of 1783, and was given up with Oswego, Niagara, Detroit, and Mackinaw, under Jay's treaty, in 1795.

Gen. Solomon Van Rensselaer was shot through the body, during the engagement, but retained his seat in his saddle, and was brought out of the action though severely wounded.

A few miles below Wayne's battle-field, and about two miles above old Fort Miami, on the opposite side of the river, are the remains of Fort Meigs, where General Harrison sustained a protracted siege in 1813, and in the end repelled his assailants. The embankments and entrenchments remain, and the lines of defence may easily be traced. The unhealthiness of the position, the constant and severe services in the defence, and the exposure of the troops, necessarily subjected them to great losses; as well from sickness, as from battles and casualties.

To look at the ruins of Fort Meigs from the opposite side of the river, it has an elevated and formidable appearance; and it was so elevated, that it could rather command the British battery, though at a long shot distance. I have often been told of a daring exploit of a lurking Indian, who had crossed from the northerly side of the river, from the British camp, and concealed himself near Fort Meigs. A soldier came out of the fort in the morning, and was fired at and badly wounded by the Indian. The wounded man turned and ran for the fort, closely pursued by the Indian, who struck him down with his tomahawk, hastily tore off his scalp, and then giving a shout of triumph and defiance, bounded off like a panther, amid a shower of musket balls fired from the fort, but from which he escaped unharmed. It was an almost every-day occurrence, for Indians to climb trees within musket-shot of the fort, and to pick off men within the lines.

Nearly opposite Fort Meigs, on the northerly side of the river, the brave but unfortunate Col. Dudley, with his Kentucky detachment, were cut off, defeated, and nearly the whole corps killed or taken. His

detachment, with another under General Clay, from Kentucky, had taken boats and descended the Maumee, to reinforce General Harrison, then besieged in Fort Meigs. The river being at high water, the boats descended the rapids with safety, and landed very near the head of the island; a mile or two above the fort. Governor Metcalf, of Kentucky, was with the other detachment, and commanded a company who were all drest in hunting shirts. The detachment to which he belonged, was directed to land on the southerly side of the river, and in due time to march down and enter the fort; while Dudley was to land on the northerly side; and, after dispersing the enemy who were posted along that shore, was to march down the river, and assault the British batteries; and after destroying or spiking their guns, to retreat, cross the river, and enter the fort. A sortie from the fort was to be made at the same time, against the enemy on the south side of the river.

Before the boats landed, they were fired upon from the shore, and several soldiers were killed or wounded. The Kentuckians were brave, but not under strict discipline—eager for a fight, but rather a furious onset, than one conducted on strict military principles. As soon as they landed they rushed upon the enemy, who fell back, skirmishing from tree to tree as they retreated, and Dudley and his men hotly pursuing them. The battery was bravely carried; but “Kentuck” was not satisfied to retreat and leave the work unfinished; till the adversary was thoroughly whipped. The enemy systematically fell back; and in the retreat were broken and scattered, which necessarily broke and scattered their pursuers; so that Dudley’s men were drawn into the woods; and in almost every direction, were without

order pressing forward to fight the Indians, who showed themselves on the skirts of the forest. The retreat was a device to draw the spirited Kentuckians into an ambush, and to give time to bring up forces from Fort Miami and the main encampment. The prudent command to retreat as soon as the battery was taken and disabled; having been disregarded, this rash forward movement put everything at hazard.

Col. Dudley did all he could to repress the ardour of his troops, and to arrest their pursuit of the retreating party. He ordered a halt and retreat; and tried to stay the pursuit of his men by presenting his esponton, with a view of enforcing his order, and of compelling them to fall back. They were entirely absorbed and wrapped up with the determination to see the fight "put through," and to "lick" their adversaries, wherever they might show themselves. The terrible and ferocious Tecumseh was there; and, with Indian cunning, lay in ambush with a greatly superior force, inviting and provoking the Kentuckians to enter the thicket, for a contest; while the British were bringing up their forces from below.

The Kentuckians, broken by the pursuit, were fighting on their "own hook," without much order or command, when they were met by the enemy with augmented forces, far superior in numbers, and in compact order. The pursuers were first checked, then driven back in confusion; and the result was a total defeat and the annihilation of nearly the whole detachment. Col. Dudley was killed; and it is said, that after he was mortally wounded, he slew an Indian who advanced upon him to take his scalp. Governor Metcalf, and the division that landed on the southerly shore, repaired to the fort and assisted Gen. Harrison in its

defence, till the British forces retreated and the Americans made a forward movement. Major Oliver, who has recently died at Cincinnati, and whom I have known well for many years, was in the fort, and greatly distinguished himself by his gallant conduct, particularly in stealing at night through the enemy's camp, and going thirty miles through the woods, to hurry forward reinforcements and provision.

Almost every American reader must know who Governor Metcalf is. His services in congress, as well as in the United States senate, to say nothing of those at home, render him familiar to every one acquainted with our political affairs. Nearly thirty years ago, while he was a member of the house of representatives, he was challenged by Mr. Mc Duffie, of South Carolina, for some remarks in debate.

The Governor was not a duellist; but he knew that no representative of Kentucky could retain the confidence of his constituents, if he declined. Public sentiment in his own, as well as many other states, would not then brook a refusal. He accordingly promptly accepted; and being the challenged person, had a right to name his weapon. He made no pretensions to skill as a rifleman; but knowing that his countrymen were proverbially celebrated for their achievements with this formidable weapon, he named it as the arbiter to adjust the question. General Mc Duffie had previously been badly wounded and disabled, in a duel with Col. Cummings, which in the end, and recently too, has probably hastened his death. His second objected to the rifle; on the ground that the contest would be unequal, from the inability of Mr. Mc Duffie to wield it, owing to his having been disabled. This was freely admitted by Governor Met-

calf, who, to obviate the objection, proposed that Mr. Mc Duffie should shoot at "a rest." The result was a withdrawal of the challenge, and an amicable adjustment, highly creditable to both parties.

Should these pages ever reach the Governor's eye, I beg him to excuse me for the use I have made of his name, and for an anecdote told of him in Ohio, too good to keep, which I am about to relate. The Governor was an old fashioned war democrat, though latterly a whig, as many of the great men of Kentucky are, and in 1840 felt a warm interest in the success of his old commander, Gen. Harrison.

At home and in Ohio he is known by the cognomen of "Old sledge hammer," so it was thought he could be useful in Ohio, and they sent for him to "stump it" through a portion of the state, and address the buck-eyes. He was quartered at a village inn, and was to attend a public gathering in the evening, some distance from his stopping place. The landlord, who was also a politician, was to attend and address a meeting in another direction, but before leaving home took the governor to a sleeping room, in which were several beds, and pointed out the particular one that would be reserved for him, directing him to go in and take possession should he return before his host.

It turned out that before leaving home, the landlord had informed the black woman, who had charge of the room, that Gov. Metcalf, of Kentucky, would be there to sleep, and that the bed must be reserved for him.

During that political campaign, it was deemed necessary not only to drink hard cider, and eat corn bread, and build log cabins, but the speakers must be in appropriate costume. As the governor had served under Gen. Harrison, where he had met and associated

with many and nearly all the old leading men of the Buck-eye state, it was thought advisable that he should appear among them with his old hunting shirt, just as he appeared at Fort Meigs, and he was requested to bring the identical indomitable shirt with him; all of which he of course complied with. Disguised in this outer garment, he went and addressed the meeting, with fine effect, and received unbounded applause. Though a tall, dignified, good-looking man, I have no doubt, that in his old rifle shirt, he appeared very rough and uncouth; not very unlike a western wagoner in his frock. Returning before his host, he went to the room that had been pointed out to him, and began to undress, to take possession of the bed that had been designated for his reception. At this interesting moment, the old female darkie appeared, and interposed her peremptory objections. The governor remarked that he thought *that* room, and *that* bed had been pointed out to him; but he might have mistaken the room. She replied in good round broken negro, that it could not be his, for she was directed to reserve it for another. The governor said he had been shown a room and a bed, and he thought this was the one, though he might be mistaken as he was a stranger in the house. Her reply was substantially "You can't come dat ober dis darkie, and must find anoder place." Not wishing to discuss or contest the question with the ebony amazon, he retired to an adjoining room filled with beds, but all occupied; and there turning' down a chair, on which to rest his head, he slept on the floor during the night. Sometime afterwards the host came home, and enquired of the darkie, whether the governor had returned? She answered, "no!" that no one but a rough looking, ill-dressed man, who she thought was a teamster or

butcher, had been there, who wanted the spare bed, but she had driven him into the other room, and had kept it for the governor, who she had no doubt would be along soon. The host said she was probably mistaken, and that she had driven the governor from his bed, for he was then strongly impressed with the belief that he was the rough old hunting-shirted gentleman. She persisted in saying that she knew the man she repulsed was no governor or gentleman; but the mystery was unravelled when he made his appearance in the morning.

In 1844, I met him at Columbus, Ohio, where each of us addressed a large audience the same evening, in favor of the election of Mr. Clay, for whose election the governor labored faithfully and efficiently, both in his own and other states. Ohio was carried beautifully for Mr. Clay, but New York faltered, and hence the success of Mr. Polk.

A few miles above Fort Meigs, at Bear Rapids, on the Maumee, the Ottawa Indians had a burying place on a farm of which I was part owner. It was in an old corn field, and as long as I owned it the graves were protected. The Indian mode was to place over the grave a covering of bark. They cut small timbers and laid them parallel with the grave, with cross pieces at head and foot, laying it up log-cabin fashion, and narrowing it at the top. Over this log-work was placed the bark, making a roof, which was kept in place by laying on it small poles to press it down. At the head, between the cross pieces, was always notched out a loop-hole, to enable the spirit of the deceased to have free egress and ingress from the resting place of the body to this "breathing world," and thence back again to the charnel house. Those rude monuments are

however, fast passing away, and must be entirely eradicated within a few years.

Melancholy reflections rush on the mind, which we can neither put aside or suppress, when we dwell on the fate of the red men who once possessed this continent, and have now nearly disappeared, except in the recesses of the vast west.

Before another century passes away, the wild men of our country will be regarded as beings that once were, but now are not. History will speak of them as of the past. The canvas may represent them in their rude costume; and the fine arts perpetuate their memories, and transmit them to posterity. Civilization, in its onward course, marches over the hut and the grave of the savage, erasing all visible objects of the past; so that neither his works or his monuments remain, to tell where he revelled while living, or where he rests when dead.

It is to be hoped that a remnant, at least, may be saved from the general wreck, which can only be effected by adopting the modes and habits of civilized life. The Cherokees, the Choctaws, the Senecas, and other civilized or partially civilized tribes, afford reason to hope that the race will not become extinct; but if perpetuated at all, it must be by abandoning the savage for the civilized state. The fate of the savages of New England and New York, and in short nearly all the old states, but too clearly indicates what is to be the fate of those who reject civilization.

The Wyandots were the last of the race in Ohio. I had frequently passed over their reservation, and stopped over night among them. Several half-breeds of my acquaintance were shrewd, intelligent, and respectable; but the great body of the people had but

partially advanced beyond the first rudiments of civilized life.

Soon after their removal, I passed on horseback through their deserted grounds; where their log-houses were generally untenanted, though their booths were standing, as were the rude fixtures where their food had been cooked; for the camp fires were scarcely extinguished, but the "poor Indians" were gone. Passing again, and at no distant period of time, the white man was there, numerous dwellings had been erected, a county seat established; and now a smart village and well-cultivated fields, cover what was formerly the Indian village of "Upper Sandusky."

At this visit I met one of the half breeds of my acquaintance, who had come back to his old residence, from the new home of the tribe far up the Missouri. He came on with me to the city of New York, where we stopped for a few days together. He was a merchant, and was purchasing an assortment to take with him to his countrymen at the west. The accounts he gave of them, and of their prospects of success, were by no means encouraging. He played a good game of whist, was gentlemanly and social, and on the whole an agreeable travelling companion.

CHAPTER XV.

Visit Upper Lakes, 1836.—John B. Macy, esq., and Hon. R. J. Walker.—Reckless Speculations and Subsequent Embarrassments.—Rapid Growth of Cities, and Settlement of the Country.—Probable Growth and Importance of Toledo.—Indian Dance.—Chicago in 1836, and 1847.—Its Convention.—Visit Sault St. Marie.—Descend the Rapids in Bark Canoe.—Incidents and Anecdotes.

IN the summer of 1836, a year long to be remembered for inflated prices and blasted hopes, I went again to the west. Taking the steamer, Thomas Jefferson, at Buffalo, on which was embarked an immense crowd of passengers, who of course that year, were furnished with all the substantials and luxuries that could be procured; we passed up Lake Erie, stopping at intermediate ports between Buffalo, Toledo, and Detroit. Among other passengers was John B. Macy, esq., then of Buffalo, who had very much the control of the boat on its passage, and who gave free tickets to many of those on board.

Mr. Macy was an active, business man, engaged in forwarding on the lakes and canals; and although he has since met with adverse fortunes enough to discourage most men, yet he never falters or despairs of ultimate success. He is now one of the most active and energetic men of my acquaintance, liberal in his views, always devoted to projects calculated to develop the resources of the country, and improve its condition; and will do anything reasonable to serve a friend or

promote his interest. He is popular and well-informed, of excellent address, and admirably qualified to secure the success of any project he takes in hand. At present he is the principal agent in constructing a railroad from his residence at Fond du lac, in Wisconsin, to Janesville, on the Rock river, and thence to Chicago: and having overcome obstacles, which to almost any other man would have appeared insurmountable, has now placed the affairs of the road on such a basis that its success is no longer doubtful.

His position is a proud one, for he has the confidence and esteem of all parties in his own vicinity, and throughout that part of his state, as well as the whole extent of the road. There is another gratifying circumstance; and that is, in reference to his pecuniary affairs, which after many losses and adverse circumstances, I believe are now on a substantial basis, that will render him and his estimable family comfortable, and comparatively speaking, independent through life. He is a democrat of the old school; but liberal in his views, and without a particle of bitter or proscriptive feeling. For several years he has been on intimate and confidential terms with Hon. Robert J. Walker, the late accomplished and deservedly popular secretary of the treasury.

Mr. Macy regards him, as he undoubtedly is, one of the great men of the nation, who at no distant day, may be called to the highest position in the gift of the country; and I will venture the remark, that if the democratic or any other party shall be so fortunate as to select him, or men equally worthy, the liberties of the country will be safe, its interests promoted, and its commerce extended; while its honor will be scrupulously regarded and maintained.

I have reason to believe that Mr. Walker, shrewd as he is, and well qualified to judge of men and their worth, and capacity for business, has formed the same favorable opinion of Mr. Macy, that I have indicated. Should Mr. M. consent to enter the political arena, instead of devoting himself to the superintendence of the important railroad he now has in charge, I shall expect to see him ere long in Congress, or in some other position equally honorable and responsible. I speak thus favorably, because I have known him many years, and known him intimately; and in all our relations and our business matters, which have been many, I have found him honorable, liberal, and upright. But it is time to quit this personal digression, and return to our lake passage, in 1836. In that memorable year every one was imbued with a reckless spirit for speculation. The mania, for such it undoubtedly was, did not confine itself to one particular class, but extended to all. Even the reverend clergy doffed their sacerdotal, and eagerly entered into competition with mammon's votaries, for the acquisition of this world's goods, and tested their sagacity against the shrewdness and more practised skill of the professed sharper.

All felt rich and in fine spirits that year, and hence inordinate quantities of champagne, and other fashionable exhilarators were deemed indispensable to make buying and selling go on with alacrity.

On reaching Toledo, we found the villagers assembled to celebrate, in a suitable manner, the adjustment of the disputed boundary, between Ohio and Michigan. Judge Potter was to deliver an oration, and then a public dinner was to come off, of which many of us partook, and joined in the festivities.

From Toledo we went to Detroit, where I attended

the celebration of the fourth of July, and became acquainted with Gov. Mason.

Many of us decided on going to Chicago, by the Straits of Mackinaw, which was then thought quite an achievement, and a novelty to most of us.

As we went round the lakes we had several adventures that I noted down at the time, but the manuscript is now lost. Those on board the boat were intent on speculations, and were enquiring prices and making bargains, not only at points where the boat stopped, but continually were buying and selling on board, as the boat traversed the lakes. Towns had been laid out at every imaginable point; splendid lithographic maps had been prepared and were exhibited, and the most extravagant prices demanded and given. Money was abundant this year, and everybody had credit to get it. The whole country seemed to be in motion; and most extravagant anticipations prevailed in regard to the settlement of the country, and the rapid growth of towns on the margin of the lakes. Just in proportion to these high expectations, were the prices of village and city lots enhanced; and as almost everybody desired to purchase, the sellers soon became rich as Nabobs, on paper: but when a change, in 1837, "came o'er the spirit of their dreams," debtors were unable to pay; and creditors who relied on these payments, and on the strength of them had made other engagements—nearly the whole list of creditors and debtors went down with one general crash, and bankruptcy became the fate of most of them.

No doubt settlements would have gone on with great rapidity, and would have enhanced the value of agricultural lands, and town and city property, had it not been for the revulsions of 1837 and '8, and the embarrassments that followed them for several years:

but no state of affairs could justify such high prices, and such numerous contracts, as grew out of the sale of town lots. The obligations were too heavy, and the town lots too numerous, and very many of them altogether worthless.

High as the prices were, many of those city plats would have done much to save the purchasers from ruin, had not the embarrassments of a few years checked the settlement of the country and the building up of cities. The tendency of those embarrassments was, to depress the value of that kind of property, and did depress it much below its actual value; so that before the towns began to start vigorously, the owners were ruined. Then, as those embarrassments were overcome, and the farming portions rapidly filled up with inhabitants, such cities as Chicago, Milwaukie, and others on the lake shores, began to rise; and improvements and rapid growth followed to such an extent, as almost to justify those former extravagant prices. To look at those cities, and in fact the whole of Wisconsin, as well as other portions of the west, the increase has been such as to startle the incredulous, and almost exclude belief on the part of those most sanguine in their temperaments.

No one of those western cities has so disappointed me in its growth as Toledo. Fourteen years ago, in my estimates of the probable building up of cities on the lakes, I used to think that within a few years Toledo would surpass Cleveland and Detroit; and that after Buffalo, it would be necessary to go to Chicago, to find a rival to what Toledo was to be ultimately. I am by no means certain but I was then right, and that a few years will see something like an approximation to those anticipations.

Toledo has had a bad character in regard to health,

which has had a pernicious influence; but this is in a great measure overcome, and no doubt will be entirely, when the country is cleared up and cultivated. With a canal, crossing the state to the Ohio river at Cincinnati, through the fine Miami country, and then another up the Maumee, and down the Wabash valley to the Ohio, thus making Toledo the outlet for the unsurpassed agricultural districts through which these canals pass, it seems impossible that it should much longer be kept depressed.

Then again, the railroads that now communicate with it, and others that will soon be completed, must give an impulse to its growth and business; unless causes that have uniformly built up other cities, shall fail of producing like results in this. A few years will indicate the chances of its future progress; and to time, the enterprise of its citizens, and the influx of business, that result must be left. But to return again to our excursion:

On passing Mackinaw, we ran over to the mainland, near Point Ignatius, where the boat lay-to for firewood. The passengers generally, left it and rambled along the shore and in the adjoining woods, for several hours. An immense number of Indians were there, who had congregated to receive their annual payments and presents, whose slight tents and shelters, many of them of bark only, were stretched along the beach for two miles. They had with them great numbers of bark canoes. With several companions, I had walked down the beach nearly two miles, looking at the Indians; and in the course of the excursion, had shot at a mark with some of them who had a rifle. Mr. Carroll, of Washington city, brother of Hon. Charles H. Carroll, I recollect was with me. We met several Indians

who were gaily adorned and painted, hurrying along towards the steamer; and were at last informed, that they were going to have a dance on board. Wishing to be present to see the performance, we engaged an old lazy Indian and his squaw, to take us in his bark canoe and paddle us to the boat. He was lying in his tent, and was little inclined to go, till the offer we made the squaw, induced her to persuade him to accompany us.

The canoe was large, and eighteen or twenty of us got in; and then two or three papooses cried to go with us, and were taken on board. Next two dogs came crowding along, looking as if they were half-wolves; but they were excluded, and trudged along shore towards the steamer, howling and yelping occasionally, for not being allowed to come into the canoe.

Arriving at the boat, we found a large number of Indians on board, ready for the dance; nearly all of them naked, except their breech-cloth. Their faces were painted with rich stripes of vermilion and lines of black; and one of the varlets had one side of his face altogether black, the other deep red. Round their ankles they had their deer-hoof rattles. Some had ornamental feathers in their hair: others had girdles or straps round their waists, to which were fastened birds and squirrels, that dangled on their rumps as they danced. One, to be more highly ornamental, had a horse's tail so fastened under his girdle, and hanging down behind, as to look as if it was his own natural appendage. Two or three of the party had small drums, on which they beat time with sticks; and one of the dancers had contrived to fasten the pate and horns of the buffalo on his head, so that he was a two-legged animal actually sporting a pair of horns.

A great variety of Indian dances were performed, accompanied with the usual guttural sound, and frequent whoops and yells. An Indian, though active, is an awkward dancer. I never saw one who had the least grace of motion. His contortions are strained, unnatural, and painful; and besides these, his dance consists of little else than a monotonous stamp and tread, conforming to the beating on his rude drum; the rattles making a continual noise, intermixed with his measured intonations shouts and yells. An Indian walks well, and runs beautifully in the woods, but there is no grace or beauty in his dance. The old Indian that paddled us up to the steamer, looked on with profound interest for a considerable time, when the excitement became so high, and the temptation too strong to be resisted, and then he joined in it, with great glee and apparent satisfaction. A collection was taken up among the passengers, which was a liberal one; and the avails were divided into parcels, agreeably to Indian rules, by one or two of their leaders. One of the party attempted to cheat, by concealing a piece of money, which was taken from him, and he kicked out of the company, with disgrace. The Indians left us with kind feelings, and the boat being put under way, ran for Green Bay, passing among those fairy-like islands. On reaching the wharf, one of our party, who I frequently meet in New York, fell from the boat in deep water, but was rescued unharmed except a good ducking.

Returning from the bay, after setting an interloper on shore in the woods, we ran along the western shore to Milwaukie, (then scarcely commenced) and thence to Chicago, where there was but little except the old garrison house, a few new buildings completed, and

others begun. This or the preceeding year may be regarded as the commencement of a city now numbering 30,000 inhabitants. The few buildings there, were much crowded, and fare at the public houses excessively high. It was difficult to get a place to sleep. The night I was there I slept at the "Lake House," in an unfinished room, where there were plenty of shavings, so, throwing a buffalo skin on them, I slept comfortably.

For town lots, they asked prices far beyond my estimate or comprehension; and I would "have none of them."

My oldest son was with me; and we crossed the lake from Chicago to St. Joseph, and thence by stage wagons to Detroit; a most uncomfortable mode of travelling, as the roads *then were*. For the next ten years, I passed over Lakes Ontario and Erie in almost every direction, and in almost all kinds of weather, more or less every year; but did not go again to Chicago till the summer of 1847, when I went as a delegate from the city of New York, to the river and harbour convention. What a change had been wrought within that ten years! Chicago was no longer a city merely on paper, with a few poor sparse buildings; but had become a substantial city, abounding with commerce, and a thrifty, industrious population of more than twenty thousand.

Such are the benign influences of our political institutions, that from an influx of foreign as well as our native citizens, the last four years have added to the wealth, the business, and the population of this city, a ratio of increase much beyond previous years; and its prosperity and onward course appear now permanently established for many years to come.

The convention having completed its labours, many

of us who were members took passage on board the steamer St. Louis, for a pleasure trip to the Sault St. Marie. More than two hundred I should think were on board, and a fine enterprising jolly set they were.

I have now before me a letter, written by me on board the St. Louis, while on Lake Huron, dated July 14th, 1847; giving some of the incidents of our excursion, a portion of which is here transcribed.

“Among our passengers were many from Ohio—Gov. Corwin, Gov. Bebb, Messrs. Schenck, Phillips, and others. A large representation from Pittsburgh, twelve from St. Louis; Thomas Butler King, of Georgia, some from Indiana, Illinois, &c.; many from New York, and in fact from ‘everywhere.’

“Touching at Southport, Racine, Milwaukie, &c. we proceeded north, to the ‘death-door’ passage, through which we entered Green Bay, among the beautiful islands; and thence easterly to the ‘Manitou’ Island. On arriving at Mackinaw, a large proportion of ladies and gentlemen went ashore, and spent the day on the island, where they had a pic nic and dance; ran foot races; with other amusements, indicating much hilarity and fine flow of feeling, when they came on board. Champagne had been liberally sent on shore from the boat, which no doubt contributed to the gaiety of the occasion.

“About twenty of us remained on board, intending to go sixteen miles to the mainland, northwest of Mackinaw, passing on its southerly side going, and on its northerly returning; so that we sailed round the island. The object of the excursion was to fish for speckled trout, in a stream known as ‘carp river.’ We were put ashore in the yawl, properly prepared with hooks and lines, to take any trout that would condescend to

give us a nibble. To do the work successfully, and with scientific skill, it was necessary to wade the river, a course which George W. Clinton, J. L. Barton, and others who professed more science than I did, and were far more enthusiastic, adopted; and were of course both wet and muddy.

“I sported from the shore, and thus avoided getting wet: but take the party together, I suppose a more forlorn, seedy, and graceless-looking group was never seen. The weather was hot, and the sun shone with uncommon lustre and power. The mosquitoes were enormously large, thick, and hungry, and determined to have their share of the sport. Being sharp biters, they drew blood wherever they perched themselves: and I am sure I do not enlarge in saying, that some of the party had more than fifty stings and blotches in their faces, where blood was drawn; to say nothing of their hands and ears. We took about two hundred trout, and returned to Mackinaw, from whence, on the assembling of the passengers, we expected to start that evening for the *Sault*, to arrive there the next morning; but the boat did not get off till Sunday morning.

“We had a New England clergyman on board, who preached to those who went in the cabin to hear him; but as his services commenced just as we were going out of Lake Huron, into the bays and river leading up to the Sault, where every thing was new to us, several kept aloof, preferring to remain on deck, and view the beautiful scenery they had come so far to see.

“They regarded it as not in good taste to volunteer a sermon at this particular time and place, however well intended. I have passed down Lake Ontario, among the Galloes, and the St. Lawrence, among the Thousand Islands, so through Lake Erie, and Green Bay,

where the islands are beautiful and enchanting, yet have I never beheld scenery and views so picturesque as the water, and islands, and headlands present, as you go towards the Sault. A large proportion of the inhabitants of Sault St. Marie, were half breeds, and on arriving there we found the public houses thronged and crowded to overflowing. We were to remain there the next day; and our party amused themselves, some by loitering about the town, others strolling up the river above the rapids to the schooner's, that run to the copper mines, on Lake Superior.

"The weather was excessively hot, thermometer ranging at ninety-seven. Judge Stevens, of Buffalo, Mr. Wakefield, of Ohio, and myself, wishing to fish for trout, hired an Indian, (George,) to take us in his bark canoe, and paddle us across the river, nearly a mile wide, and then to keep us in rapid water where the trout were to be found. He was introduced to us as a faithful fellow, who knew where to find the fish, and who would manage his canoe with perfect safety.

"He had a boy seated in the stern, who with his paddle assisted in steering and moving us about. To give a specimen of his skill, George struck across the river, just at the foot of the rapids, so near that the rough water as it pitched and tumbled, danced our canoe about right merrily, occasionally taking in a little water that dashed over its sides. As we fished among the breakers, George and his boy kept forcing the canoe up the rapids on the north side, through the creeks that came down parallel with the main river, from the capacious estuary above, so that at last we reached the level of Lake Superior, having ascended twenty-three feet. The bed of the river is full of rocks, some above water and others just beneath, with thousands of them

scattered from one side to the other, nearly a mile in width, and at least a mile down to still water. Over and among these the water rushes and tumbles in the wildest confusion, shooting off in every direction, in currents and eddies very much like the rapids above Niagara, the whole channel appearing white with the surging element. We were at the smooth water some way above, and proposed to George to set us over from the Canadian to the other side. He thought the wind blew too much down the river to cross over, unless we went further up, where it would be much wider. He proposed to run us down the main river, which he said he could do with safety; that by keeping out of the creeks, and keeping near the Canadian shore, we should find plenty of water, and thus avoid breaking the canoe upon the rocks. That he had been familiar with the river for twenty years; had run the rapids often, and never upset his canoe; and though we were one and a quarter mile from the foot, he could run it in five or six minutes.

“We remarked that three men had been drowned there a few days before, and their boat dashed to pieces, and there must be danger. He said the boat was overloaded, and the sailors who navigated it knew nothing about running the rapids, and nothing better could be expected.

“On crossing the river in the morning, I had a strong desire to run the rapids, as an amateur; but before reaching the still water above, and seeing how many rocks there were, and how rapid the current ran, this desire abated, and I preferred passing over, instead of running down.

“George reasoned all fear out of us, and we concluded to let him do as he pleased. He told us to sit down

in the canoe and remain steady, without stirring, and then asked us to look at our watches, to see how long he would be in going his mile and a quarter. After we had got ready for the descent, we offered George some gin and water, of which he partook; and on asking him if we should give some to the boy, he shook his head, and said 'No, the boy is good enough boy without gin.' On starting, I remarked to my companions, that if we should get drowned so soon after three others had met with that fate, no one would give us any credit for it, but would set us down as fools at least, if nothing worse.

"We descended with race-horse speed, the canoe gliding down the rapids with the velocity of an arrow, and safely bearing us to the foot of them in about five minutes.

"It is surprising to see with what skill an Indian manages his canoe. He sits in the prow to steer it, and puts the paddle in the water near the forward end, at its side. The race down the river was of course exciting, and as we had made it with safety, it seemed to pay for all the trouble we had incurred, and the risk we had run. The canoe would seem to be running into an immense heap or surge of water, as if it was going to enter it ten feet below the top; or would be apparently about to run upon a rock that threatened to dash it in pieces, when George, by a little pull or push with his paddle would steer clear of the apparent danger, almost but not quite touching it. Many of the passengers from the other side of the river saw and admired the velocity of our descent. One of them, a sober, sedate citizen, with much assumed gravity, took us to task for running such an unnecessary risk, which probably by the example, as he said, would induce

others to run and lose their lives. He remarked that no one had a right to sport with his life by such risks, forgetting that the rapids had been run in canoes for a hundred years with comparatively few accidents.

“Many ladies were on board the boat, and dancing parties were got up almost every evening. Among some of the gentlemen all kinds of fun, frolic, joking, swearing, playing, and drinking, was constantly going on. Among the Missourians was Doctor S. of St. Louis, who gave us infinite amusement. He left us yesterday for Mackinaw, to return home by Chicago. He is a man of wit and humor, rather smart, and of great colloquial powers. He kept his copper hot all the time he was with us. On one occasion he took a copious draft of cold water, when one of his associates, who is editor of the St. Louis Revue, remarked that the water would ‘be a d——d surprise to his stomach;’ another replied, ‘if it was not to his stomach, his stomach would be to the water;’ and a third said, ‘listen, and hear him condense the water into steam.’

“Bloomer, the accomplished steward of the boat, gave me a memorandum of the stores put on hoard for the trip, which to those not acquainted with the abundant supplies provided in those large upper lake boats, would excite wonder and surprise: but as I have already extended this article to too great a length, the stores must be omitted, though if stated at large they could not but interest all amateurs who delight in ‘creature comforts.’”

CHAPTER XVI.

Election to the Senate.—Centennial celebration, Feb. 22, 1832.—First breaking out of Cholera.—Great alarm.—Court for Correction of Errors meet in New York.—Death of William H. Maynard.—Slight attack of Cholera.—Several Legislative Incidents.—Introduction and passage of Bill to replenish General Fund by Loans from Canal Revenue.—Opposition of City of New York to Canals.—Chenango Canal.—Black River and Genesee Valley Canals.—Erroneous Estimates of Engineers.—Report in favor of Black River Canal.—“Stand still” Policy.—Report of Samuel B. Ruggles.—Criticism on that Report.—Canal Policy sustained by Western New York from beginning.—Criticism on Judge Hammond’s opinion in regard to State Debt.

IN 1829 I was elected to the senate for four years; my first session commencing January 1st, 1830. The autumn of 1834 I was re-elected, and served four years more; just four years too long, for I ought not to have gone back a second time. The last year of my service I was elected president of the senate, by a nearly unanimous vote; which position I held till my term of service expired. During my first term, (Feb. 22nd, 1832) we had a centennial celebration of Washington’s birthday: the two houses, by concurrent resolution, uniting with the city authorities and citizens generally, to pay respect to the day, and to the memory of the father of the country. Oran G. Otis, member of assembly from Saratoga county, delivered an excellent oration. I was chairman of the committee of arrangements, which consisted of members of both houses, making it a joint committee.

In addition to the adjournment of the legislature, and the attendance of the members, as well as the state officers and governor, to hear the oration, and make other demonstrations of respect, a ball on a magnificent scale was got up by the citizens, of which the joint committee of arrangements acted as managers, in concert with those appointed by the citizens. Hon. John Townsend was the chairman of the citizens' managers; and they made me chairman of the whole board. The ball was held in the City Hall, which was magnificently lighted, from the first-floor up to the interior of the dome, with lamps of every variety of colour. Invitations were sent out to almost every part of the state; and citizens from the country as well as the cities, attended in great numbers. The supper was excellent; and among other conceits, our host Drake, of the American, had a pie prepared, covered with a crust, on the removal of which two young pigeons, disengaged from their delicate confinement, flew away and fluttered about the dining room. Dancing was kept up till a late hour; or more appropriately speaking, not an early hour in the morning.

It was indeed a splendid affair; probably the most so of any that had ever come off in Albany; and it will be many years before it will be surpassed. How many of those then redolent with life are now gone? and in so short a space! It really makes me melancholy to think of it.

The next summer the cholera made its appearance, while the legislature were in extra session, and such was the alarm that it induced hasty legislation, and a speedy adjournment. It is hardly possible to realize the fear and excitement that it produced. Many emigrants were coming to the city by Lake Champlain, from

Canada, and so great was the fear, that a cordon of police officers, and even an armed force was proposed, to prevent the ingress of those coming from abroad.

The law passed on that occasion, bears incontestible evidence of the fear that pervaded the community. On the close of the week before our adjournment, several senators went with me to the Mountain House, on Catskill mountains, where we spent Saturday and Sunday, and returned to Albany on Monday. No pains were spared by those at the Mountain house, to guard against the fearful malady, by generous living, careful diet, and moderate exercise. The fine bracing mountain air, had an exhilarating effect on the system, so that we felt renovated and quite improved by the visit. We amused ourselves by strolling about in the fastnesses of the mountain, and viewing the splendid cataract in the vicinity of the mountain house, over which young Foster, of Utica, was recently precipitated, and strange to tell was not dashed in pieces.

Among those who went to the mountain, I remember Hon. Trumbull Cary, of Batavia; Senator McLean, of Washington county; Senator McDonald, of Westchester; Hon. Nathaniel P. Tallmadge; and some others.

In the month of August, the court for correction of errors, was to meet in New York, where the cholera was still raging, but it was necessary to go there, and open and adjourn the court if nothing more. Judge Nelson and myself, went together through Schoharie county to Catskill, thus avoiding Albany, where the disease was prevalent and fatal.

We had a thin attendance of the members of the court, but a quorum appeared, and agreed to adjourn at once. William H. Maynard, from Utica, one of our

most talented members, was present. He had received letters in the morning advising him of the sudden death of several of his neighbors in Utica, which distressed and evidently much alarmed him. We stopped at the American, where we dined together the day that I left the city. Maynard sat next to me at table, and drank moderately of port wine which was then regarded as an antidote. I saw he was alarmed, and tried to cheer him up. I cannot say that I had personally any fears; for I put myself in the way of looking at some of the subjects, as they were carried to the hospital. Still I felt as if it was prudent to leave the city, and not voluntarily expose ourselves to danger.

On leaving the American to go to the boat, Maynard went to the door, and shook hands with us. His countenance did not look right. I asked him when he would return home? He answered in a desponding tone, "probably on Thursday." That was the last time I saw him, as he was taken with cholera next day, and died a short time afterwards.

He was a man of splendid talents, greatly beloved, and lamented by his associates in the senate, and by citizens of the state generally, and particularly his constituents.

Senator Hubbard, of Chenango, returned with Judge Nelson and myself, and took breakfast with us at Catskill. We had not driven more than twelve miles, when he was suddenly taken ill, with all the symptoms of cholera.

The Judge drove the horses, and I held Hubbard, and supported him in the wagon the best way I could. We procured and gave him medicine, and finally got him near Schoharie, where we intended to stop with him and procure medical attendance. The proprietor of

the tavern was fearful and unwilling to admit a cholera subject, and declined, till I told him to put him in a room, and lock him in, and I would remain with and nurse him; which I did till morning. He had a severe attack, and did not fully recover for a considerable time afterwards.

On my return home I concluded to take my family and travel with them through the southern counties to Chautauque. This I did with my own horses and carriage, making easy stages, which I thought would be conducive to health instead of exposing them to sickness. While stopping at Bath over Sabbath, I had a very severe and sudden attack, which I have no doubt was cholera in a modified form; which in the city would have been a decided case. It had all the appearances of the disease, and prostrated my strength at once. The physician treated me as he would a cholera patient, and within a few days I was able to resume the journey.

Eight years services in the senate, where I was generally on one or more important committees, and nearly all the time chairman of one, necessarily connected me with much important legislation. For several sessions I was chairman of the judiciary committee, and was a member of that committee, at other sessions. Sometimes on the canal committee, and committee of finance, (ways and means.)

My votes will be found uniformly in favour of a liberal system of canal and other public improvements. At an early day I had taken the canal side of the question; and in 1817, '18, '19, and '20, &c. had uniformly supported Mr. Clinton in that policy.

No doubt several of my votes in the senate were indiscreet; but I never doubted, and do not now doubt,

but that our canal improvements, take them as a whole, are immensely beneficial to the state, in every point of view. And not only so in reference to business matters and intercommunication, but in a strict financial view of the question. This position I uniformly maintained in the senate, in opposition to daily denunciations, from men who should have been friends instead of opposers of the canals; and who predicted ruin and bankruptcy to the state, for not yielding to their clamor.

The canals have finally fought themselves, as it were, into favor; and the splendid annual revenue derived from them, establishes the position, that as a mere monied investment, looking only to revenue, the state in no way could have more profitably used its money or its credit; while the enhanced value of property, the increase of population, and the facilities for markets at cheap rates, have been of incalculable benefit to the state and union.

The principle adopted in the present state constitution—setting apart a portion of the earnings of the canals, to reimburse the general fund of the state—had its origin in a bill that I introduced in 1835, as a substitute for direct taxation. The bill, I think, was brought in on notice: I am sure without much previous consultation with members of the senate.

The comptroller, Mr. Flagg, had recommended a direct tax, as he had done in several annual reports. These recommendations were seized upon by the opponents of canals, particularly all the lateral canals then constructed, authorized, or asked for; and in short, against all appropriations. The general fund of the state was represented in the senate and assembly, as nearly “used up,” and the treasury bankrupt. It appeared to me quite obvious, that these representations

were the ebullition of feelings against the whole canal policy, as I have no doubt they were with many; though the canals were yielding an annual revenue that should have silenced these clamors. It was thought by many of the canal advocates, that some of the state officers encouraged these vituperations; and that the tax was recommended, to induce the legislature to limit their appropriations, particularly in reference to canals; or to take the responsibility of levying a tax. I was willing to take that responsibility, whenever it appeared necessary; but I did not wish the canals, or the canal policy, decried and rendered unpopular, by representing to the community that taxes *must* be levied to sustain that *policy*, when the canals were yielding so prolific a revenue.

The tax proposition had been warmly debated, with but little prospect that it would become a law. The bill which I drew up, proposed that when a sufficient amount of money was collected to pay the Erie and Champlain canal debt, for the payment of which the earnings of the canals were pledged by the constitution, and then had nearly provided for their payment—the state should annually borrow from the canal fund \$300,000 dollars, for the use of the general fund.

This bill was submitted to the comptroller, who said he could get along well enough if it was passed, but expressed doubts whether it could be, as the canal counties would prefer retaining *all* canal earnings, to repair and improve them. I felt sure the advocates for canals generally, would stand on better ground in the estimation of tax-payers, if we could show the canals paying back to the treasury, (for the loan was merely paying back) than to pass a law for taxing them, and the canal fund to retain all earnings: and

with this impression determined to introduce and press the bill to a vote. It was not necessary for the comptroller to inform me, that the bill would be opposed, or to indicate where the opposition would come from; for I had considered that before. If carried at all, it must be by a portion of those opposed to direct taxation, uniting with representatives from the remote parts of the state, north and south of the Erie canal, with the co-operation of the river counties, and of Long Island, and a considerable portion of the city of New York. Strange as it may now appear, the city representatives, when Mr. Clinton proposed the canal, were generally against it; and so a large portion of them had been in opposition to that policy, in almost every subsequent session.

It is indeed passing strange that it should be so, when it is certain that no portion of the state derived greater benefits from the canals, than the city. Long Island, and the counties along the Hudson, for many years, felt their interest was not promoted, but rather injured; and hence, very naturally, went for a law that should make the canals begin to pay to the state, instead of drawing from the tax-payers. The bill authorized the money withdrawn from the canal fund to be regarded as a *loan* to the state, for which separate accounts were to be kept; the object of which was to steer clear of objections, growing out of the constitutional pledge of all canal revenues, till the canal debt was *paid off*. The debt being not yet due, and consequently *not actually* paid, it was intended to provide money enough for its payment, and the state then to become a borrower: no one supposing the money borrowed would have to be repaid to the canal fund. By putting it in the shape of a *loan*, we could count on

several votes, that would have gone against an appropriation of money from the canal to the *general fund*, except as a loan. And here let me observe, that a discreet legislator will always put his main proposition in such a shape as to realize what he desires; at the same time keeping out of it such matters as may be regarded as objectionable, by those who are to pass upon it.

The object was to strengthen the general fund, and replenish the treasury; and whether it was called a loan, or merely taking money from one pocket and putting it into the other, was of no consequence. The support expected from the remote counties was predicated on the fact that they wanted local and lateral improvements, to put them more nearly on an equality with the favored counties along the canals: and as it appeared reasonable that they should participate in the benefits of state improvements, they would probably replenish the treasury from the canal fund, in preference to taxing their constituents; and again, would be more likely to succeed in their local projects, than if taxes must be resorted to, over the whole state.

Such were the general views; portions of which were explained to the representatives of different sections, and a strong interest was soon combined in favor of the bill. It was introduced, called up in due time, warmly opposed, and part of the time bitterly, particularly by the representatives from canal counties; and in the end, was carried by small majorities in both houses. To this law may be traced the principle of that provision in the recent constitution, setting apart annually a portion of the canal revenue, for the support of government and the payment of the state debt,—a provision much more wise and salutary, than

the restriction upon the legislative power of contracting debts for improvements. Had the latter provision been in the old constitution, we should probably have no canals even at this day.

This law seemed to reconcile the remote counties, and I think was fairly due to them. I have no doubt that the advocates of a liberal but discreet prosecution of our internal improvement system, stood better in the estimation of the community at large, after its passage than before; and this was an important point that I wished to attain.

The canals are now more in credit than ever; and prejudices that used to exist, are nearly effaced. No part of the state is injured by them, while every part is benefited, either directly or indirectly. As I am on the subject of canals, I will throw together a few additional remarks. I have already stated my constant support of the canal policy, from its first commencement; and that I wished to continue it, by a discreet application of the means and credit of the state, so far as its ability would permit. Hence my votes in assembly and senate have been uniformly favorable to the policy, though not always in favor of each particular canal.

In the assembly I voted against the Chenango canal, and voted for it in the senate several years afterwards. My vote in the assembly was given in 1826, when I represented Otsego county, that had a rival project quite as objectionable, and I think more so than the Chenango, and never combining half its strength. The objection of my constituents to the Chenango, would have induced me to vote against it, even if my individual predilections had been for it, which they were not. Nor was I desirous for its passage when elected to the

senate; though my position was then changed; as my senatorial district favored it by a very decided support. Still I never did believe it was to be a productive canal, nor was I satisfied with the estimates of its cost; and knowing that a large proportion of my own county was against it, I was not displeased with its rejection in the assembly after I was in the senate. The truth is, it was an embarrassing question, and that it should be postponed was not objectionable. The applicants, nothing daunted, continued to press their project; and by enlisting Oneida, Madison, Chenango, and Broome, which counties felt a strong local interest, they were enabled to come back with more strength at each session.

The Otsego canal project was in a measure lost sight of, as that county had no backers from abroad; but the Chenango had grown so strong, that it entered into many other subjects of legislation; controlling and directing some, and defeating others. Politicians seized upon it and gave it support; and thus entering into the elections and the legislature with so much strength, no one could be so blind as not to foresee its eventual success.

The immensely large majorities in Chenango and Broome, for Mr. Granger as governor, over Governor Throop, showed the political influence it swayed above all other considerations; and almost every one in the legislature wanted it out of the way, though many would not vote for it who desired its success, rather than to have it remain for further agitation. Application was renewed, and in due time it passed the assembly, by a respectable majority; and with the endorsement of that body, came to the senate, where it seemed to have about an even chance of passing;

and then I was appealed to by the advocates of the canal, as one of the senators of the district, to sustain it. My three senatorial colleagues were for it; and all the assembly men from that senatorial district favored it, except three from Otsego, and one or two others; one of the Otsego representatives being decidedly for it. Knowing that my own county cared but little about it, except perhaps about one-third of the county, along the Susquehanna, who from a desire to have a canal from the Erie up to Otsego lake, and thence by Slackwater, or otherwise down the Susquehanna, wished to defeat the Chenango. Beyond this interested rival view, the other two-thirds of the county felt but little interest in either question, (other than that of dollars and cents) except the western part of Otsego, which favored the Chenango canal; and the representative from that section advocated and voted for it.

I did not believe it was to be a highly profitable canal, nor did I suppose it likely to be very burdensome to the state. Convinced that it must, beyond a reasonable doubt, pass next session, if not at the then present, I made up my mind, that, representing a district from which at least three-fourths of the assemblymen, and the same proportion in the senate favored the project; in which more than one-fourth of my constituents felt a deep personal interest, and a large proportion of the others, though rather indifferent, yet tolerating if not actually encouraging the application, it was not my business to defeat it, and thus perpetuate the contest, when representatives from other portions of the state were voting for it. With views like these I voted for the canal, which passed and was constructed.

With the knowledge we *now* have of railroads,

I should hardly vote for that canal; nor would I have voted for it at the time, had I supposed it was to cost as much as it actually did. The truth is, the legislature was shamefully imposed upon by the engineers, in reference to the cost of this, as well as the Genesee Valley and Black river canals. Their estimate for this was about \$1,000,000, and it cost upwards of \$2,500,000; the Genesee Valley, about \$1,000,000, which will probably cost \$4,000,000, if not \$4,500,000; and about \$1,000,000 for the Black river canal and feeder which is likely to cost \$2,000,000 or more.

The coal trade was always put forward as a probable business, that would eventually enhance the value of the Chenango canal; which from present indications, will soon be realized; so that in the end that canal will be much more productive than it has been, and probably somewhat profitable; but hitherto it has been a hard bargain for the state.

The Genesee Valley canal, though I voted for it, should never have been authorized farther south than Mount Morris, with a branch to Dansville. To those points from Rochester it would have paid well, and to that extent the project was feasible and meritorious.

Experience has shown the attempt to climb the high ridge at Mount Morris, with a view of reaching the Allegany river, has been the expensive and objectionable part of the work. The engineers either mistook or deceived themselves in regard to the expense, and the legislature misjudged in heeding their advice. The New York and Erie railroad will accommodate that part of the country lying between Mount Morris and Olean; and though the canal will undoubtedly be of considerable benefit to those in its vicinity, yet with the railroad constructed, it may be unfortu-

nate for the state that the canal was authorized beyond Mount Morris. Still it must be recollected, that at that time, it was extremely doubtful whether the road would ever be built; and if it was, whether it would answer the business purposes that it probably will. For lumber, and heavy bulky articles of that region, I suppose the canal will be decidedly preferable; and when completed, and paid for from the earnings of the canals generally, it will not be a matter of deep regret, that this and the others were authorized.

The Black river canal for which I voted, and for which, in behalf of a majority of the canal committee, I drew a long report, was the more favorably adopted by the committee, from the fact, that the canal commissioners had decided on the necessity of drawing water from the Black river, or Fish creek, to supply the long level of the Erie canal, about to be enlarged.

The expense of constructing the feeder, from the former, was estimated at about one fourth of the estimated expense of the canal, and the improvement of the river for steam tugs and canal boats, from High Falls to Carthage, opening a canal communication from Rome to Carthage, some seventy-five miles through a heavy-timbered, secluded part of the country, and ten miles of navigable feeder, making eighty-five miles in the whole.

As the feeder had to be constructed at so much expense, it was deemed best to couple with it the canal and river improvement, which if successful would have been well enough, provided the expense had not been greatly beyond the estimate. With the enhanced expense, it remains to be seen whether the measure was a wise one, and this is only to be ascertained from the test of experience. Had the actual cost been foreseen, I do

not suppose the canal would have *then* been authorised. Now look at our canals, as a whole; and although the construction of some of them should be admitted as indiscreet, and by far too expensive, yet, what a splendid revenue they produce, and how much they have enhanced the value of the state, and increased its population! With the Erie canal enlarged, the certain enlargement of the Oswego canal, now half-authorised by its authorised enlarged locks, and the unfinished lateral canals soon to be completed, the state with a greatly reduced tariff of tolls, will be able to pay off the state debt, meet the ordinary expences of government, and extend canal facilities to other parts, stretching its net-work of internal navigation to remote and still secluded sections. Nor is this all, for the canals will do this, and furnish abundant means to sustain common schools and school district libraries, without resorting to taxation.

Who with statesman-like views, can contemplate these improvements and splendid results, and not feel proud of the canal policy? For one, I neither regret having sustained that policy; nor on the whole, the votes I have given.

It is now fifteen years since I drew, for a majority of the canal committee, the report in favor of the Black river canal and feeder; and yet the canal is not completed.

At that time the canal commissioners and engineers, and I believe the canal board, estimated the expense of the Erie canal enlargement at twelve million dollars; and the time necessary for its completion, twelve years. The stop policy afterwards adopted delayed all the canals several years, and subjected the state to heavy losses, for damages and dilapidations; and it is now

apparent that the enlarged canal, and also the laterals, were not estimated by the state officers, within a hundred and twenty per cent. of what they have and are to cost.

As a matter of curiosity, it may not be uninteresting to review this report, which I suppose presents the main points on which the senators relied, who voted for the canal: I am sure it does my own. The committee adopted the estimate of the canal commissioners and engineers, as the basis of their report, so far as estimates of expense and time for construction, entered into their consideration.

To see how near our estimates would have been realised, had the Erie canal been enlarged within the time, and at the expense proposed; and whether our estimates of increased canal revenues, were a fair approximation to actual results since, I have concluded to transcribe the substance of that report.

Senate Document, No. 36. Feb. 8th, 1836.

“The committee have had the subject under consideration, and have regarded it as presenting several important questions, both as it respects the public at large, and the interest of that part of the state more immediately concerned.

“So far as the public is concerned, without particular reference to the petitioners, the committee have considered it, in connection with the already authorised project of enlarging the Erie canal, as calculated to contribute a large share of water that will be required on the Rome level. That a large additional supply will be wanted, is officially announced to the legislature by the report of the canal board.

“From this report it appears that the enlarged canal

will require, in addition to the present supply, 14,546 cubic feet of water per minute, on the Rome summit; and the Black river, or Fish creek, have been looked to as the source from whence it must be drawn.

“The report of the engineer, accompanying the report of the canal board, estimates the quantity that may be drawn from the Black river at 14,681 feet per minute, and the expense of the feeder at \$221,469; while by the same report, a feeder from Fish creek is estimated at \$158,482, and the quantity of water 13,725 feet per minute, which is below the required amount. It is therefore, obvious that one or both of these streams must be resorted to; and when it is considered that the quantity of water in each will decrease as the country shall become more improved and open to the sun, the committee suppose that although the Black river feeder will cost the most, yet the commissioners cannot well hesitate to give this the preference, where more than is wanted may be obtained, while the other will fall short. If the Fish creek should be selected, the committee suppose it would require all the water in dry seasons,—and this too, below the estimate. This would subject the state to heavy damages, on account of mills and machinery depending on the stream below the feeder, which in the end would approximate very nearly to the expense of the Black river feeder. This objection, the committee believe, will not to any considerable extent apply to the Black river, which, comparatively speaking, is not much occupied with mills or machinery, between the contemplated feeder and the High falls. The committee suppose a large portion of the Black river may be turned into the Erie canal, and yet leave water enough for present mills on the river, and supply a canal from the Boonville summit, northerly, to the

High falls; and below these falls they suppose there will always be an abundant supply not only for navigation but for hydraulic purposes. The committee are aware, that if a canal is constructed from Rome to the High falls, part of the river will be needed to supply the northern portion, and thus abstract part that might otherwise be taken to the Erie canal. But they suppose, that in addition to a portion of the Black river on the summit level, several small streams may be taken into that level, such as Alder, Benedict, Fisher and Mill creeks, which by previous surveys, may be as cheaply taken into the canal, as to be passed under it. Then, for the levels north of the summit, it is supposed the Moose and Sugar rivers may be taken in, yielding an abundant supply. They therefore assume, that there is abundant water for the Black river canal, and that it may contribute largely to the wants of the Erie.

“Another argument in favor of the Black river, (even if Fish creek should be deemed sufficient,) arises from the probability that those asking for the Black river canal, will scarcely perceive the propriety of expending near \$200,000 for a feeder only, with an inadequate supply, and their section of country excluded from a participation in our canal system.

“The committee suppose, the present application will not be abandoned, even if the Black river should not be selected as a feeder, or if resorted to as a feeder only, and this project having for twelve years been regarded as an important auxiliary in our canal system, and having been favorably received in the other branch of the legislature, not only in the reports of its committees, but last session, passed by a strong vote, your committee suppose the applicants may with great propriety persevere, and in the end meet with success. The

committee therefore, believing that ultimately the Black river will have to be resorted to as a feeder, are decidedly of opinion that when so resorted to, a canal should be constructed; and so far as the expense of the feeder shall become a question, the present funds of the Erie and Champlain canals may be appropriated. They are the more induced to recommend its construction, from the fact that the state is interested in the project, from having large tracts of lands belonging to the school fund, the value of which, it is believed, will be much enhanced by the construction of the canal, and the contemplated improvement of the river. The committee forbear going into a detail of the project, the general outline of which, is a canal from Rome up the Mohawk and Lansing Kill, to the Black river, at the High falls, (about thirty-five miles,) with a navigable feeder from the river, ten or eleven miles to the summit level, near Boonville; also an improvement of the river for canal and small steam boats, from the High falls to Carthage, forty miles; making eighty-five miles of navigation, at an estimated expense of \$1,070,000.

“ Since this subject was before the legislature, at its last session, we have had another year’s experience, under our canal system; and the result is not only gratifying, but a most triumphant vindication of the wisdom of its projectors, and of successful management on the part of those having the canals in charge. The increase of business has been such, that notwithstanding the reduction in the rates of toll, the revenue has gone on increasing; and we may safely anticipate a steady and rapid annual increase for the future. The Chenango canal is in such a state of forwardness, that we may look for its completion during the ensuing season, so that the construction of the Black river canal

need not interfere with the Chenango, by drawing off laborers from the latter, as the surveys and examinations for the Black river canal will not be completed much before the Chenango.

“The canal and river improvement will afford a cheap and easy access to a vast timber and lumber region, so essential to ship building, and to the various wants of community, that our cities and villages seem to have a deep interest in the project. Secluded as this section of country is, these important articles cannot now find their way to market. They will not bear transportation, and must be suffered to remain as they are, or be destroyed in vast quantities, as the country is cleared up.

“True, the lockage is great, and presents a formidable barrier. But this height, formidable as it is, has to be overcome by animal power, whenever products are sent to market, or merchandize received in return; which if more cheaply done by canal, will be so much saved to community.

“The state of New York has taken the lead in internal improvements, which has not only given it character and eclat, but has added untold millions to its wealth and resources. The committee cannot too highly extol the wisdom of this system, and they regard its commencement as the brightest era of the state, though for a time undoubtedly prejudicial to some portions, now in a great measure overcome, by accommodating their business pursuits to existing circumstances. Still, the committee believe there are portions of the state, (and the Black river region is one,) where they now, and must for a long time labor under disadvantages, should the state stop its advance in internal improvements.

“ If the legislature had deemed it advisable to suspend all further expenditures for improvements, till the final liquidation of the public debt, there might be an apparent propriety in urging applicants for this canal to wait ten years longer. But when the public authorities are prepared to sanction other expenditures to a large amount, it is unreasonable to deny this application, from the mere fact that the state is in debt. The state, however, has not, nor will it arrest the further prosecution of its public works; the authorised enlargement of the Erie canal marks its policy on a gigantic scale.

“ That canal, as it now exists, is sufficient for the business of the citizens of this state, for many years; and one of the effects of its enlargement, will be to extend its benefits to citizens of other states, whose products, by the reduction of expences, will be invited from fertile regions 1,500 miles beyond our state, in direct competition with our farming interest. The committee do not object to the policy of enlarging the Erie; but they do object that canal making shall be confined to one particular portion, to the exclusion of other parts of the state; and that such enlargement shall be urged as a reason for refusing other applications, when the enlargement is not only to benefit the citizens of the already favored portion of the state, but to citizens of other states far beyond.

“ A merchant at Green Bay or Chicago, can now obtain his goods about as cheap as they can be delivered at Lowville; and agricultural products from the great west, reach the sea-board at about as low rates as from the section of country intended to be benefited by this canal. The tendency of this state of things, is to keep real estate stationary, if not to depress its value, in the secluded counties, and not only to retard their settle-

ment, but to draw their inhabitants to more favored regions. When we consider the low price of land in the western states and territories, their unrivalled fertility, the ease with which they are brought to and cultivated, the mildness of their winters, and their proximity to our immense inland seas, and then, super-add the facilities for reaching market, through our canals, we cannot but perceive the fearful odds of our agriculturists, in entering into competition with the highly favored west.

“The committee, however, hope to see an enlarged and liberal spirit of legislation, that while it cherishes that part already favored, shall not overlook the humble pretensions of the less favored portions, north and south of the present great thoroughfares. They do not intend to recommend a rash and extravagant expenditure, that shall create an unwieldy state debt, or to alarm the fears of liberal-minded, well-informed citizens, with apprehensions of such a result. The only doubt of the committee is, whether the state should *now* embark in this new work. In reference to the time of its commencement, they have looked, first, to the ability of the state to carry it on, and secondly, whether it should be delayed till the Erie canal is enlarged, or partially so? They think that after expending so large an amount in constructing the Erie, by which expenditure and the facilities for business, the agricultural, commercial, and manufacturing interests in its vicinity, have been so much advanced, it would be unequal and unjust to refuse to other portions, a participation in the public bounty of the state, while the enlargement is being made.

“It is estimated that twelve years, and as many millions of dollars will be required for its accomplish-

ment, thus cheapening transportation, and by an annual expenditure of large sums of money on the favored route, giving a stimulus to business not enjoyed in other parts of the state. Why then, should citizens residing in remote sections, where canals may be constructed, be required to wait this long period, (more than half a generation) till the other is completed?

“It has been before remarked, that the present canal is sufficient for our own citizens, were it not used by those of other states. The policy of enlarging, (in which the committee concur,) is to secure the business and transportation to and fro of the products and return cargoes of citizens out of the state, as well as our own within.

“To compete for, and to secure the trade and business of the great west, is an object for which a state or empire may well contend. New York, while she will indulge in no petty jealousies or rivalries, will nevertheless put forth her whole strength for a fair participation in the golden harvest. To suppose her indifferent to this result, would be to suppose her recreant to the interests of her citizens, and as overlooking the unrivalled natural advantages of her position.

“While, therefore, to secure this immense boon, the committee approve of the enlargement, and that too at a more early period than contemplated, if necessary, they think the secluded parts of the state should not be denied a few millions, in the construction of works greatly promotive of their interest, provided the financial affairs of the state will warrant it. They therefore reject the proposition, that all lateral canals shall be suspended till the Erie is enlarged, and turn to the enquiry, whether the state, in reference to its fiscal concerns, can safely embark in further public works?

“If the policy of the state indicates, as recommended from high authority, the propriety of applying \$1,000,000 annually from canal revenues, for twelve years, to complete the enlargement, the committee can see no impropriety in borrowing for lateral canals such reasonable sums as may be necessary; and of reimbursing them from canal revenues, after the Erie shall be enlarged; and they feel confident that the earnings of a few years will repay such loans. Why then should the state hesitate as to this policy, when it is certain that the construction of lateral canals will greatly enhance its aggregate wealth, while it stimulates and benefits the local portions: and when it is as certain as any future event can be, that the canal revenues will in the end furnish ample means. By anticipating these means, and substituting the credit of the state, we immediately accomplish the desired objects; and hold out inducements to our own citizens to remain, and emigrants to settle with us, instead of going to other states.

“It is said the treasury is nearly exhausted. If this be conceded, it must be recollected that a large portion has gone for the construction of canals, that are abundantly able to respond to the uttermost farthing; and as the people have had the benefit of the expenditure, without taxation, if a light tax should be resorted to for a few years, till the canal revenues are released from the constitutional pledge, no good cause of complaint would exist.

“If it be said the canal policy has impoverished the treasury, we point with pride to the last year, showing a revenue of \$1,000,000 over all charges, and constantly increasing. But this is not all. The committee might point to a rapid increase of inhabitants, unexampled

agricultural prosperity, farms highly cultivated, cities springing up as if by magic, and an increase of wealth beyond computation. Although the general fund is nearly exhausted, yet we have in its stead our canals, with an increasing revenue much beyond what that fund could have produced; and though we have a state debt, yet apply the cash on hand for its reduction, and we find it decreasing with such rapidity, that were it not that the state has resolved on enlarging the Erie canal, the whole debt would be provided for before 1845, and an amount would accumulate by that time, much beyond any previous means of the treasury. They therefore cannot doubt the ability of the state to accomplish desirable improvements, and that too without burthening its citizens.

“The committee will submit a few observations, showing upon what estimates they base their conclusion of the ability of the state to go forward. The Erie and Champlain debts will be provided for during the ensuing month of June, and probably by the first of that month. The auction and salt duties, estimated at \$330,000 for the first year, will go far towards meeting the ordinary expences of government, with a probable increase, and may go to the treasury. They therefore return to the canal revenues \$1,000,000 over and above expences and repairs; and are rapidly increasing, though the tariff of tolls has been annually reduced.

“No further great reduction of tolls can be made, until the canal debt is actually paid, in 1845, being restricted by the constitution. The committee believe, that the increase of business and tolls on the canals, for the last five years, will warrant the assumption that for the next nine there will be an increase of revenue equal to \$160,000 dollars per annum; and on enlarging the

canal, or even doubling the locks, with the present rates, they cannot doubt that for the last three years of the term the increase will be much greater. The expenditures the present year, on the Erie and Champlain canals, beyond ordinary repairs and expences, will probably not exceed from \$300,000 to \$400,000; so that it is fair to presume, \$500,000 at least of this year's earnings will remain in the treasury at the end of the year. The committee do not believe it will be necessary for the purposes of enlargement, to draw this sum from the treasury; because, after the present year, the earnings of the canals each year will be sufficient to meet the estimated amount for the enlargement—\$1,000,000. They therefore think they will be safe, in estimating this \$500,000 at the end of the year 1845, including interest quarterly at five per cent., at \$800,000. Then, after the year 1837, \$300,000 each year is to be retained from the canal revenues, under the act of May 11th, 1835, which with interest at same rate to the end of 1845, will amount to \$2,100,000; these two items alone amounting to \$2,900,000. The increase of business and tolls on the canals, they suppose will largely exceed the estimated amount. But suppose the state, for the purpose of expediting the enlargement of the Erie, should apply all the tolls, or should borrow and create a stock, payable in twenty years, to complete the enlargement at an early period, and to construct lateral canals? In that case the committee cannot doubt, but with the tolls at present rates until 1845, and a large reduction after that time, that in twenty years the canals would yield a revenue, not only sufficient to enlarge and double lock the Erie, at estimated expence, and pay off all the present state debts, but to construct the Black river and several

other lateral canals. The question, therefore, seems more appropriately to be, whether the state will borrow in anticipation of its means, than whether it will be in possession of means within fifteen or twenty years, to liquidate such loans?

“ In looking for results based on these estimates, reliance must be had on the good faith of citizens of the western part of the state, to keep up a reasonable toll after 1845; and the committee will not believe, that the representatives of those counties, and canal counties generally, will object to a reasonable revenue, for the purpose of constructing practicable lateral canals. In previous legislation, in reference to canals, the western representatives have manifested a spirit of liberality that illy comports with a supposed design to render the canals in a measure free to all ‘comers and goers.’ To reduce the tolls to a nominal amount, would be to bring the products from the *far west* in direct competition with our own citizens, as well in the western as in other parts of the state. When it shall become a question, whether Canada and the western states shall use our canals for a nominal toll, the committee believe the western counties will act with other portions of the state, and insist on a rate of tolls that shall keep them in repair, and a reasonable amount for revenue.

“ The committee feel great confidence that they are not mistaken, in their estimate of business hereafter to be transacted on the canals. The increase from our own state has been immense, and will enlarge from year to year, not only from the increase of population and wealth, but from the necessary demand and enhanced prices in our cities and villages, for timber, raw materials and products from the country. Every

road and avenue leading to our great thoroughfare will add to its business, and the canal under consideration will contribute essentially to that object. It will induce settlements in the Black river section, heretofore deemed inexpedient; and thus bring under cultivation large tracts now a wilderness. But without relying on the business of New York, may we not with perfect certainty look to Upper Canada and the western states, as affording business enough to warrant all the assumptions of this committee?

“Ohio, comparatively speaking, has scarcely found the way to our metropolis; and the other western states are far behind Ohio. Twelve years more, and this young and vigorous member of the confederacy will have nearly 2,000,000 of inhabitants, and the increase of business will far more than equal her population. Within twelve years Michigan will probably have half a million; Indiana, 1,200,000; Illinois, 800,000; and Wisconsin, 300,000. The upper Mississippi, including Missouri, will resort to our canals, for transporting a great proportion of their products to market, and bring back a rich return of mercantile commodities; while we may reasonably expect to transmit through these avenues a large portion of merchandise for the states south of the Ohio. Nor are our western brethren insensible to the superior advantages of our state improvements, in reference to their sections of country. Illinois has determined to connect the Illinois river with Lake Michigan. The Mississippi will soon be connected by navigable rivers and canal with Lake Michigan by Green Bay; and probably by railroad from St. Louis to Chicago. Indiana has recently passed a law, contemplating an expenditure of \$10,000,000 in canals and railroads, the principal part of them looking

to lakes Michigan and Erie as the outlets to market; while Ohio is pushing forward her canals, to connect with the latter great natural outlet.

“The committee believe they do not look in vain to our canal revenues, as presenting in prospect an abundant fund for liquidating all reasonable expenditures for canal purposes. If a retrospect of the *past* can be relied upon as shadowing forth the coming *greatness of the future*, in reference to the *mighty west*, they might strengthen their position, by calling to mind what it was forty years ago, and what it is now. Then an unbroken wilderness, possessed almost exclusively by savages—now, comparatively speaking, a garden; interspersed, to be sure, with large tracts of uncultivated country, but with a soil rich and inviting, and capable of sustaining as dense a population as any under the sun. Within thirty-five years, and within the recollection of a large proportion of this senate, the population, even in that part formerly known as the north-west territory, has from a small beginning arrived at about 2,500,000. Now if in perspective we could behold the results of the next forty years, and some wizard could conjure up and show us the immense groups that will then be there, the committee suppose, that after registering the astonishing number of seven millions of human beings, the cry would be ‘still they come.’

“It may perhaps be supposed, that the committee, from an overheated imagination in contemplating the past, have erred in their estimate of the future; and have presented a fancy sketch, on a grave subject of legislation: but fully believing that the *great and unrivalled west*, with a soil inexhaustibly fertile, teeming with an enterprising, industrious, and public-spirited

population, outstripping all ordinary rules of increase, both in numbers and in wealth, will fully answer all just expectations, not only rendering what may appear illusions of fancy probable; but in their results will be found the sober realities of life. Believing this, they have prepared a bill, which they now ask leave to present."

By those unacquainted with New York legislation, and the course taken in reference to canals, it may be asked, how has it happened, that, though the canal revenues have increased fully to the anticipations of the committee, yet the state debt is largely increased, and neither the enlargement of the Erie, or the construction of the lateral canals is yet completed? The answer to this query has already been intimated, but may be profitably enlarged upon. When the committee made the Black river canal report, they adopted the report of the state authorities having charge of canal improvements, as to the time necessary, and the expence of those improvements, as the basis of senatorial estimates.

The *then* proposition was, to enlarge the Erie canal with double locks, within twelve years, by expending \$1,000,000 per year. The canals would have furnished this amount, and left a large balance in the treasury: but it now appears, the enlargement will not fall much, if any, short of \$28,000,000. Then, as has been remarked, the lateral canals have greatly exceeded the expence of their estimates; to which may be added, a large amount paid for damages on suspending the public works, while the partially completed works greatly deteriorated by delay and dilapidation. All those estimates in regard to expenditures were greatly below actual cost, while the canal revenues

have gone beyond estimates. It will be found, by comparing the estimates of the committee of the senate with the actual earnings of the canals, that the committee would have been fully sustained by results, had the estimates of expences and time for completing the works been anywhere near right.

It would swell these remarks too much, to go into a discussion in regard to the "stand still" policy which was finally adopted by the state. Those questions have been elaborately discussed and passed upon; and no good can arise from further discussion. It had its origin partly, from the difficulty of raising money at reasonable rates, as had been done before, and has been since; but more from political considerations, that induced a large portion of the democratic party to go against further loans, with a view of discrediting and counteracting the policy of the whigs. The democratic leaders who took this view of the question, argued against creating a debt except as means were provided for its early extinguishment; and not only this, but that the work should not go on, except as the money could be furnished from the earnings of the canals.

The whig party, almost to a man, urged the vigorous prosecution of the public works, and the early completion of the canal enlargement: in which policy a large portion of democrats coincided, who were known as hunkers, of whom Gov. Bouck was one, who was open and decided in his views. Those democrats who took the other side, insisted on the stop policy, which in regard to contractors, was nothing more or less than repudiation on the part of the state, which in the end had to pay largely for violating its contracts. They also took ground against public improvements,

for an indefinite time at least; and then, aided by those who sought every occasion to discredit the canals, particularly the laterals, finally succeeded in arresting the public works.

The embarrassments growing out of the suspension of specie payments, the prostration of individual as well as public credit, the great reduction of currency, and general bankruptcy that ensued, presented difficulties not easily surmounted. To these must be added the tirades against the credit system, and vituperation against banks; while a hard money currency was lauded and urged as the only constitutional currency, and by far the most desirable. These, all combined, had a pernicious influence on the credit of the canals, as well as the credit of the state.

Mr. Samuel B. Ruggles, chairman of the committee of ways and means in the assembly, (decidedly whig) had previously made an able report, in regard to the fiscal concerns of the state. It has been much criticised, commented upon, and misrepresented; but it was able and statesman-like; and in regard to estimates of canal earnings, and the ability of the state, so far as revenue was concerned, has thus far stood the test of experience. The canals have exceeded, and probably will continue to exceed his estimates: but the public were not prepared to take the enlarged views of state affairs that he had taken; nor could capitalists, always absorbed with the *mere* question of profit and loss, fully comprehend it. They, of all others, are most timid; particularly in times of depression and embarrassment. The holders of present stocks of course would not desire to see them depressed by an issue of new; and as monied affairs then were, with political clamor and opposition, the issue of any considerable amount of

new state stock would have that tendency. Hence the time was unpropitious, and large amounts of money could not be realized, except at ruinous rates of interest.

Mr. Ruggles showed the ability of the state to sustain a debt of \$40,000,000 at 5 per cent. interest, and at the same time create a sinking fund, that would extinguish such a debt within a given number of years, without resorting to taxation. He recommended borrowing money, to complete the enlargement of the Erie canal; a policy which, if it could have been carried out, at five, six, or even seven per cent., I think no sane man would now regret had it been done. I have not his report before me; but I think he did not recommend the creation of a \$40,000,000 debt, though he discussed and shewed the ability of the state to sustain it; and perhaps it may be inferred from his report, that individually he would have gone for it.

He and the whig party have been charged with a design to create such a debt; but certainly, the house of assembly, of which he was an influential member, did not act to the extent of any such suggestion; nor did they go as far as the democratic senate, in regard to the authorization of loans for the enlargement of the canal.

As I have before remarked, Mr. Ruggles demonstrated, by a course of reasoning based on what the canals had done for a series of years, showing that there had been a constant and large increase; and then, deducing that from the rapid population going on at the west, an annual and large augmentation of business and tolls might be relied upon, for a like series thereafter. This view he enforced, by estimating that after the canal was enlarged, the business and tolls must also enlarge; so that the annual increase

would be much greater than for the preceding series : and hence argued that the revenues would not only pay the interest of \$40,000,000, should the debt go to that amount, but would pay off the principal within a given number of years. It is now about fourteen years since that report was made ; and any one who will look at the earnings of the canals from year to year, will find, that with the rates of tolls greatly reduced, the annual increase has been much beyond his estimate. But the annunciation of such a proposition, in relation to the ability of the state, was seized upon by political leaders on the other side, to represent him and his party as prepared to plunge the state into an enormous debt, that would cripple and paralyze it for years. The timid were alarmed ; capitalists hesitated. The embarrassments of the times, the opposition and denunciations of politicians striving for power, with the natural timidity of monied men, interposed difficulties, so that loans could not be made on fair terms.

The whigs lost power ; and the " stop policy " became the law of the state. The weak point in Mr. Ruggles' report, if there was any weak point, was not in the estimate of the means of the state, or the amount of canal revenues ; but in not fully realizing, under the then depressed state of affairs, the difficulty of borrowing at rates compatible with the public interest, such sums as were necessary for state purposes. Hence, when at a subsequent period, attempts were made to borrow comparatively small sums, they were obtained with difficulty ; and objections were interposed by holders of state stocks, against creating and issuing new. Could money then have been obtained, on as favorable terms as it could be now, or in 1836, and even in 1838, all the loans contemplated by Mr. Rug-

gles could have been made, and the state would have realized a handsome profit from premiums. As money matters were two or three years afterwards, the sacrifice would have been considerable, and much too great, even if the money could have been obtained. I have no doubt, that were not the state prohibited from borrowing, except under restrictions imposed by the constitution, a loan of \$5,000,000, or \$6,000,000, and even more, might now be advantageously negotiated, as suggested by Governor Hunt; by which large premiums might be realized, and the state enabled to complete the canals within a very limited period, and much to the interest of the public.

In reference to canals and many other projects of internal improvement, it is almost incredible that the city of New York, whose prosperity is so intimately connected with the opening and sustaining those great avenues, so essential to the promotion of the agricultural and commercial interests of both the city and the state at large, should have allowed itself to be placed in opposition; and yet, strange as it may appear, the city, through its representatives, has not only once, but often sturdily resisted those improvements.

The law authorising the Erie canal, was forced through the legislature in opposition to a large majority of the city members. It was Western New York,—the old western senatorial district,—the then most democratic part of the state, that stood by Mr. Clinton, and mainly sustained those measures, so beneficial to both the city and country; and which the city sometimes from political reasons, and at others, from the influence of monied men, who could not comprehend the value of improvements, so strongly resisted.

To look at the opposition, so frequently urged against

the enlargement of the Erie and Oswego canals, except by a slow-paced, snail-like movement, that shall nearly use up the present generation, one would suppose, that a large proportion of those in the city, even with an experience that ought to open the eyes of the blind, and unstop the ears of the deaf, are still insensible to their own interests, or indifferent to that of the state at large. Is it political infatuation? A failure of vision to perceive the interest of the city? or a total disregard to its future growth and prosperity? or a sordid feeling, that looks only to present profits, and immediate results? It is a suicidal policy, of which the city has many times been guilty, and probably will be again.

How different has been the course of Buffalo, situated at the far western terminus of the canal! That young city has grown to manhood within a few years, its growth greatly augmented from the facilities of business, resulting from our internal improvement system; and its citizens have had the good sense to perceive their interest, and to sustain that policy. No matter what party has been in power, whether whig or democratic, or anti-masonic: all have gone for a liberal system in regard to canal improvements.

I have been much surprised that a man of the intelligence and liberal views of my friend, Jabez D. Hammond, and one too, who has sustained the canal policy, should have allowed the paragraph that I am about to quote, a place in his "Political History of New York." At page 426 of his second volume, speaking of the law authorising the Chenango canal, he uses the following language: "I have been the more particular in relating the origin, progress, and consummation of the scheme of making this canal; because I regard it as the commencement of, or entering wedge to, a system

of measures and a policy which *have involved this state in a debt, which, for ought I can perceive, will continue to accumulate; or which, at all events, will not be extinguished by the present, and I apprehend, many succeeding generations.*" This must have been written, not far from 1842; and the Judge must have been under the influence of those panic anti-canal speeches, that prepared the way for the "stop law," and "stand still" policy of the state, which cost millions to pay damages. He must have known what the canals had been earning the preceding years; for he would esteem it a sorry compliment to suppose him writing about the revenues and debts of the state, and not to have acquainted himself with its finances. He certainly must have known what the canals had been earning over and above repairs and superintendance, as I take it for granted he had consulted the annual reports.

Had he analyzed them, as he did in 1848, when he wrote the "Life and Times of Silas Wright," he would have found that the net earnings, applicable to the enlargement of the canal, or for other state purposes, as had been or might be directed were as follows:

1837	-	-	-	-	\$717,803.
1838	-	-	-	-	841,888.
1839	-	-	-	-	1,111,517.
1840	-	-	-	-	1,060,000.
1841	-	-	-	-	1,533,224.

I have taken the above from a table appended by the Judge himself, on page 88, of the "Life and Times of Silas Wright," published in 1848; which table goes on, and gives the earnings for several years succeeding 1841, viz:

1842	-	-	-	-	\$1,177,771.
1843	-	-	-	-	1,457,733.

1844	-	-	-	-	1,802,400.
1845	-	-	-	-	1,714,566.
1846	-	-	-	-	2,202,861.
1847	-	-	-	-	2,866,000.

This shows an increase in ten years from \$717,803, to \$2,866,000, about fourfold ; which, one would suppose ought to have quieted those gloomy forebodings. And if he will look at the net earnings each year, up to the last, he will have great reason to hope that the state is not to be burthened with a debt that shall afflict the present and "many succeeding generations."

When the judge prepared his table, and wrote the "Life and Times," it would have been a favorable opportunity for him to have corrected previous impressions, if he had, inadvertently or otherwise, fallen into an error,—which I have no doubt he would have done had it occurred to him; but as he did not do so, I hope he will excuse me when I apply to him the substance of what he says in reference to Mr. Wright, on pages 93 and 94, where speaking of his anti-canal report, in 1827, Judge Hammond says: "It seems to us that he did not perceive and fully appreciate the resources of the state; that his apprehensions of its incapacity to make public improvements and pay for them, were too gloomy and desponding; and it is certain, that in 1827, he, in common with all other intelligent men, was greatly mistaken in the estimate he formed in relation to the amount of revenue which might be received, and which, in fact, subsequently was realized from the canal."

As an offset to the Judge's opinion, in 1842, I will hazard a prediction, that those who may be living fifteen years hence may compare and decide between them. We shall now probably have the enlargement

of both the Erie and Oswego canals completed within four or five years; and I will estimate the amount at \$12,000,000, instead of ten millions to be added to our present state debt. My prediction is, that with rates of tolls so reduced as to defy all competition, the present generation, reckoning from the completion of these enlargements, will see the present debt, and the \$12,000,000 that may be added, paid off or provided for, and the state left with an annual revenue, that without taxes will defray the ordinary expences of government; support free schools, and school district libraries, all over the state; endow colleges and academies; relieve the deaf, dumb, blind, and insane; and still have a large surplus to prosecute other necessary improvements. Certainly, with the excellent provision in the constitution, setting apart a portion of the canal earnings for payment of interest, and a sinking fund for the ultimate extinction of the principal, no one should despair of the payment of the state debt.

I believe Judge Hammond takes a different view of the canal question now, and the probability, nay certainty, of paying off the state debt from the canal revenues, from what he did in 1842: for he not only approved of the recent law, authorizing loans on the credit of funds pledged by the constitution, for enlarging and finishing the canals; but wrote one of the best and most convincing articles, in favor of the policy and constitutionality of the law, that appeared during the excited canvas preceding the special election.

With the kindest feelings towards him personally I have felt that I ought not to pass over the extracts from his works that I have given, without a criticism; because they relate to legislative matters in which I had no inconsiderable share, and in which I acted

under convictions, in regard to canal revenues, so different from those expressed by him, that I ought to dissent from his conclusions. My report on the Black river canal, which has been partly transcribed in this chapter, will show my reasons for voting for lateral canals in 1836, and on what estimates of revenue those votes were given; and now, with annual earnings by the canals of about \$3,000,000, which will probably increase, I am willing to submit to the test of experience, and to the judgment of those who come after me, whether those former estimates have not been more than realized; and whether my votes, though liberal, were not statesman-like and appropriate?

CHAPTER XVII.

Caucus Manœuvres.—Election of Nathaniel P. Tallmadge, to U. S. Senate, in 1833.—He opposes the Independent Treasury Bill.

IN February, 1833, a senator for congress was to be appointed. Nathaniel P. Tallmadge had entered the senate with me, in 1830, and was then on the last year of his term. He had discharged his duties with zeal and fidelity, was popular and conciliating, of highly respectable talents, and had acquired a strong position in the senate, as well as in the assembly.

His friends proposed him as candidate for the distinguished position, which seemed to be quite favorably regarded. It was soon obvious that he was to meet with a decided opposition, though it was by no means so clear who was to be his opponent. Senators and members of the house, who professed to be the more immediate exponents of Mr. Van Buren, were opposed to Mr. Tallmadge.

Several of them took the ground that he was by the state constitution, ineligible to the office ; and this from first being whispered round, was soon openly put forward. A friend of Mr. Tallmadge, in the senate, introduced a resolution, referring the question to attorney General Bronson, whose report was decidedly favorable on the constitutional question, which, with a sound lawyer, as the constitution then stood, could hardly have been different. Mr. Van Buren happened to be in

Albany a few weeks before the appointment was made, and remained there until very near or about the time the caucus was held. He stopped at Congress Hall, where Mr. Tallmadge and myself, with several other senators and members were staying, but professed to take no part in the question while the canvas was going on.

A few days before the election, Mr. Van Buren being in Mr. Tallmadge's room,—as they were frequently in each other's rooms, though they never exchanged a word about the senatorship,—Mr. Tallmadge thought he would sound him on the subject, and remarked that his name had been mentioned in connection with the appointment. Mr. Van Buren made no reply, but turned or checked the conversation, by enquiring whether Mr. T. had read the life or works of George Canning, then recently published. He left the room a few moments afterwards, politely saying, he would send the books for perusal; which he accordingly did.

The inference that Mr. T. drew, was a very natural one, which was, that Mr. Van Buren was not favorable, and that he preferred some other man; which was the only inference that could be drawn.

A day or two before the caucus, a friend of Mr. Tallmadge was in Mr. Van Buren's room, and seeing a book lying there, took it up; and on opening, found it was the journal of the constitutional convention.

Leaves were turned down at portions having reference to disqualification of members of the senate and assembly, for other offices, during the term for which they were elected.

Knowing that the opponents of Tallmadge were urging this objection against him, he and his friends had

no doubt that Mr. V. B. entertained the question, and had been consulting authorities. Edward Livingston represented the city and county of Albany that year; and I think was speaker. He was ardent and active, and very much devoted to politics; and under party influences. He was one of the first to propose Mr. Tallmadge, and proffered him his active and decided support; which I have no doubt he then intended to render. But a few days before the caucus, "a change came o'er the spirit of his dream." For a considerable time after the question began to be agitated, those opposed to Mr. Tallmadge, had not fixed on a candidate. They were opposed to him, and in favor of "some good sound republican, that the party might agree upon." Three or four days before the caucus, the contest began to assume a more definite shape; and it was given out that Judge Sutherland was to be the opposing candidate. He was brother-in-law to Mr. Livingston; and from the course taken by Livingston before and at the caucus, it looked very much as if the Judge had been made a candidate with a view of detaching Livingston from Tallmadge's support. Whether intended for that or not, it had that effect; for he called on Tallmadge before the caucus, and frankly told him that he could not support him, though he admitted that he had been in favor of him, but Judge Sutherland being a candidate, he must now go for him; and remarked that Sutherland had been urged and pushed into the canvas by Mr. Van Buren. The contest was now becoming active and earnest; and as it was apparent the vote would be exceedingly close, both sides were vigilant, that a vote should not be lost. It was in fact, a contest among veteran politicians; not your militia-fighting, but well-drilled regulars were in the ranks, who

had been disciplined and were familiar with "regency tactics."

The caucus was held, and those opposed to Mr. T. were active in urging the constitutional objection, as well as others which they supposed might influence the members of the caucus. Short debates followed, in which his friends maintained that he was eligible, and manifested as much determination to sustain him, as the other side did to defeat him. A ballot was had, the result of which was that Tallmadge lacked one or two votes of a majority of the whole. The votes on the other side were nearly all given for Judge Sutherland and Benjamin F. Butler; but Mr. Butler was considerably a-head of Sutherland.

From the time the judge was named as a candidate, we felt quite sure we could beat him, as the course he had recently taken on the tariff question, then of absorbing interest, had disaffected those who were looking for a reliable candidate on that great national question. The late Benjamin Knower was indefatigable in his exertions for Mr. Tallmadge.

Mr. Knower was a practical mechanic, and wanted the tariff laws so adjusted, as to afford protection to American industry. He was shrewd, intelligent, persevering, and influential; and being father-in-law to Governor Marcy, and then or recently state treasurer, stood remarkably well with the democracy. He wanted something more than a "judicious tariff," which could be construed to mean, protection or no protection, at pleasure; and hence, when Judge Sutherland, had recently at a tariff meeting, taken a course in opposition to such men as Benjamin Knower, and other high tariff men, it naturally placed them in opposition to his nomination.

Knowing what the actual feeling was, in regard to Judge Sutherland, the friends of Mr. Tallmadge did not believe that the votes against him could be concentrated on the Judge so as to ensure his appointment; and hence they were apprehensive that he had been brought forward to draw off votes from Tallmadge, with a view of ultimately transferring them to another candidate.

It was, therefore, all important that Tallmadge's friends should stand firm for the second or subsequent ballotings. Before going into caucus they had been urged to be firm, as well as vigilant; for we expected an attempt would be made to carry the caucus by stratagem: and in this respect our anticipations shadowed forth what was soon to take place.

As soon as it was ascertained that a candidate was not selected at the first ballot, and that Mr. Butler was a-head of Judge Sutherland, Mr. Livingston got up, and said he was authorised to withdraw the Judge from the further canvas; and that he should then go for Mr. Butler; and urged all others to do so for the harmony of the party.

This movement revealed the plan of the contest; which was to use Sutherland's name, with a view to transfer votes eventually to Mr. Butler. It did not succeed as well as was expected; for Major Myers immediately arose, and said, in substance, that though he had voted for Judge Sutherland, on the first ballot, he did not admit the right of Mr. Livingston to transfer him to Mr. Butler; and if a transfer was to be made, he should make it himself, and should next time go for Mr. Tallmadge.

Here we had gained one vote at least; and it remained to be seen, whether others had come over to

us in consequence of changing front and position, and whether we had lost any by this stratagetic movement.

The canvas on the second ballot was spirited. The friends of the two candidates were vigilant and active. Those who voted for Tallmadge on the first, stood firm on the second; and he was nominated by a small majority; thus defeating those who esteemed themselves the heart and soul of the Albany regency, just as they had been defeated a few years before, when Judge Bronson was made attorney-general.

That Mr. Livingston should have gone for the nomination of his brother-in-law, Judge Sutherland, notwithstanding his former preference for Mr. Tallmadge, was not deemed objectionable by those who preferred the latter, and had expected the co-operation of Mr. L. The relationship and known intimacy between Mr. Livingston and the judge, was of itself a sufficient apology; particularly when taken in connection with the conceded fact, that the latter was a man of strict integrity, pure character, and respectable talents. The objectionable feature, if any, was, that Mr. Livingston, after his proffer of support to Mr. Tallmadge, and then withdrawing that support, should have made, or allowed himself to be made, the transfer agent, when he found the judge could not succeed. That matter was commented on, and was generally conceded by both sections of the party, that some other one should have been selected to perform that operation; but as Mr. Tallmadge had succeeded, his friends did not feel disposed to be censorious, and the affair was soon dropped or smoothed over, so that harmony was restored.

I do not suppose the success of Mr. Tallmadge was agreeable to Mr. Van Buren; or that he was then or

subsequently reconciled to it. He undoubtedly wanted some other man, and one on whom he thought he could rely with more confidence than on Mr. T., to carry out the party measures that would probably arise. Hence, when Mr. Tallmadge faltered, in regard to the independent treasury recommended by Mr. Van Buren, though he was sustained by such men as Mr. Rives, John P. King, Hugh S. Legare, with an innumerable host of sterling democrats, whose attachment and fidelity to democratic principles had never been doubted, his hesitancy on this one point, was made the pretext for a proscriptive attack by the government organ. This was, with other matters in regard to the currency of the country, put forward and attempted to be made tests of party devotion.

Many of the best democrats in the country regarded them as decidedly pernicious, and calculated to embarrass if not to destroy the banks then struggling for existence, as well as to depress the business of the country, so that the venerable Mr. Ritchie, whose orthodoxy had never till now been doubted, was forced into opposition to many of those radical measures.

Mr. Tallmadge being denounced by the organ, at Washington, the attacks were reiterated by those party papers, throughout the country, that sided with the president on this question, so that "recreant," "traitor," and "turncoat," were but moderate epithets that were constantly bestowed on him. An unrelenting warfare was the consequence, in which he and those democrats who had acted with him, not only repelled the attacks, but carried the war into the ranks of the administration with such vigor and effect, that in the election of 1840, Mr. Van Buren was defeated by a vote that, considering his strength in 1836, was more overwhelming than any candidate had ever sustained.

CHAPTER XVIII.

Legislative matters.—Makers and Indorsers liable in same Action.—Act to prevent unnecessary Litigation.—Imprisonment for Debt abolished.—Resolution against the Re-charter of United States Bank.—Small Bill Law.—Democrats refuse its repeal, and are defeated in 1838.—Suspension of Specie Payments attributed to United States Bank Controversy.—Inflation of Currency and Over-trading.—Deposit Banks required to discount liberally.—Afterwards denounced.—Bankers under a Cloud.—Hard Money Gentry in Sunshine.—Almost Universal Bankruptcy.—Mr. Van Buren defeated in 1840.—Glance at some of the Causes of Defeat.

NINE years legislative services necessarily connected me with many important matters that came up from year to year. Three times I assisted in districting the state, viz. in 1826, for senators and assembly; in 1831 or 1832, for members of congress; and in 1836, for senators and assembly men, under the state census then recently taken. As chairman of the judiciary committee, I concocted and brought in a bill, authorizing the joining of makers and indorsers of negotiable paper in the same suit, thus saving debtors large amounts of cost, that used to be made by bringing separate actions. This law, though not perfectly acceptable to the legal profession at the time, has worked well; and no one would now think of repealing, and going back to the old order of things.

Another act entirely my own, and brought in on

notice "to prevent unnecessary litigation," was pushed through the senate, and then through the house, after a stubborn opposition from the lawyers. The principle assumed by the bill was, that the public had an interest in keeping the higher courts clear of litigation for trifling sums; which, from the amount of costs growing out of such suits, were accumulating in court; were fiercely contested, to the delay of important business; and in the end, very often ruined the litigants. I have known suits brought from justice's courts to the supreme court, and thence to the court for correction of errors, where the amount in controversy was less than a dollar; and would wind up with many hundred dollars of costs.

The bill introduced did not prevent, nor was it intended to prevent suits involving important legal questions from going to the higher courts; but it regulated and restricted the right, by making the decision on appeal in the common pleas conclusive, unless an order was obtained from a judge that the case was a proper one to be carried up. This was not a new principle, but was applying an old principle to a new set of cases. The bill in my judgment was perfectly proper, and tended to prevent ruinous litigation, and promote peace in neighborhoods. In the senate I had no great difficulty in getting it through; but I felt sure it would be opposed by the legal gentlemen in the other house, where there were quite a large number.

To ward off their opposition, I called on Doctor Elye, of Otsego, and General Lockwood, of Westchester, members of the house, and explained the bill to them, requesting them to look to it if it met their approbation, as I had no doubt it would. They were shrewd and intelligent, and both of them plain but strong debaters; seizing the prominent point, and

urging it with force and ability; while they parried or demolished the arguments of adversaries.

The bill, though reported against by the judiciary committee, and sturdily opposed in the assembly, was sustained by Elye, Lockwood, and others, and became a law.

My votes were uniformly in favor of concessions to firemen, whose important, arduous, and dangerous services to protect life and property, are still very poorly requited. In reference to all the important legislation for the city of New York, growing out of the disastrous fire in 1835, I stood by the senators from that city, and rendered all the services possible; though some senators from the country took a very illiberal, and in my judgment, reprehensible course in opposition.

When the bill abolishing imprisonment for debt (introduced and advocated by Silas M. Stillwell, a talented member from New York,) was passed, I was a member of the judiciary committee in the senate, and reported and voted for the bill. Out of deference to the supposed rights of creditors, and to make it altogether prospective in its operation, I was in favor of applying the new law to new contracts only; a concession that I would not now make to creditors, or any one else. Subsequent reflection has convinced me that the creditor has no vested right, implied or otherwise, in the person or liberty of his debtor, from the mere fact of delinquency in payment. The power to imprison, was a *remedy*, and not a *right*. It formed no part of the contract, but was merely a remedy to enforce a right; so that abolishing imprisonment was not a violation of contract, by "impairing its obligation." As well might it be argued, that a law requiring six months notice of

mortgage sale, where it had been only four, was a violation of contract. Imprisonment may serve as a punishment to debtors, for improvident contracts,—it may coerce a dishonest debtor occasionally, and make him disgorge where he has concealed means; but as it was generally used, it was more likely to coerce friends of the debtor, or his family, to step in and from sympathy pay the debt; which the creditor had no more *moral* right to exact from friends, than to obtain it by disreputable devices. It was in fact the coercion of poverty, through the sympathy of friends. The jail is a poor place to pay debts. It breaks down the spirit and destroys the courage of the debtor; oppresses and disheartens his family; and generally was of little use to the creditor, except as it ministered to gratify malevolent feelings. It was a stain on the statute book, which being blotted out, no legislator will be likely again to restore.

Soon after the commencement of my first senatorial term, the re-charter of the United States Bank began to be agitated, and soon became a question of deep interest. The business of the country was so mixed and connected with the bank in all its ramifications, that it is not surprising that merchants and business men generally desired its re-charter. Had this been conceded before the conflict commenced, in regard to its continuance, the capital of the bank would have probably been unimpaired, and would have been useful. But the bank felt strong; and counting upon an almost certainty of re-charter, was neither disposed to yield its pretensions or make concessions to political power. It was unfortunate for the country in any event; for it must of necessity draw banking and other business matters into the vortex of party politics.

As potent for *good* as the bank with a sound capital

and discreet management might have been, it was found equally potent for *evil*, before the contest was ended. The democratic party, under the lead of Gen. Jackson, became arrayed against it, and neither party seemed disposed to yield or conciliate.

A resolution against the re-charter, known as Deitz's resolution, was introduced in the senate. It was drawn by Nathaniel P. Tallmadge or myself; and I am sure that I took charge of it, and got Col. Deitz to introduce it. The resolution barely expressed an opinion against the re-charter of the bank, and was introduced by Col. Deitz, because on consultation it was deemed advisable to have it put forward by one of the "lay members," as they were called, and Col. Deitz was selected to do the needful. Being connected with a state bank, I did not deem it politic to introduce it myself, but I agreed to stand by the resolution and the mover.

In due time it was called up, and debated at great length, when several democratic senators as well as all on the other side in politics, were found in opposition to the resolution, so that there was danger of its rejection, as the senate stood, on one day of the debate. Col. Geer, of Saratoga, who we relied upon, was absent, having gone home and was not expected to return in several days. It was necessary therefore to have him back before the vote was taken; and those in favor of the resolution must debate, and talk it over for the day, that the senate might adjourn before voting. Towards the close of that day's session, I got the floor and moved an adjournment, which was agreed to; and this entitled me to the floor, on taking up the resolution the next day. A short consultation was held among the friends of the resolution, and it was agreed to debate the question till Col. Geer could be brought in. I went to a livery stable

keeper and enquired how long it would take him to go for and return with Col. Geer? He said by starting immediately and driving all night, he could be back the next day by 11 or 12 o'clock. He was started off, and it cost me a good round sum for the job, but as the resolution had been moved, we were determined to put it through. The senate met at ten, and we supposed the resolution would come up in the order of business, not far from eleven o'clock. On calling it up, I commenced the debate, intending to keep the floor till Geer arrived, or only to yield it to a friend of the resolution. Soon after, Senator Tracy, who was against it, expressed a wish that the vote might be taken without further debate,—precisely what the opponents of the bank intended to prevent,—and he was told that we were not ready. Pretty soon Senator Geer came in, shortly before twelve o'clock, when Mr. Tracy playfully remarked (looking significantly at Geer,) that he perceived we had exhausted the subject matter of debate, and were now ready for the vote; which being assented to, it was taken; and thus was passed the resolution against the bank. Rather a farce to look at it now, but things more *qucer* have been often done in legislative bodies.

Col. Geer expressed many thanks for being deemed worthy to be sent for, and said he should have been sadly mortified, had he been absent and not voted for the resolution, which being democratic, he highly approved of; and the more so as emanating from his friend Col. Deitz.

Though interested in safety fund banks to a considerable amount, in proportion to the value of my property, I voted for the free banking law, and that too on the most liberal plan desired by its friends.

Subsequent amendments have made the provisions of that law safe, and salutary; and free banking is becoming the order of the day. When I first went to the senate, fears were entertained by those who wanted new banks, that my interest was so blended with old ones, that I would not vote for new. In this they were mistaken, as they found me, if any thing, too liberal in voting for charters.

The Otsego county, Herkimer county, and Montgomery county banks were supposed by many to interfere with the central, in which I was interested; yet I voted for these and many others, without the slightest injury to the central. No better country banks with small capitals can be found in the state, than the three or four above named; or that have been better managed in reference to business men as well as stockholders. In 1835 I voted to restrain the issue of bills below the denomination of five dollars, generally known as the "small bill law." I never believed it necessary, right, or expedient; but it was one of the party measures of the day, to restrict the circulation of "paper currency," and had been resolved as a necessary and proper reform, both by the county and senatorial conventions that nominated me for re-election. I must of course vote for and sustain the measure, or decline the nomination. This law in the end contributed more than any one measure to prostrate the democratic party in the state. We got along with it pretty well for the two first years; the small bills of New England coming in and taking the place of our own, though we had a statute against the circulation of small notes of other states.

Still the law was a dead letter, and those foreign bills were received and passed freely by almost every one, except corporations, whose charters were declared

forfeited in case they violated the law. The public seemed restive under the small bill law, and the great mass could not comprehend the reasoning of politicians in favor of suppressing our own, when foreign notes would circulate freely and with impunity: or why a bank that was good for its five dollar notes was not just as safe for those of smaller denominations.

It was the suspension of specie payments, in 1837, and embarrassments from want of small bills, growing out of that state of things, that rendered the law perfectly odious to the great body of the people; and in the end led to its repeal, after the democratic party had been signally defeated. Had the operation of the law been suspended during the suspension of the banks, as it ought to have been, it is by no means certain that such an overwhelming defeat would have followed; though the stringent measures at Washington, and the severe embarrassments of the times, were tending towards a revolution of parties that could hardly be averted.

On passing the law legalizing bank suspensions, on the last day but one of the session of 1837, senator Tracy, of Buffalo, introduced a bill on notice, to suspend the operation of the small bill law, till the banks resumed payments. A large majority of the senate were for passing it, and would undoubtedly have done so; had the session continued two days longer; but it was defeated on purely technical grounds, by one of the senators who was radically ultra in his feelings against banks, and in favor of a specie currency. We had four or five senators who leaned strongly that way, who by objecting (under the rules) against giving the bill the required number of readings the same day, stove it off, and the legislature adjourned at the hour already fixed by concurrent resolutions of the two

houses. This left the matter precisely as every whig politician desired, who looked to the success of his party as a paramount object: for the democrats having large majorities in both houses, and having introduced and passed the small bill law, in opposition to the whigs, and now refused to suspend it, were responsible for its existence, and for its inconveniences; which the whigs were not slow in demonstrating. It was only necessary to pass through the state in any direction, to satisfy one's-self from the general clamor, that the bill was odious, and that the people desired its repeal. Still the state officers, known as the Albany regency, or the most of them, could not view it in this light; nor did politicians at Washington, who gave tone to political matters at Albany, heed the warning. When the legislature came together, in January, 1838, a large majority of the senate, though still democratic, thought the law should be repealed or modified. Every whig was of course clamorous for its repeal; and even among the democrats, a decided majority thought it best to get rid of it, or at least to suspend its operations. All the radical senators were for keeping it as it was, as were also four or five others, who on this point went with them, though not generally on many others. *Caucuses* were held, and among the democratic senators there was a majority who thought it best to yield to what appeared the popular wish, and make the concession with as good a grace as possible, instead of resisting, and in the end have to yield, or break down in attempting to sustain it.

Those state officers who seemed to take their cue from Washington, and those senators who were for letting the law stand and risk consequences, urged it as a democratic measure—that *we had* passed the small bill law, and made it a distinctive point of party

policy, and to repeal it, as the whigs urged, (for they did not then ask its suspension, but went for repeal) would be falling back and abandoning our position. Not wishing to divide the party, and thus have a family quarrel, a majority of the democratic senators concluded to leave it as it was, and let the state officers take the consequences of the course which they advised with so much pertinacity.

When the bill from the assembly repealing the law was rejected in the senate, I think seventeen voted against the repeal, an ominous number, that caused a laugh among senators, and extended to the lobby. The discussions in caucus had been warm, but on the whole courteous and friendly, and there was a disposition by concessions to keep the party together, though a majority of democratic senators expressed decided opinions, that by persisting, the party would be defeated at the next election. The late Micah Sterling, Judge Skinner, and John Beardsley, then senators, and several others, stated this as their belief, in positive terms. It is more than probable, that a portion of the senators who believed it best to repeal or suspend the small bill law, but who finally yielded the point, on the urgent recommendations of those state officers who seemed to coincide in views with the radical senators, voted against the repeal, under a full conviction that in the end it would displace those officers. The democratic party had become divided in sentiment—one portion apparently desiring to restrict and cripple banks, if not to destroy them, and then to substitute a metallic currency, or a much larger proportion of the precious metals: while the other party desired to sustain them, and believed to do so, it was necessary to pursue a liberal course of legislation, that should

invite capital, that should not alarm stockholders, and that should foster and encourage banking institutions, so essentially mixed with the business of the country, that to destroy or depress the one, must necessarily cripple and paralyze the other.

Probably both parties carried their views too far, and that a medium course would have been better for all; but it is certain that at Washington, those that seemed to represent the views of the administration, were decidedly *anti-bank* in their feelings; and many Albany politicians took their cue from that quarter. Hence it is not improbable that several senators, who thought the warfare against banks and corporations unjust as well as inexpedient, voted against the repeal of the small bill law, with an almost certainty that its continuance would in the end displace those state officers, who if they did not encourage assaults on the currency of the state, did nothing to prevent them, but rather sustained the assailants.

Almost any man of ordinary capacity, could not fail to understand, that popular sentiment was against the law; but as the greater part of the state officers could not or would not so regard it, I think a portion of senators were willing to leave the law as it was, and let the state officers take their chance, if the party was defeated.

I recollect of hearing a conversation with one of the state officers who held a prominent and influential station, in which a senator remarked, "that they (the officers) held important positions, which would probably be lost. That their vision would be more clear after the election. That the party would go to the d—l, and the officers with it; and it was no great matter how soon, if they were so *blind* or *prejudiced*,

that they could not see which way the popular current was setting." This was all in good nature, but was nevertheless true. The election came off in the fall. Governor Marcy was defeated by an overwhelming majority; Governor Seward was elected; and the whigs were triumphant in every part of the state. The small bill law was repealed; and since that time no politician in the state has ventured to "burn his fingers," by "tinkering" in that way the currency, or attempting to re-enact the odious law. The truth is it was unwise, and should never have been made a party question, or adopted.

The suspension of specie payments, with all the embarrassing and calamitous circumstances, may be traced to conflicts and assaults on the currency, with inflations and contractions growing out of the "*United States Bank*" controversy. This was the primary cause. Having lived through these convulsions, and seen that bank killed and buried, I hope never to see another chartered. It probably never would have been authorized, except for the embarrassments under which we labored, on closing the war with England. The attempt to renew its charter brought on the conflict, that in the end drew the state banks and the business of the country into the vortex, to the manifest injury of all: resulting in the destruction of the bank, the suspension of specie payments, almost universal bankruptcies, and nearly destroying the credit and means of the government. Nothing but a resort to loans and treasury notes saved the national treasury from absolute disgrace. I know it will be said, and has been said a thousand times, that over-trading, with rash, improvident speculations in 1835 and '6, led to the calamitous results, which is undoubtedly true to

a large extent, if *secondary causes* only are referred to: but the question is, what induced these speculations, over-trading, and the spirit of gambling in stocks, and in short everything else, that so generally pervaded the country? The answer is, an inflation of the currency. And what was the *leading* cause of this *inflation*? It was the removal of the deposits, and placing them in state banks, with *official intimations* that they were expected to take the place of the United States bank, in making liberal discounts. This intimation, published throughout the country, placed the banks in such a position, that the public felt that they had claims on them. *They* had the government money, which belonged to the people; were making money out of it; and the people had a right to borrow their *own money*, and on liberal terms. This had been intimated from head quarters; and the banks having accepted the deposit, must carry out the expected terms of the compact. Hence they wished to conciliate the public, lest the "deposits" might be withdrawn, and they become unpopular. Nor was this all. Many banks were chartered, in every part of the country; some to obtain a portion of the *deposits*, and others to do business, and thus fill the vacuum caused by the winding up of the United States Bank. It must be borne in mind, that in 1834 the state banks had been driven almost to suspension, by the curtailments of the United States Bank, and the alarm and agitation growing out of the contest for renewal of its charter. This was the *panic season*, when the legislature, under the advice of Governor Marcy, authorised a state loan to sustain the state banks.

The United States bank, under wicked and short-sighted advice, attempted to *coerce* a renewal of its

charter, by pressing and embarrassing the business men and the business of the country. That it manifested such *power* for evil, confirmed those opposed to it, in a more stubborn resistance to its re-charter, and a determination to effect its overthrow at every hazard.

The state of Pennsylvania stepped in and gave it a state charter. The bank took another tack, and not having coerced by curtailment, a renewal of its national charter, it determined to discount with an unsparing hand, as if foreseeing the result that was so soon to come, and not caring what that result should be, or the embarrassments that might grow out of it. Thus with the large issues by this and the state banks, the currency became inflated, a vast amount was added to the circulating medium, currency was abundant, every one had credit and could command any amount of discount, for credit seemed to be the basis of all monetary transactions. Bread stuffs and provisions, and in short every thing saleable advanced rapidly in price beyond any fair estimate of cash value. Speculations became rife; friends of government officers, state and national, and officers themselves rushed madly into contracts. The democratic organs congratulated the country on the success of the experiment, and demonstrated its prosperity and its ability to get on just as well without the United States bank, and a little better.

Every thing appeared calm and smooth on the surface. Trade was brisk; the national debt had been paid off; the treasury was overflowing, and required depletion; but a storm was gathering. First came the treasury circular, which creating alarm and embarrassing purchasers, brought the speculators up with a "round turn." Then tricks and devices were resorted to, by those having the public monies, by loaning specie

to applicants, for lands; wheeling it out of the office, and then wheeling it back to pay for land entries. Many defalcations on the part of officers having charge of the funds took place; they were squandered, and good old "Uncle Sam" pocketed the loss.

The banks foreseeing, or fearing a storm, began to curtail and take in sail. Debtors were required to pay. Assaults were daily made by the public press, (particularly that portion that had the confidence of the administration,) against speculators and the banks. Credit was first shocked, then impaired, and finally destroyed. Bankers, as well as speculators, were represented as unsafe advisers, even in political matters. Many of those who had assisted in elevating Mr. Van Buren to his distinguished position, who had sustained his safety fund system, spent their money freely, and stuck to him "through evil and through good report," were unceremoniously in the end thrust aside; while the rampant ultra democrat, who warred against *all* banks and paper currency, as well as against credit, was smiled upon, and condescendingly courted from high quarters, as worthy of all favors and confidence.

The catastrophe finally came; the banks exploded, and with their suspension went the state bank deposit system. The administration saw their own project had proved a failure, but they had not the magnanimity to divide, and take their share of the odium attached to it. They threw nearly the whole blame on the banks, which had but little more than carried out the policy prescribed to them when the public deposits were placed in their vaults. Hence, almost daily tirades appeared in the government paper, under the immediate eye of Mr. Van Buren, denouncing banks and bankers, and speculators as very little better than pick-pockets.

Many of his confidential friends were deeply imbued with the speculating mania, and had to submit to the prescribed castigation. The "foul spirit" of speculation must needs be exorcised, if not actually cast out. A free purgation among officials and their friends was deemed necessary; and so far as the public knew them, they seemed to take it meekly, and to submit with christian fortitude. But, not to speak ironically, I have always looked on this attempt of Mr. Van Buren, to countenance prejudices against his old friends and supporters, who had done so much to elevate him to power, merely because they were interested in banks, and were unwilling to sacrifice them and their property with them, as altogether indefensible. It seemed to be an attempt to court the radicals who were opposed to all banks, and thus sustain an anti-bank party; if not a party based on prejudices against property and capital, as well as banks. Perhaps I do him injustice without intending it; but I cannot believe those denunciatory, anti-bank articles, in the *Washington Globe*, the then official organ, would have continually appeared, and in numerous other radical papers, had he discountenanced them.

The inference was irresistible, that he looked upon those interested in banks with disfavor and suspicion; and knowing that their interest would naturally prompt them to go for measures to sustain the banks, and thereby place them in opposition to the cherished proscriptions of those who seemed to represent his views, he intended to make up in numbers, for their loss, from the ranks of the radicals.

The times however, became too hard to sustain any party, or set of men, who attempted to place themselves on such narrow prejudices; for the poor and laboring

classes suffered quite as much, and even more than men of property ; and in the end the laborers and middling classes were the most efficient agents in producing his defeat.

The consequences growing out of the suspension of bank payments were ruinous to debtors. The currency must be greatly reduced before the banks could resume and stand on a specie basis. At least three-fourths or more must be called in, the effect of which was, that property that had cost \$4,000, would hardly bring \$1,000, as the latter sum was the representative of value, on the reduction of the currency. But that was not all ; the general embarrassment and bankruptcy induced a desire and necessity to sell. Property *must* go: large quantities were thrown on the market, and very few wished to purchase, and only then at ruinous rates, as much below actual value, as they had been above, before the suspension.

My pecuniary affairs suffered tremendously under this state of things. It destroyed several who were my debtors, and rendered the securities relied on for payment nearly worthless. I can never dwell on these disastrous times, without feeling that I have been injured and lost many thousand dollars, from the mere fact of these assaults on banks and bankers, and on credit.

It is bad enough, nay too bad, to lose the fruits of persevering industry, under any circumstances ; but when coupled with abuse and sneers, and those too from men you have helped to elevate and sustain, it is doubly painful. It was too much, and too repulsive to the feelings of an intelligent man, claiming the right to think for himself, to require him, as a test of fidelity, not only to sacrifice his property and judgment, and pretend to approve a policy which he believed wrong, and which

he knew was destructive, merely to keep in favor with the leaders of his party, and retain a seeming consistency of going "strait ahead" without regard to consequences. Still I voted for Mr. Van Buren, in 1840; not because I approved his course, or the general scope of those newspaper articles referred to, but because I did not wish to separate from the democratic party with which I had always acted.

The breaking off from party associates, and taking an antagonistic position, even when you believe they are wrong, is extremely unpleasant; and political men wish to avoid it. Mr. Van Buren, himself, has probably found it so; and by this time has learned that it is neither pleasant or profitable to array himself against a great popular party, particularly one that has advanced and sustained him in the highest national positions. When his old New York friends, who had sustained him in his own state, and assisted to elevate him in the national councils, were placed in the shade, they felt aggrieved, and thought they had good cause to complain; but when he adopted the sectional Buffalo platform, and united with former adversaries, against former friends, the republicans of the Union were outraged; for they had sustained him under almost every vicissitude

An additional reason for my sustaining him in 1840, was the fact that the banks had resumed specie payments; and as it was quite apparent his administration would be strengthened by sustaining them, I felt sure he would do nothing willingly to cripple or bring them into discredit again. It was apparent however, that votes and efforts for his re-election would be in vain, as no one who observed the indications before the election, could fail to see that his

defeat was inevitable. The times were too hard for him to succeed. The people felt that his rule had been an "iron rule;" that they could not be worse off by a change; and hence they determined to put him down, as they did most effectually at that election, and as I have no doubt they would in 1844, had he been the candidate. One item in making up the prejudices of the people against his administration, was the course pursued by some of those holding office under him. *They* received their pay in specie, which bore a high premium. While private citizens were content to take bank notes for products, and for debts due them, they were annoyed for change, and sometimes for specie, by captious creditors, which, if compelled to procure, must be had at a large advance. Office holders, instead of paying away their gold, which as it bore a premium could hardly be expected, would frequently tantalize the citizen, by denouncing bank paper as worthless "rags;" and while lauding his specie currency, for which he realized large profits, would boast of his extraordinary good luck, in holding a position that gave him such advantages. Such things were not pleasant; and with rankling, outraged feelings, they were generally scored against the administration; and hence the catch words so much harped on by the whigs—"Gold for office-holders, and rags for the people."

The ultra manifestations of Mr. Van Buren, and those who had his confidence, drove off a large number who had formerly supported him. They were active, intelligent, persevering democrats—many of them men of property and influence—who became alarmed, and thought they saw in his measures and recommendations, absolute ruin to themselves and

families. This feeling was prevalent among many, who finally stayed with and voted the democratic ticket; but that portion who went off and organized as conservatives, were his most active and efficient opponents, as well as most bitter.

The course taken by Mr. Van Buren in regard to banks, after their suspension, was very different from that pursued by the secretary of the treasury, towards the banks that suspended during the war with England. Mr. Crawford, and indeed the whole cabinet and administration of which he was a member, did all that could well be done to aid the banks in resuming payments. They had sustained the government during the war, by numerous loans and advances. Governor Tompkins had raised large sums from the banks in the city of New York; and the government felt it due to the banks, to treat them kindly and help them forward. Had this course been pursued by Mr. Van Buren, I have no doubt the losses to government would have been much less; the embarrassments and distresses of the people would have been greatly ameliorated; trade would have gone on more briskly, and the government revenues would have been largely augmented. But a different, and the most rigid course imaginable, was resolved on, and persisted in; as if government aimed at nothing short of punishing, if not destroying the banks; as well as creditors and debtors whose fortunes were to a great extent indissolubly connected with them. It was even suggested to place the banks and corporations under a national bankrupt law, that would have enabled the general government to crush and sweep them all out of existence. Mr. Van Buren did not manifest his usual sagacity, when he thus lost so many, and such influ-

ential members of the party. By some slight concessions and timely manifestations of kind feelings, he could have retained many of them; and probably a large majority of those who finally left him. He should have counted well his strength, before casting off such a body of men, and driving them into opposition. He felt strong however, even up to the election, and could not believe that party attachments and party discipline, which had so strongly sustained him in 1836, could be subverted in 1840. I know that the views above advanced, in regard to the inflation of the currency, as resulting from the government policy of depositing with state banks, with intimations to discount, would have been controverted when the banks failed, and these matters were the subject of partizan controversy. Perhaps they may be controverted now. The administration organs *then*, charged it wholly to the banks and speculators; but will any candid man, who recollects the events and discussions of those times, *now deny*, that the inflation mainly resulted from the deposit system? the free discounts of the state banks, stimulated by these deposits, the multiplication of banks, to fill the vacuum caused by the expected withdrawal of the United States Bank; and the unlimited issue of that bank, after it obtained its state charter? The panic season was in 1834, at which time the inflation and over-trading had not occurred. But little more than two years elapsed, before a general suspension of payments took place all over the country; and it really appeared as if the mammoth bank, when it found it could not coerce a charter by withholding discounts, was willing, by an expansion, to crush the state institutions, if not to fall with them, and Sampson-like, to bury itself and them under the ruins.

It seems to me, that the over-trading and speculations of that disastrous period, were the results of over-issues growing out of that change of government policy, and the other causes referred to. Those who administered the government, and advised and adopted that policy, should have had the magnanimity to have admitted and taken their share of the responsibility, instead of evading and throwing the whole obloquy on others; but this they did not do

CHAPTER XIX.

Anti-Bank Feeling, and Repeal of Bank Charters.—Sackett's Harbor and Lockport Bank Charters Repealed.—The former Restored at Subsequent Session.—Charges against Messrs. Bishop and Kimball, with their Resignations.—Col. Young's Resolution, and Poor Law Debate.

DURING my second senatorial term, a strong anti-bank feeling manifested itself in the legislature, which was unquestionably stimulated by the course of the administration organ at Washington.

No doubt the legislative leaders who were most prominent in denunciations against banks, paper money, and credit, with their laudations of hard money as a currency, took their cue from that quarter, and were encouraged by some of the state officers at Albany. The close intimacy between them and the Albany officials, with whom they were often closeted, afforded incontestible evidence that these daily assaults on the state institutions and their conductors, were not unpalatable to those who seemed to have Mr. Van Buren's confidence, nor were they discountenanced by him or the presses more immediately under governmental influence.

Committees were raised, and the banks were required to answer interrogatories; and these legislative

movements gave occasion to denounce the banks in advance, charging many of them with delinquencies as well as over trading.

It is a marvel that with all the clamor in and out of the legislature, against them and paper currency, that a panic had not been created, that had led to runs on the banks, and a total prostration even of those most sound.

Several attempts were made to repeal charters, which I generally resisted, for I did not believe in that summary mode of disposing of questions, where private rights and interests might be sacrificed, and those too, where widows and infants, as well as others might be the sufferers.

The Sackett's Harbor bank was assailed on a most frivolous pretext; and after a debate, in which the bank and its managers, as well as banks in general were denounced, its charter was repealed. All I could honorably do to sustain it and preserve its charter, was done; but the anti-bank feeling required a sacrifice, and was too strong, in this instance, to be resisted. In addition to general prejudices they existed especially against this bank, and against some of its managers. When its repeal was debated in the senate, its opponents asserted that the county of Jefferson, where it was located, was decidedly favorable to the measure, and would sustain the legislature in its action.

In reply to these assertions, I took the other side, and predicted that the repeal would create an excitement that would make a restoration of the charter a test question, at the next election; that members would be returned favorable to the re-establishment of the bank, which the next legislature would be glad to concede; and that I should have the pleasure of voting

with a majority of both houses to undo the wrong they were about to perpetrate.

All of this happened at the next session, when the charter was restored by a decisive vote, though against the votes of many of its former opponents.

In regard to the Lockport Bank, I departed from my usual position relative to repealing charters, and voted for the repeal of this, which was the only vote of the kind I ever gave.

We had abundant evidence of most disreputable conduct on the part of the bank, not only vexatious, captious, and oppressive, but calculated, if overlooked, to throw discredit on all, as well as that particular institution. I thought it best to make it an example; for although there were doubtless many allegations that were merely the coinage of anti-bank gentlemen, and without any foundation in truth, yet we had evidence of derelictions so shameful, that, with an indignant feeling I determined to move the repeal at the first opportunity, which being done, the charter was taken away.

Proceedings against Messrs. Bishop and Kimball.

Among other legislative measures, the complaint and proceedings against Messrs. Bishop and Kimball should be mentioned. The former was senator from the fourth, and the latter from the third district. They were charged with stock-jobbing, and attempting to control or so shape legislation, as to affect the prices of Harlaem railroad stock. A committee of investigation was raised, testimony taken, and a report made that implicated both senators; but in reference to Mr. Kimball was far more aggravated than in the case of Bishop.

The committee recommended the expulsion of each. There was apparently no great difference in opinion among senators, in regard to Kimball. *All* considered his conduct highly reprehensible; and with the exception of a few senators who denied the constitutional right of expulsion, seemed prepared to turn him out of the senate. I had no doubt about the parliamentary right to expel; and though the argument of the senators on the other side were strong and fortified by authorities, I was prepared to give a vote for expulsion, in reference to Kimball, unpleasant and painful as such a vote would have been.

The morning the question was to be acted upon, he called on me at my room, while I was yet in bed, to know whether in my opinion he could be saved, when, receiving no encouragement, he made out and placed in the hands of a senator, a letter to the president of the senate, resigning his place. In regard to Bishop, a majority of the senate were for censuring him, but were against expulsion. They thought the case in reference to him much mitigated, and that a reprimand or censure would be going far enough. Perhaps there was too much sympathy, but if there was it was on the side of mercy. Resolutions were passed nearly unanimously, in strong terms against each; but in reference to Bishop, a majority refused to expel him. He however immediately resigned. That he was censured and not expelled, created a clamor of inconsistency on the part of senators who had censured, and yet had refused to expel, as if there were not degrees in offences as well as punishments!

It was a most painful duty, in either aspect; and I have no doubt those who voted against expulsion were as honest and conscientious as those who voted

for the extreme measure. They deemed censure without expulsion a sufficient punishment, while the others were for both.

POOR LAWS.

On the 31st of January, 1835, Col. Young introduced in the senate, without notice, a resolution that the standing committee on poor laws be instructed to prepare and report a bill for their repeal. He proceeded to address the senate in an able manner, in favor of this his cherished proposition; for he was a debater of no ordinary grade, clear and forcible, and often eloquent. He had read much, particularly on the subject of political economy, which with him was a favorite topic, and almost a hobby; and he had also thought much of our, and other systems of pauper support.

His leading proposition was, that it was not a matter that government should interfere with, but that relief for the poor should be left to the charities of the benevolent, who by voluntary contributions would relieve the necessities of those really worthy, and would discountenance those who were paupers from choice. That where provision was made by law, sturdy idle vagabonds would avail themselves of its benefits, as well as those who absolutely required assistance; and thus the relief for pauperage served as a bounty to increase the number who depended on government for support. His resolution was radical, and went for cutting up the whole system of relief, by legal enactment, instead of amending and improving the law. The speech in favor of the resolution, as well as his subsequent reply to my remarks, were characterised by his usual tact and ability, and were

published at the time. I laid them by, intending to preserve them; but they are lost, which I very much regret, as I should be glad to insert them in this chapter, that the whole debate might appear.

On concluding his first speech in favor of the resolution, I offered an amendment, which appears in connection with the proceedings of the senate, and of my remarks on the 16th of February, 1835, as published in the Albany Argus; which proceedings and remarks were as follows:

THE POOR LAWS.

“Remarks of Mr. Beardsley in the Senate of New York, February 16th, 1835, on a resolution instructing the committee on the poor laws to introduce a bill repealing all the laws for the support of the poor.

“Mr. Young called for the consideration of the following resolution, offered by him on the 31st ult.

“Resolved, That the standing committee on the poor laws be instructed to prepare and report a bill providing for the repeal of the poor laws of this state.

“The question was on the following amendment, proposed by Mr. Beardsley:

“And if the poor laws are to be abolished, that the committee report a substitute that shall require the rich, hard-hearted, and miserly citizen to contribute of his portion, as well as the philanthropic and benevolent citizen, to sustain the really worthy and helpless pauper.

“Mr. Beardsley addressed the senate as follows:

“Mr. President:—When the gentleman from the fourth, (Mr. Young,) presented his resolution, instructing the committee to introduce a Bill for repealing the poor

laws, it will be recollected, that I offered an amendment to his resolution, and that the resolution and amendment were laid on the table for further consideration.

“In offering this amendment, I confess I did not expect a vote would be necessary on the point presented by it, for I could not believe that the proposition of the gentleman, for repealing all laws for the alleviation of helpless poverty, could be seriously entertained by the senate.

“The gentleman’s views I *did* know, for I had heard him express them in public debate on previous occasions, and in offering the amendment, I wished to present a prominent point of objection to his proposition, that in discussing his resolution, he might obviate the objection which I intended to present.

“And here, I will take occasion to remark, that in offering that amendment which was drawn up in haste, I had no intention of any personal illusion, or of giving cause for a moments unpleasant or unkind reflections.

“I make this statement, lest it may have been supposed that the amendment was intended for the gentleman personally, and because I have perceived a disposition on the part of certain journalists, to give it a personal application.

“The gentleman from the fourth, will do me the justice to believe, that I intended no such allusion; and whatever I may think of the propriety of his views on a great question of public policy, no doubt honestly entertained, and sanctioned by high authority, I trust I shall not so far humble myself as to attempt to parry the force of his reasoning, by an unworthy effort to excite prejudices that can have no proper bearing upon the discussion.

“The senate will also bear with me when I state that in presenting the amendment, I had no thought of taking part in the debate on this question.

“Political economy has not been my study; while I am fully aware that the mover of the resolution has devoted much time to it, has reflected much, and is familiar with all that has been written on the subject, and in fact has written himself.

“I cannot therefore hope to contend with him, by a familiar reference to authorities, nor would I now enter into this discussion, even superficially, as I must do if at all, had I not, by proposing to amend his resolution, seemed to put myself forward to sustain the proposition contained in that amendment.

“Under this impression, I have concluded to submit some crude old-fashioned reflections, and such as in my judgment may have a bearing upon the propositions submitted for the consideration of the senate.

“The proposition submitted for discussion is, not whether our poor laws are imperfect, and require amendment, but whether we are to have any legal provision for the support or alleviation of the poor.

“I am not, under this resolution or amendment, called upon to maintain that our system is perfect, or that improvements are not desirable, or to deny that great abuses exist; nor will I be drawn into a discussion of these matters, unless upon a proposition to amend or improve the system.

“Whenever a project is brought forward to amend the law and to correct abuses under it, by the gentleman from the fourth, or any other senator, I proffer my services and my best exertions, feeble as they are, to go forward in what I consider a most laudable and humane undertaking.

“ But when the proposition is, to prostrate all legal provision for the support of the poor, the aged, and the young; the impotent, the insane, and infirm; no matter whether better days have beamed upon them, and, in their declining years, the sun of prosperity has first waned, and then set in endless night, without a ray of hope for the future; no matter whether the man of sorrow is poor and cheerless, without friend or relative; or whether his misfortunes have been induced by his own folly, or brought upon him by unavoidable accident; the whole legal obligation to feed the hungry, clothe the naked, and to visit the sick, is proposed to be blotted out; and against this proposition I must enter my protest.

“ I cannot consent at one fell swoop to uproot and overturn a system that has existed as long as a civilized government has existed in this country, upon any theory, however plausible and sanctioned by names however respectable.

“ The gentleman will agree with me, that numerous cases arise, where individuals by unavoidable accidents are reduced to poverty and great suffering, who are without friends, and yet entirely worthy of charitable support, and whose very existence depend upon prompt and continued relief, either from private or public charities.

• “ The question then seems to be, whether in a civilized country and a government of laws, this support is to be left to mere chance; and when assistance is absolutely necessary, is to be thrown exclusively upon the benevolent, or whether the whole community shall contribute to the necessary sustenance of a fellow-being.

“ Now I respectfully contend that the gentleman’s

proposition is at war with the first principles, nay, the very elements of society. It is anti-social in the extreme; it resolves society into first principles—into a state of nature, where every man takes care of himself, without reference to a dependence upon others. It is an easy matter to find fault with existing laws and existing establishments, but it has often been found a more difficult task to propose an adequate remedy, than to point out evils as they exist.

“The advocates of the new system of political economy denounce the poor laws as a monstrous evil, and while they are constrained to admit, that in every society objects will be found who, without fault on their part, are entirely dependent upon others for support, and must also admit, that without legal coercion this support will not only be uncertain, but must fall principally on the benevolent, yet no adequate remedy is proposed in lieu of our legal provisions.

“Some writers propose to withhold support as a punishment for vice; but suppose poverty has been induced from the vices of others? then the punishment would be unjust. So also in cases of accident, disease, and misfortune.

“I have recently been presented with a semi-annual report from a minister at large, as he styles himself, in the city of New York, who is eloquent in his denunciation of the poor laws, and yet admits that great actual suffering exists as well from unavoidable accidents, as from vicious propensities.—He finds it easy and convenient to denounce the law, but proposes no remedy except in reference to the spiritual wants of those to whom he ministers. I suppose the substance of his recommendation would be, to give a greater amount in money, to improve the spiritual condition of the

poor, and to leave them to take care of themselves in reference to temporal matters. I am, however, inclined to believe, that a helpless starving family would edify but little under the pious exhortations of the worthy divine; and where the gnawings of hunger prevailed, something more substantial would be required to support life, than the spiritual food which he would administer.

“Now I am free to confess, that moral and religious instruction may do much to prevent vice and poverty, and to encourage a proper self respect that would deprecate a reliance on the poor laws for support, but it is going quite too far in the opposite extreme to recommend a withdrawal of all public support for the needy and infirm.

“A legal provision for the support of the poor has always existed in this, and I believe in all the other states of the Union, unless it be Louisiana. Under this system we have prospered and grown rich, the country has made rapid improvements, taxes are light, and thus far we certainly have but little of which to complain.

“Our laws have recently been revised, our pauper system improved, and after full consideration has been continued. I cannot, therefore, deem it necessary to say much to induce the continuance of this system, adopted by an almost unanimous expression of the representatives of the people, and in fact in relation to county poor houses in many instances in effect, by the people themselves.

“It is said they have no poor laws in Canada; if that be so, I presume that it will not be contended that Canada is more prosperous or the state of society better, than in our own state. What is the object of society? and why do men surrender up a portion of their natural rights? It is because a community cannot exist with-

- out such surrender; and when the surrender is made, it is upon an implied condition, that it shall receive protection from that community into whose keeping he has committed himself.

“Hence the reciprocal duty of allegiance, on the part of the subject, and protection on the part of the government. Why should allegiance be required, unless protection is afforded? Why should an individual be restrained from laying hands on any property within his reach, and not in the actual possession of another? In a state of nature, he would exercise this right, but by becoming a member of society, he renounces it, and your laws restrain him. You require your citizens to obey your laws, to make roads, pay taxes, and defend the country against invasion and insurrection. Nay more, you compel the whole community to support courts of justice, to pass upon the rights of citizens, and those rights too, of very trifling importance.— And shall I be told that it is right to compel a citizen to pay taxes, that a tribunal may be sustained to pass upon a fifty dollar controversy? That he shall be compelled to fight the battles of his country, and perhaps in that very contest, find himself disabled, and then in his declining years be cast upon the world to perish, unless the hand of private charity is extended?

“Sir, the proposition in my judgment is absurd, and I am almost inclined to impute it, as the gentleman did the proposition, that the poor should be provided for by legal enactment as the result of deep rooted prejudice. And here I will remark further, that I have never heard it controverted by the advocates of this new system of political economy, that government at its own expense, or rather at the common expense, was not only bound to defend its citizens, but to provide tribunals that

should secure to the citizen the right of property and all his civil rights, and yet we shall be told that he who has spent his strength and best days in the service of the state, although entitled to protection, where a paltry sum is concerned, yet when disabled and unable to maintain himself, has no claim upon community for protection, except from the sympathies of those who may chance to behold him.

“The gentleman will not deny, nor can he deny that in every community we have many ‘rich men and hard-hearted miserly men,’ who never gave and who never will give a dollar for benevolent purposes. You may as well talk to a block of marble, or think of thawing a northern ice-berg with a taper, as to soften their obdurate hearts by appeals of charity. You may tell them of the beauties of charity, that charity is a heavenly virtue, which ‘droppeth like the gentle rain from heaven upon the earth beneath.’ ‘That it is more blessed to give than to receive,’ and yet ‘they are deaf to the charmer, charm he never so wisely.’ And why should such men be exempted from bearing their just proportion in the support of paupers, absolutely unable to support themselves. The property of the rich man is as well protected by your laws, as that of the poor man; and in a contest with a foreign enemy, or in cases of insurrection, certainly a rich hard-hearted man stands as much in need of protection, as the benevolent man. Why then should he be permitted to escape from paying his share to support the infirm? and escape he will, if your laws are repealed.

“But we are told that private charity will seek out and with a proper discrimination, between the worthy and unworthy applicants, cheerfully and promptly relieve the wants of the former. Suppose this to be so;

I intend (if I have not already done so,) to show that it would be both impolitic and unjust, to throw the whole support of the poor on the benevolent.—But is it certain that private charities will be more discreetly bestowed, than under the direction of public officers, as practised under our system? So far as the country is concerned, I believe the relief of the poor is not very onerous, and in my judgment but little reason of complaint exists. Taxes are inconsiderable, except in your cities, where from the nature of the population, pauperism must exist to a greater extent than in the country. When private charity is bestowed, it is a great fault that the individual applied to, often gives indiscriminately. He does this for the purpose of ridding himself of importunity and lest by refusing he may unintentionally deny relief to an applicant who is worthy of it.

“Another objection is, that by leaving this support to private charity, you in a great measure throw it upon the middle classes; for I maintain as a general proposition, that those who do most in active charities, are of that class, or those who have in most instances been the architects of their own fortune. I am aware there are honorable exceptions to this general rule; but as a general proposition I am quite sure it will hold true.

“The gentleman says, leave these matters to private charity, and paupers will be as promptly supported as ministers of the gospel. He says that churches are built, missionaries supported, and immense sums paid annually, to sustain and promote the general objects of religion and morality; and he asks whether men will give their money for distant and doubtful projects, when they have objects of charity around them? I suppose money will be sent abroad for re-

ligious purposes, to support missionary and tract operations, whatever calls for private charity may be presented at home.

“It is not my business to inquire whether these are in all cases most discreetly bestowed. On that question men have different views; but I am content to leave it to the decision of those who have whereof to give; and as a general remark it will be found true, that those who give most for distant benevolent operations, give most at home. Nor do I consider that giving for religious purposes, either in reference to building churches, supporting the clergy, or supporting missionary or tract operations, comes at all within the principle of supporting the poor. Our constitution and laws leave religious matters to be decided, according to the judgment and conscience of each individual; but recognizes no right to require the advance of a dollar for religious purposes. It is all a moral coercion. The man who believes it his duty, as a moral agent and accountable being, to impart of his substance to sustain religion and propagate the gospel in foreign countries, will do so without law; while he that doubts his duty in this respect, will withhold his funds, and our laws recognize his right to do so.

“But the support of such poor persons as are worthy of support, and unable to support themselves, I hold to be a duty imposed upon the whole community by natural law, arising from the reciprocal obligation of allegiance and protection. Then why shift this responsibility from the public at large, where it ought to rest, for the purpose of throwing it upon the benevolent, who not only pay their full proportion of taxes for all purposes of government, but give liberally and often almost improvidently, for religious and philan-

thropic purposes? I confess I can see no propriety in so doing; and I will inquire how the advocates of this doctrine can distinguish between the obligation of society to support paupers, and the obligation of defending the country, supporting schools, academies, and colleges? Or am I to understand that these should all be left to private charity, and the enterprise of benevolent individuals? I am aware that when our present system of common schools was introduced, and attempted to be enforced by law, it was met by the wealthy with many objections. It was asked, why compel me to assist in building school houses and paying teachers for my neighbors? I educate my children abroad, and shall derive no benefit from your schools; or, I have already educated my children, and being old myself, can expect no benefit from the system. And bachelors were prompt with their objections. They had no children to educate, and why tax them? These objections appeared plausible twenty years ago, when they were common, but probably would not now be listened to with much deference.

“Again, your insane paupers, so feelingly urged upon your favorable consideration by the governor, are I suppose to be left to private charity, as I can perceive no principle that will justify supporting one class of paupers, and turning others away who are equally helpless and worthy. And if this new doctrine is to prevail, I cannot perceive why it should not apply to your public improvements and public defence. Leave the whole to private charity, and the enterprise and patriotism of the citizen. Private charity and a spirit of patriotism will not only build your roads, bridges, and canals, but fight the battles of the country. This would enable the citizen soldier most emphatically to

fight *on his own hook*, the coward to skulk from danger, and the miser to hoard his wealth instead of paying his taxes. A most salutary system indeed to those who have weak consciences and weak nerves, and one that would greatly commend itself to the "peace party," as well as to those who are constitutionally opposed to war. All who had conscientious scruples would find a most convenient and consoling shelter under this system; as no one would be compelled to fight except those who had "a stomach for it." But I will not push this point any further. My propositions are—

"First: That there are a class of paupers who not only deserve support, but must have it, or they must perish.

"Second: That in such cases it is right that this support be rendered at the public expense.

"Third: That if you have no compulsory laws, this expense will fall almost entirely on the benevolent, as the miserly will refuse to give.

"Fourth: that as a general remark, those who are most benevolent, (I mean according to their means) are the middle classes, and a repeal of the poor laws would throw the support of the poor almost entirely on that class. Besides, there is naturally a more immediate sympathy and connection between this class and the poor, than the rich and the poor.

"Fifth: That without a legal enactment, the support of paupers would necessarily be uncertain, and would lead to street begging, and consequently to great impositions.

"But we are told that poor-laws are the relics of a semi-barbarous age, and were reared under the auspices of a monarchial government. Grant it if

you please, and what then? They will not be laid aside for that cause only. The trial by jury is of much more remote origin, and yet no person would think of abrogating it. It is said that the poor laws are often abused, and that they sometimes hold out legislative premiums for pauperism. I do not dispute these assertions; but am inclined to believe, that such has to a considerable extent, been their effect in England; though as far as my knowledge extends in this country, poor people are very unwilling to go to the poor-house; they would about as soon go to the state prison: nor do I doubt that our laws have held out inducements for foreign paupers to throw themselves upon us for support.

“If this be conceded, what does it prove? Why perhaps that our laws are imperfect and have been evaded, and want amending, or that the regulations under these laws are too loose. But is it a fair course of reasoning, to urge the abuse of a thing against its utility? Fire is said to be a good servant, but a bad master; it will not however, be contended that we must have no fire, because it sometimes gets the ascendancy.

“Courts of justice afford facilities for litigation, and yet this abuse will not be urged against having courts. It is said that wheat may be converted into alcohol, and that apples may have a tendency to promote intemperance. Yet among sensible men, wheat and apples will continue to be used, and although now and then, a fool or fanatic may destroy his orchard and refuse to taste an apple lest he encourage intemperance, yet such instances are rare, and to my mind, go to prove two propositions; first, that they are fit subjects for chancery jurisdiction, by inviting the appointment of a

guardian ; and, secondly, that scarcely any theory is so gross, as not occasionally to find an advocate.

“ The English poor laws, whether of semi barbarous origin or not, grew out of the great moral and religious reformation in England, and the suppression of monastic establishments and religious houses. Before the reformation, England was a popish kingdom, and was filled with religious establishments. Priests, monks, and friars, were the almoners of public bounty, and I may almost say of private charity, for they attempted to bring every thing within their control. The country was filled with mendicants, who, being fed and sustained at these establishments, were entirely subservient to the clergy, idle, worthless and rapacious, and under the most dangerous influence. The clergy rioted in wealth and debaucheries ; deceived the people, practised upon the fears and credulity of the weak, to strip them of their property, under the pretence of masses and pious purposes, and with this wealth supported the vagrant, and corrupted those who were dependent upon them. What England then was will be found true to some extent, in many countries on the continent.

“ On the suppression of monastic establishments by Henry VIII, these mendicants were thrown in great numbers upon the community, helpless and dependent. This led to the passage of several laws for the support of paupers, of which that of 43d Elizabeth, in 1601, is the principal. I am not an admirer of this English statute, for I concede it attempts quite too much, but I am yet to learn that under its auspices a state of society exists as deplorable as under the old order of things, or as now exists in most European countries.

“ While I am free to concede that this law has held

out inducements to paupers to become such, I also maintain that it has sustained and alleviated the condition of thousands who otherwise had no means of support. Yet I cannot concede that it has been the principal cause of pauperism in England. The difficulty lies deeper and is of a broader cast, and will be found more enduring from a superabundant population, a monstrous inequality and unjust distribution of property, and the grinding system of taxation arising from a national debt of 1,000,000,000 sterling, which presses like an incubus upon the industry and resources of the country.

“These combined causes, together with the operation of the corn laws produce an increase of paupers which will go on increasing till a radical reform is effected. Let England then commence this reform in good earnest if she wishes to reduce her pauper lists.

“I will here make a passing remark in relation to the discrepancy between the views of English writers on political economy and the acts of parliament and policy of the government. For instance, Adam Smith, who seems to be the standard in that as well as this country, advocates a free trade—perfectly free—‘Let trade regulate itself.’ And this is responded to in that as well as other countries; and yet the policy of the government is precisely the reverse. So also of the Poor Laws.

“But, sir, we have been referred to Scotland, and have been told that Scotland never had any poor laws. Even if this were so, the general exemption from extreme poverty might to a considerable extent, be accounted for from the habits of economy and industry of that enlightened people, together with the general diffusion

of education and the moral and religious instruction with which they are favored. But I must be permitted to question the correctness of an unqualified assertion that Scotland has no poor laws. The fact, I imagine, is, that they have laws that authorise an assessment for part of the support of the poor, and that the residue is raised by contributions; but as I wish to argue this question more upon principle than upon the practice of other countries, I do not consider it a matter of much importance, except as a historical fact, and in this I may be mistaken. I do not pretend that their system is like the English; but yet it recognizes the principle for which I contend, that there is a class of paupers who require support, and that the public at large are by legal enactments required to render that support, or part of it, and for the purposes of my argument, a part recognizes the principle as well as the whole.

“The gentleman is referred to Jacob’s Law Dictionary, as an authority, vol. 5, page 195, title ‘Poor,’ where he will read as follows:

““In Scotland, the poor are distinguished into the idle and the infirm.

““Several acts have been made for the punishment of sturdy beggars and vagabonds, by whipping and burning in the ear.

““Those, who from age or infirmities are unable to maintain themselves, are *maintained by a tax levied on the parish.*

““The collection and management of the poor fund, is placed in the heritor’s and kirk session.

““In parishes, where a sufficient fund cannot be raised for *all* the poor, either by *taxation* or voluntary contribution at church doors, the magistrates are authorised to *give* them *badges* as a warrant to ask alms within the limits of their parishes.’

“The Edinburgh Encyclopædia, title ‘Poor,’ pages 84 and 85, holds the following language in reference to the poor in Scotland :

““In the central districts, and in some parishes the land holders generally contribute what is wanting for the support of the poor, over and above the collections and other funds, without assessing: but here many heritors refuse, or neglect to give anything, and the burden devolves with unequal pressure, on the liberal, while *others very improperly* escape.

““There is also, commonly, another great evil throughout this part of Scotland, (which is not permitted in the border districts where assessments are made), and which is caused by swarms of common beggars from all quarters, infesting the country, and raising contributions in amount, often exceeding what would support the poor of the district.

““There is in reality a tendency towards improvement; *but certainly the most equal and efficient administration, is in the way of regular assessment, notwithstanding the objections against it.*

““We have laws in Great Britain to regulate this administration, (the management of the poor) *and the statute laws are in principle similar in the two United Kingdoms*; though in most parts of Scotland, the common law has established a practical and superior influence.

““The sum applied in aid of the whole number of paupers, (about 30,000) somewhat exceeds one hundred thousand pounds; of which above two-tenths are collected at the church doors, about five-tenths consist of accumulated funds, and voluntary grants by heritors and others; and not quite three-tenths are assessed; though this mode of provision is now adopted in above one hundred and fifty parishes.’ (Page 87.)

“ These authorities appear to me to require a qualification to the assertion that Scotland has no poor laws. Now, as Scotland seems to be the beau ideal of perfection in the gentleman’s estimation, allow me to inquire whether its laws do not recognize the principle for which I contend—the obligation of the public to maintain the impotent poor? or to contribute a portion for their support? I will also inquire, whether that part of the Scotch law which authorises whipping and burning in the ear, commends itself to the advocates of the new system, as worthy of imitation? and whether an authorised street begging is not infinitely more objectionable than our system of public support?

“ I hesitate not to say, that if your poor laws are repealed, begging from door to door must and will be adopted to an incalculable extent; and what system so objectionable as this? Knaves and vagabonds immediately resort to it, not only as a means of support, but as a most profitable business. Fortunes have been amassed by it, and even schools have been established to instruct children in the science of begging.

“ The necessary consequence of this system is, to harden the heart against applicants who are worthy of support, because an individual, after having been imposed upon by the unworthy, and his sympathies grossly outraged, may very naturally come to the conclusion that *all* beggars may be impostors; and as he has been repeatedly deceived, he will guard against future impositions by withholding all charities.

“ Again, repeal your laws, and leave your paupers to the *chance* of support, and many must be neglected, nay must perish for want of *immediate* relief.

“ The gentleman has referred to the man among thieves and the good Samaritan. But what would have become of the sufferer, if by chance the Samari-

tan had not come that way? The Levite and the priest, from whom he had a right to look for better things, had already passed by on the other side, and left him as they found him. It was by chance that he was rescued; and it appears to me that the gentleman's doctrine of relying upon *private charity*, is rebuked from the very case to which he has referred, where two out of three outraged the principles of humanity. I will not contend that this proportion will hold good; but I venture to affirm, and I put it to the observation of every senator, whether we have not in all communities many individuals, and rich ones too, who are most aptly personified in the priest and Levite?

“We are told that no country on the continent of Europe has poor laws; and yet I am inclined to believe, that there is scarcely a country on the continent but what has some partial provision for the poor, either from religious establishments, hospitals, or by an appropriation of public funds, for part of the paupers' support. It appears to me that it necessarily must be so in every civilized country.

“In Switzerland the principle is recognized, that the pauper has a right to look to the public for support; and ‘though there is no absolute provision for the poor in Switzerland, yet each parish generally possesses some seignorial rights and property in land for the public use, and is expected to maintain its own poor.’ (1st Malthus on Population, 424.) Or in other words, a portion of public property in lands is set apart for the support of the poor, and the parish makes up the residue.

“So too in Ireland, a corporation is erected in every county, of which the bishop and member of parliament are presiding members, and who are

empowered to relieve poor parish vagabonds, to apprentice children, &c. and are clothed with great discretionary powers. (Irish act. 11 and 12 Geo. III. chap. 30.)

“‘The national assembly of France, though they disapproved of the English poor laws, still *adopted* their principle, and *declared* that the poor had a right to pecuniary assistance; that the assembly ought to consider such a provision as one of its *first and most sacred duties.*’ (2 Malthus, 520, note to appendix.) But I believe France has not yet perfected her system of poor laws, although scarcely a country in Europe has so great a proportion of paupers. In Paris, it is estimated that every seventh person is a beggar; and that of the burials one-third are at the public expense. In the towns in France, the poor are estimated as one to ten; and in rural districts, as one to fifteen: while in Scotland, about one in a hundred are considered regular poor, and two in a hundred receive partial support. (See *Édinburgh Encyclopedia*, title *Poor*, 87.) France, with her *sans culottes*, will long hold an unenviable comparison, even with England. Books have been referred to, and I will detain the senate with a few extracts, to show how this matter has been regarded abroad as well as at home. In addition to those already given from the *Encyclopedia*, I will add a few more.

“‘Entire neglect of the poor drives them to despair, and of course to acts of desperation and violence: laws and regulations having no object except to silence or suppress their demands, are cruel, injudicious, and ineffectual. The correct principles of the administration of the funds of charity have certainly not yet been generally understood; otherwise the practice

would have been proportionably improved. Utter neglect of the wants of the poor, is one extreme which has a dangerous and obvious tendency to excite all the worst feelings of the poor, and to stir them up to violence against individuals, and to hatred and rebellion against the laws. The opposite extreme consists in making want, without regard to conduct, the measure of the pauper's claim, and in grounding this claim not in charity but in right. Our sister kingdom of Ireland furnishes too many instances of a near approach towards the former extreme, and England towards the latter. In Scotland, notwithstanding the rather boasted superiority of the general mode of administration, there is really a tendency towards both of these extremes." (Page 81.)

“In other kingdoms and states there is little to remark, and less to commend; only that the poverty, misery, and vice, which have overrun some of the finest and most fertile nations, are truly astonishing. And on this point it seems unnecessary to say more, than merely to name France and Spain, Portugal and Italy: and to refer to the too well-authenticated facts connected with the *poissards*, the *sans culotte*, and the *lazzaroni*. (Page 85.)

“The legislature of France has rejected all assessments for the poor, and sanctioned common mendicity over the land. The despotic governments of other nations appear slow and reluctant in giving their people emancipation from a state of servitude. Little hope of melioration for the state of the poor in these nations, appears at present. Perhaps it is reserved for this island, to give the tone and example in this great branch of policy and humanity. The United States of America have evinced both a liberal and profound

policy in providing for the poor already, by allotments of land, even before their state of population and society had arrived at such a point as to bring this burthen into existence. (Page 89.)

“Common begging is one of the very worst ways in which the poor are, or have been supported in any country; and yet it continues even in France, where the revenues of the state are sparingly supplied in aid of the funds of charity. (Page 85. See also Phillips' Manual of Political Economy, pp. 144 and 145.)

“‘This mode is so pregnant with evils, that it appears astonishing how any enlightened legislature should deliberately tolerate it.’ (Page 87.)

“These general views are recognised in Phillips' Manual of Political Economy as being correct, and he remarks, in reference to private charity, that—

“‘Persons of the greatest benevolence contribute far more than their just proportion, to support the poor; and if relief of the poor is wholly voluntary, some persons will be left to perish for want. This, it is true, according to Mr. Malthus' doctrine, is one of the necessary correctives of redundancy of people; but it certainly is not necessary until a country has become greatly overcharged with inhabitants, which will not soon happen in the United States. (Page 145.)

“‘Justice dictates such a provision for the poor, that the burthen may fall upon each one in proportion to his means,’ (Page 146.)

“A few selections from the North American Review of 1827, pages 118 and 121, shall close my extracts. The article to which I allude, is a review of McCulloch's Political Economy, and the author remarks that—

“Marriage and the poor laws are, as is well

known, the two great bugbears of the new economical school. Our ancestors, simple souls, thought it a vastly fine thing to promote marriage; but like the man in Moliere who had reformed the position of the great vital organs, *Nous avons change tout cela*. Our readers are not so ignorant as to require to be told, that it is considered at present the great object of political economy, to bring about a state of things in which there shall be the fewest possible marriages, and to each marriage the fewest possible children. Since the publication of the work of Mr. Malthus, the sages and statesmen of the mother country are continually beset with the apprehension of being eaten out of house and home, by a hungry population, which, as they say, is pressing hard everywhere against the limits of the means of subsistence.' (Page 118.)

“Here Col. Young remarked, that no writer on political economy had objected to marriages, except the visionary theories of Mr. Malthus.

“To which Mr. Beardsley replied, that Dr. Chalmer, who had been referred to by Mr. Young as a standard writer on political economy, had objected to the poor laws as inducing frequent and improvident marriages; and whether other writers had adopted this theory of Malthus, he, Mr. B. was not then prepared to say; but he would say, that other theories, which in his judgment were equally visionary, had been adopted, and that this was not the most extravagant theory that had been put forward for public approval.

“Mr. Beardsley then read from the North American Review, as follows:

“‘A strong aversion to the poor laws is, as we have already intimated, another favorite tenet with the writers of this economical school. A public provision

for the disabled members of society, has no other effect, they say, than to create the very wretchedness which it afterwards imperfectly relieves, without in any way diminishing the amount which would otherwise exist. Private charity is less mischievous, because it operates less systematically and extensively; but in principle, and as far as it goes, it is no better. Therefore steel your heart and shut your hands.—Let the poor laws be repealed without delay, and let it be understood that the supposed right of the indigent or distressed to relief, either public or private, is wholly inadmissible. Such doctrines, like the anti-matrimonial system which we have just been considering, are so completely abhorrent from all common notions and common feelings—from the text and spirit of Scripture, the traditions of the fathers, and the universal consent and practice of all nations and ages, that we hardly know in what manner to treat them. One is tempted to think, that the writers who support these monstrous paradoxes cannot be really serious, and that they are imposing upon the public a sort of *melancholy humbug*. At all events, their language addressed to a civilized and christian community carries its own refutation with it.

“ ‘When we are told that we are no longer to perform the duties of charity, public and private, because of this or that discovery in political economy, we may well answer, without examining at all the value of the supposed *new lights*, that our own hearts, (to say nothing of scripture) furnish us with stronger evidence of the reality of these duties than we can possibly have of the truth of any metaphysical theory. If then the new system be at variance with our strongest natural sentiments, and the conduct they prescribe, it follows not

that these sentiments are of injurious tendency, and this conduct immoral, but that the system is false, were it even impossible to detect the least logical flaw in the argument.'

“ ‘ This, however, is so far from being the case here, that the argument in support of this theory is as singularly flimsy, as the theory itself is unnatural and inhuman.’ (Page 121.)

“ ‘ Let us glance, (said Mr. B.) for a moment, at other countries where religious establishments are looked to for the principal support of the poor. Look at Spain, Italy, and Naples, with swarms of lazzaroni and street beggars, and I submit it to every man of sound judgment whether the English system, objectionable as I admit it to be, is not infinitely preferable. And yet our system, which is proposed to be repealed, is greatly preferable to that of England. I may almost say that the two systems are so dissimilar, that no just conclusion can be drawn of their effects and influence on society, from a comparison of one system with the other.

“ The practical operation of our poor laws in general (always, however, with some few exceptions,) is to relieve those who are in absolute want, and unable to support themselves, instead of supporting those who are able. Such will be found the general operation throughout the state, which is unlike the practical operation of the English poor laws; the latter yielding indiscriminate relief to the sturdy vagrant as well as the impotent and infirm.

“ We are told that private charity will do all that is absolutely necessary to support the worthy pauper; but will it be contended that this private charity will always seek out and provide for such as require *immediate* support?

“Will not many suffer, and even die, unless you have a *certain* and compulsory legal provision, before private charity will apply the remedy?”

“Let any one step into our poor houses or asylums and he will meet with objects entirely unable to maintain themselves, destitute of friends, relatives or property, and who must perish, unless sustained at private or public expense. And such objects too as no individual, however humane, would wish or hardly consent to make an inmate of his family.

“How are these loathsome objects to be supported? Are they to be left to chance? Will the rich take them into their families, or even give them a place in their kitchens or garrets? Certainly not. The most charitable will turn away from objects so painful and disgusting, although they may give liberally for their support, to such as will consent to take them in charge.

“As a test of the correctness of the theory, that private charity will do all that is necessary, for the relief of those who are absolutely dependant and worthy of support, I will again refer to the poor in France, Spain, Italy, Naples, and Ireland, where my friend from the fourth contends they have no legal provision for the support of the poor; and I ask him, whether private charity has made all requisite provision for the helpless pauper?”

“If his theory is correct, these countries, in the absense of poor laws, (those ‘relics of a semi-barbarous age’) afford an extensive field for the exercise of private charity, and the happy developments of his cherished theory; and yet I think it will not be contended, that in point of fact, the practical effects have been such as he supposes the absence of poor laws would produce.

“I have always understood, as well from general information as from those who have travelled through these countries, that they abound with beggars; and that poverty and distress are as common as in England; nay more, that even England, with its swarms of paupers, its heavy taxes, and its improvident poor laws, as they are considered, suffers nothing in a comparison with other European countries.

“And so far as private charity is concerned, I assert, without fear of contradiction, that notwithstanding the supposed withering effects of poor laws upon the exercise of private charity, no country in Europe can compare with Great Britain, in its hospitals, asylums, and general provision for the support and comfort of the helpless and infirm, as well as other objects of benevolence and religion.

“If this be so, and that it is I have no doubt, how is the theory in relation to private charity supported by facts?

“It appears to me, that instead of sustaining the theory, the facts rather go to overturn it: and should at least induce a doubt of its correctness, even with its most strenuous advocates.

“It has been said that the drunkard, from his vices, brings suffering on himself, and that his suffering is a righteous retribution for his offences; that he deserves nothing at the hands of the public. Be it so: I am no apologist for the drunkard: but suppose, instead of the drunkard, you are presented with the drunkard's wife and drunkard's children, who, from his folly and vices, without fault on their part, are reduced to poverty and absolute dependence—have they no claims to our sympathies for support? and are we, in our crusade against vice, to visit the sins of

the father upon the children? God forbid! *That* wife, and *those* children have, indeed, too bitter a portion of this world's evil, to merit the infliction of ills intended as a punishment to the drunkard.

“I cannot, Mr. President, in looking upon this subject, bring myself to the conclusion that our poor laws, are ‘a standing statutory libel upon God and man.’ The principle on which they rest, in my judgment, is pure and benevolent. It is an emanation of that ‘divinity which stirs within us.’ It throws the support of those who are unable to support themselves, upon the community at large, of which community they are members; and while it provides a *certain* and prompt relief, leaving nothing to chance, it throws on those who are able to pay and yet unwilling, no greater burthen than upon the benevolent, who are willing, but often less able to bear these burthens.

“I concede that your laws may be defective: that they may invite to pauperism; and that impositions are sometimes practiced; but let this be corrected by legislative enactments; and not from an abuse of a salutary law, reason against its expediency; and by pushing theories to an extreme point, deny all liability, on the part of the community, to relieve extreme poverty, often the result of providential visitation, and without fault of the sufferer.

“I cannot adopt this *cold and heartless* theory, which, while it recognises what no man can deny, that thousands of our fellow-beings, without fault on their part, are thrown without friends or protectors upon the charities of the world, either public or private, for support, shall be turned over to the uncertain relief of private benevolence.

“I rather choose to adhere to laws, the principles

of which are deeply implanted in our nature, by an all-wise and benevolent being: laws that have grown up with our growth, and strengthened with our strength; which recognise an obligation, on the part of the community, to sustain its helpless members, equally binding as the dictates of humanity upon an individual, to rescue a fellow-being from suffering or death.

“And while I will go as far as any gentleman to correct abuses, and to render our system more perfect, I cannot consent to repeal our poor laws, and thus cast a vast number of helpless beings, and vast amount of human suffering, upon the cold and uncertain charities of the world. That warm hearts exist, I admit, and that the principles of humanity will prompt the benevolent to deeds of mercy; but I also know that there are individuals in every community, who, although abundantly able, will do nothing and pay nothing, except as your laws compel them. While they claim and receive the protection of your government and laws, the enjoyment of which, I trust, will never be denied, they shall not, with my consent, escape from bearing their equal burthen in supporting that government, and the helpless members of the community.

“Our present system of county poor-houses has scarcely been tested. It is an experiment which may require years of practice to bring to perfection, and as its defects become manifest let them be corrected. If in some few instances they invite pauperism, and if foreign poor are thrown upon us, the legislature can, and no doubt will apply a remedy. But while our taxes are light, and our citizens satisfied with our present system, a system which thus far has worked well, let us not, from an apprehension of future evils,

that may or may not be realized, endeavor to subvert a policy identified with the sympathies of the great body of the community, and grounded in the purest principles of humanity.

This inroad upon our system, without the apology of a petition or complaint to justify our action, is now urged for our approval. A change based upon an untried and doubtful theory—a theory at war with all our early impressions and the whole tenor of legislative enactments;—a change as uncalled for as it will be unexpected by the people, and one that I hesitate not to say, instead of commending itself to their favorable consideration, would be received with utter astonishment, if not with deep and unqualified reprobation.”

It is worthy of remark that the resolution was introduced, and its adoption urged without a petition for the proposition, and though sustained by able arguments, presenting with much ability the strong points, fortified by numerous references to writers who had entertained similar views, it received but few votes beyond the movers. I had never read much on that question and was poorly qualified to discuss it, but the negative of his proposition seemed to me so reasonable, and so much in accordance with the sympathies of the age in which we live, that after offering an amendment I could not shrink from the contest. Some of the colonel's assertions in regard to the absence of legal provision for pauper support in the different governments of continental Europe, were very broad and sweeping.

An able article soon after appeared in one of the *London Quarterlies*, that went far to overthrow some of his propositions, in which the writer showed the provision, in nearly every country of Europe, for the relief of the poor, from which it appeared that scarcely any

of them were without some legal enactment, or other certain means provided, for the aid and sustenance of the destitute.

Indeed, I do not see how any civilized country, to say nothing of christianized, can get along without some legal provision for those who cannot help themselves; without it innumerable cases must arise, where those who are worthy but unfortunate must perish for want of prompt assistance.

It is an interesting subject, and enters largely into the political economy of the state, which I hope may be deemed of sufficient importance by those who may honor me with a perusal, to warrant me in submitting my remarks in the present chapter to the scrutiny of the public.

CHAPTER XX.

Common Schools should be Free, but not Sectarian.—School District Libraries projected and urged by the late James Wadsworth, Esq.—Shaking Quaker Investigation.

AMONG the many subjects of legislation that came before the senate while I was a member of that body, and which was by no means of the least importance, was the common schools of the state; and in reference to which, my votes were with those sustaining the most liberal principles. I had been a school-master. All the scholastic learning I had acquired was at these humble institutions. From the time our common school system went into operation, in 1814 or '15, I had been a commissioner or inspector, up to my election to the senate, and always felt a deep interest in perfecting and sustaining them, looking at the general diffusion of education among the masses as the sheet anchor of our liberties. So I regard it still; and hence have looked upon the question of free schools, just passed upon and sustained by a vote of the state, as one of absorbing interest.

Public opinion has been much divided; but I think it is more a division in regard to details, than the abstract question whether the schools shall be free. In reference to the law lately submitted to the people, and sustained by the popular vote, the details were undoubtedly defective, and this I suppose was the principal cause of clamor. These defects have been,

or should be amended and corrected, as I do not doubt they will be, if they are not already.

Had I been a member of the legislature, I would never have sent the question of free schools back to the people. I do not like this mode of shuffling off responsibility from the representative to his constituents. If he is fit to represent them, he ought to have a mind of his own, and be willing to take the responsibility of deciding on questions, instead of shirking them.

The decision of Judge Shankland, of the supreme court, which I understand has been concurred in by some of his associates, that a law, the vitality of which is made to depend on the vote of the people, is unconstitutional, fully meets my approbation, and will serve to check the inclination of legislators to avoid responsibility. I think the constitution never intended to call in the popular vote, for the purpose of law-making. Still, as the school law was submitted and sustained, I hope it will be an additional inducement to legislators, to perfect the system by discreet amendments, till the schools are made free for every child within the borders of the state. Well-founded objections, that have heretofore rendered free schools unpopular, should be removed, which subsequent legislation can and no doubt will effect.

Education and general intelligence are indispensable requisites, for a discreet exercise of the elective franchise, and the varied duties of the citizen. We allow almost universal suffrage. The vote of the poor man, however ignorant he may be, has the same weight in the ballot box as that of his rich educated neighbor. That box is indeed the medium, if not the source of power; and how is this power to be safely exerted, unless intelligence goes with it? The state,—the body politic, has an interest *then*, in having its citizens

educated as well for *this* as other duties. Every one will admit the foregoing proposition; and then the question arises, how can this desirable result be best promoted? Make your schools free, so that no child shall be excluded on account of the poverty of his parents, or be degraded in his own feelings, or taunted by his associates, as being there on the pauper list. Children of extremely poor parents have embarrassments enough to overcome, from the mere fact that they know they are not as well conditioned as those who move in a higher sphere.

It may be said that our schools were so free that any child could be educated. This may have been substantially true, and yet we know that many have been debarred, from the inability of parents to pay the rate bills, and their reluctance to place their children in school as charity scholars. The pride of even a poor man revolts at the latter proposition, as well on account of his own humiliation of feeling, as for respect to the feelings and spirit of his child. Hence, make your schools free, and you secure a more general education to your citizens. But it is objected that the property of one man shall not be appropriated to school the children of another. If this is a valid objection, it is equally so against the law which has for many years imposed part of the expense of schools on property. The objection, in my judgment, is not well taken, for as long as laws have to be made and enforced to protect property, the public have a right to judge and decide how that protection can be best and most cheaply afforded. Property is subjected to the expense of maintaining police regulations, criminal courts, jails, and state prisons, poor houses and paupers. No one denies the truth or propriety of this proposition.

Now, I imagine, criminal statistics will abundantly

prove that education greatly restrains crime ; so also in regard to pauperage. Probably no more efficient protection can be prescribed for the safety of persons or property than a general diffusion of education, through your common school ; nor no regulation that will so greatly limit the expense for the poor. Hence, when you ask property to support schools, you violate no private right, you merely adopt the same principle that has always governed in relation to criminal proceedings. No one thinks of requiring a parent who has a vicious child to pay for proceedings to bring him to justice. Nor do we subject the property even of a murderer, to pay for the gallows, or the executioner for inflicting the death penalty. Not only property is more secure, but the order and quiet of society and life of the citizen is more safe in an educated population than an uneducated. Ignorance is truly the parent of vice. An intelligent community is far more respectable, and adds strength to the political fabric. " Knowledge is strength ;" and when you connect it with the ballot and jury box, and in short with all the duties of citizenship, no one can adequately estimate its value or importance.

It not only protects, but enhances the value of property. What man in his senses would place as high an estimate on farms in an uneducated, ignorant neighborhood, as he would where it was surrounded by intelligent, well educated farmers ?

A *good man*, from the mere sympathies of his nature, will desire to see his fellow men, and the children of his fellows, so situated in the world as will best promote their happiness and respectability. Hence, he will freely contribute of his substance, to promote so desirable an object ; and this consideration will prompt many to sustain a system of free education. But all do

not so regard it, and hence the necessity of law, to compel contribution. Sympathies need not be invoked where reasons of state afford an abundant justification.

When I speak of *free schools*, I mean those that are without charge to the pupils and *free* from sectarian as well as other influences, except a desire to educate and fit those for an intelligent exercise of the duties of life, who attend for instruction.

Any abstraction of funds raised by authority of law, to promote common school education, when devoted to sectarian purposes, is, in my judgment, a base perversion from the object for which they were intended. With the same propriety laws might be passed to levy money for religious associations; a proposition which in this country, would neither be listened to, or submitted to for a moment; nor should the other. What would be the result in reference to common schools, should sectarian divisions of the funds be allowed? You destroy the system of general education at once. If one denomination is allowed to have a portion, another, and all denominations must have their share; and thus your schools instead of being institutions where all may meet on equal terms, will be narrow, bigotted, and exclusive. The catholic must have his, the episcopalian his, the presbyterian his, and so through all the denominations that exist in the country, down to those who disbelieve and repudiate the whole. A sectarian school will, of course, be narrow and exclusive. The dogmas of each denomination will be insidiously instilled, if not openly taught the pupils, and thus the whole community will be brought under clerical influence,—an influence, which, when exerted in reference to political affairs, has too often been pernicious to liberty. I would allow the clergy their due

weight in the pulpit, and treat them with deference and respect in reference to religious matters, but I never desire to see the schools or politics of the country subject to their control.

While Sunday schools are kept up they will necessarily be in a great measure sectarian. To this I do not object; nor has any one, except those who establish them, a right to control them; because they are the result of free voluntary associations. A discreet man, therefore, would not desire to interfere with others in this particular, even if he could. In these schools the clergy will, of course, exercise great influence, which should satisfy the aspirations of any reasonable man. My position in regard to schools, is this: they must be kept free from sectarian influences, or they cannot be sustained as a general system; the contrary course must necessarily break them up, or introduce dissensions that would destroy their usefulness.

Then again, if you attempt to divide the funds, with a view of dividing according to the number and interests of the different denominations, your schools become weak and inefficient, while your population becomes divided and jealous of each other, if not actually inimical. I am perfectly satisfied the common school system cannot be sustained, if placed on a sectarian footing; and if such influences are allowed to enter or govern the schools, they will be regarded with disfavor by some, if not all the many denominations, and their usefulness paralyzed if not destroyed.

To say that a large majority of a district is of a particular denomination, and therefore their dogmas may be taught, is no answer to the objection; because our laws and whole theory of government go on the assumption that all religions are alike tolerated, while

none can claim precedence. And besides this consideration, it cannot rightfully be pretended that schools under our system, are established to inculcate religious dogmas, much less sectarian.

It has with me been a matter of regret, that catholic citizens, in some instances, have desired to keep their children from common schools. This prejudice is most prevalent with those who have come from foreign countries, to settle and reside among us. How absurd it is, to think of keeping up distinctions and divisions here, that used to divide them at home, or to divide our schools from religious views and differences. The sooner they can throw off their foreign prejudices, and become Americanised in their feelings and sympathies, the better for them and the community in general.

I can make some slight allowance for foreigners, when they are influenced by foreign prejudices, but when our American protestants inveigh against common schools as being unfit to educate the children of religious people, and ask charity to enable them to establish select sectarian schools, I am astonished at their folly.

Within a few weeks, I have listened to a discourse from a protestant minister, who represented common schools, in certain specified localities, if not absolute nurseries of vice, as but very little short of them. Such discourses are calculated to do harm, and should not be countenanced. If schools are not conducted as they should be, there is more necessity for good men to remain with them for the purpose of correction and improvement. The education of the masses is an element entering so largely into our municipal regulations, that no man who has a proper regard for the interest of society, to say nothing of private interest, can look upon it with indifference.

If its importance is properly appreciated, good men will desire to interest themselves in the schools of their neighborhood, and to reform such defects as are apparent. It appears to me, that scarcely a school district can be found, where the proprietors could desire any thing short of a well-conducted school. Very few parents are so indifferent to the welfare of their children, as to tolerate a loose, disorderly, immoral school; and I should require strong evidence to induce me to believe, that a majority in any district could be induced to favor such a project. There is virtue enough, in my humble opinion, in the community, to require schools to be managed on principles of good morals; where youth may be taught, and by teaching made better men and better citizens, and better qualified to discharge the various duties of life. Hence, any attempt, from the pulpit or elsewhere, to decry or render them odious or unpopular, should be reprobated and treated with contempt.

It may be said, and has been said, that religious instruction should go hand in hand with education, and that an irreligious man cannot be a good citizen. That religion is essential to the well-being and safety of society, as well as of our political institutions, I freely admit, and certainly shall not be found arguing against it, or religious instruction. But the question is, whether such instruction can be carried into our schools, without being sectarian; and if sectarian, whether it will not of necessity destroy the school system?

Solomon says, "there is a time for all things;" and though I admit the importance of religious instruction, I do not believe the hours devoted to common school learning, the appropriate time, nor the school-house, as such, the proper place. Instruction in religious matters is more appropriate for the family

circle, the pulpit, and pastoral visits; and in my judgment, should be kept out of schools, if we intend to sustain them under our school-law as a system.

The law requires a certificate of good moral character on the part of teachers, united with a competency of learning, to teach a common school; and these certificates, with the license predicated upon them, are revocable, if the candidate is found to be wanting in these pre-requisites. The law knows nothing of religious qualifications, and requires none, beyond a *good moral character*, with ability to teach; and as in qualifications for governors, legislators, and judges, we require no religious test, neither should we in regard to school teachers. He who requires it goes beyond the requisitions of the law.

I am not to be understood as objecting to a teacher because he is religious. If truly so, it should be a recommendation, rather than an objection.

I hope my remarks will not be regarded as the ebullition of unkind feeling towards the clergy, for they are not so intended; but on the contrary, from a perfect conviction that schools must be kept free from sectarian influences; and by keeping them so we best promote their usefulness, and leave the clergy in a position where their worth and high standing will be better and more highly appreciated.

SCHOOL DISTRICT LIBRARIES.

The school district library law had my hearty approval and zealous support. Judge Hammond, in his political history of New York, makes honorable mention of my exertions. A few incidents in regard to the legislation on this subject may not be out of place or uninteresting.

In its results, in distributing nearly one million of

readable volumes through the state, where almost every child can have access to them, I have regarded this as one of the most important laws I have ever assisted to pass. I hope it will long be so regarded, by those who shall hereafter legislate. Next to our common schools, and auxiliary to them, I consider it of inestimable value. I shall always feel proud of that law, though I make no claim to its paternity. That honor belongs to the late James Wadsworth, a wealthy, liberal, far-seeing, and highly esteemed gentleman, from Geneseo, Livingston county. Fully impressed with the importance of a more perfect system, and general diffusion of knowledge through the medium of common schools, with all the zeal of an enlightened philanthropist he came to Albany, to promote the object he had so much at heart, and sought interviews with several members of the legislature. Before that occasion, he had purchased and presented to each member, Cousins' work on the Prussian System of Common Schools.

He requested me to meet him for a few minutes, in one of the committee rooms, where he immediately introduced the subject of school district libraries, in connection with common schools. He proceeded to enlarge on the advantages to be derived from the introduction of good, well-selected, interesting books, placed in reach of every child in the state. Recollecting how much pleasure and profit I had myself received from the few books I had been able to obtain during my childhood, he had only to state his project, when its propriety and advantages appeared so apparent, that I wondered I had never thought of it before.

I told him at once, that I did not wish him to spend

a moment in convincing me of the propriety of the principle. All I wanted to hear, was his suggestions as to details, in carrying out the measure. This he explained, and I assured him of my zealous co-operation whenever it should be brought up. I was sure it would meet with a stern, determined opposition, and so informed him; but he had dwelt upon it so much, and making it a hobby, had so convinced himself of its propriety, that he could hardly believe it could be opposed by any one. He seemed to think it would commend itself to the favor and good opinion of every one, as it had to himself. When the bill was called up in committee of the whole, it was assailed as an attempt to throw an additional burden on men of property, already unequally and oppressively taxed, under our school system.

It was said, the books, if taken out at all, would be lost, or carried away by those moving from the district; that plenty of books were already in reach of all who desired to read; and that the library creating an additional burden, would endanger the schools, by rendering the whole unpopular. In favor of the libraries we argued, that the introduction of interesting books would create a desire to read, and thus infuse a more general feeling among parents and children, to keep up and render the schools more perfect. That under suitable regulations, to be prescribed by the proprietors of schools, the books would be preserved. Parents and children could profit by them, for parents as well as children would read, when the books were brought home; and thus a more general knowledge would diffuse itself through the length and breadth of the state. That where each citizen had an access to the ballot box, it was abso-

lutely necessary, for a judicious exercise of the right of voting, that he should be informed. That the safety of our institutions in a great measure depended on the intelligence of those entitled to the high privilege of choosing their rulers. That education was calculated to prevent crime and pauperism; and I recollect of making the remark, the substance of which I have recently seen reiterated in reference to free schools, "that property owners would have no reason to complain, as a general diffusion of knowledge was the best and most efficient safeguard property could have, against both pauperism and crime."

The debate may be seen, and the substance of my remarks, in the daily Albany Argus, the day after we had it up in the senate. I do not recollect whether Col. Young was in the senate, when the first law passed in reference to school libraries, but I think he was. I am sure he was, when the law was passed in relation to the application of interest arising from the deposit of surplus revenue with the state, by which the funds for schools and libraries were largely augmented. The Colonel and myself differed on many subjects, but in relation to schools and school libraries we always worked and pulled together. The state is much indebted to him, and to John C. Spencer, for the flourishing condition of our schools and libraries. Mr. Wadsworth had the gratification of seeing his favorite project carried into successful operation, and should be remembered and regarded as a distinguished public benefactor, to whom the citizens of New York, particularly the younger members of society, are greatly indebted.

At our interview in the committee-room, I offered to contribute towards any expenses that might be

incurred for books or printing, but he would accept nothing. He was rich, and said he wanted no money: he only wanted to contribute to the well-being and respectability of his fellow men, and was convinced that he could do nothing of so much importance to them, or to the stability of our republican institutions, as the diffusion of knowledge among the masses. It would be fortunate for society, if men of property and influence would more frequently imitate his bright and patriotic example.

Here was a man of great wealth, who of course, under any system of free education, must contribute largely for its attainment, was urging the passage of a law that must subject his estate to annual charges, which many others strive to avoid. Yet he had plenty of this world's goods, and had the good sense to see how it might be made useful to the community, as well as to himself and relatives. He did not long survive the passage of his favorite law; but long enough, I believe, to see it carried into successful operation. When full of years, with an untarnished reputation, he was "gathered to his fathers," leaving a princely estate to his relatives, who are in every respect worthy representatives of the distinguished gentleman from whom a large portion was derived.

SHAKING QUAKERS.

Before leaving senatorial proceedings, and going to other subjects, I will introduce a few pages in reference to this singular sect.

During the session of 1838, several petitions and communications were presented, making serious charges against the shakers, and praying for a legislative investigation. It turned out in the end, that these

proceedings were principally instigated by backsliders, who had been with, and subsequently left them. A committee was finally raised in the senate, consisting of Hon. F. A. Tallmadge, Col. Young, and myself; of which I think Mr. Tallmadge was chairman. The committee had several meetings, and took considerable testimony, which did not seem to amount to much, except to show the singular tenets, "rules," and regulations of those extraordinary fanatics. The drift of testimony was more aimed against the elders than private members, probably on account of their official standing. Some of their "orders," or "rules" appear arbitrary; and as love of power and authority is inherent in man in every station of life, I have no doubt that those elders held a "taut rein," which would not be tolerated out, and should hardly be permitted within the society. Still, the joining and remaining with them being a matter of choice, and not of coercion, if the members are satisfied with arbitrary rules, "the world's people" should not very much complain, so long as the exercise is within the society.

The shakers were before the committee in considerable numbers; and were of course very civil to them, as well as to members of the legislature generally. The public know but little of the "rules and orders" that regulate the members in their *isolated society*; for it was proved by the oath of several witnesses, and rather admitted, that members are not allowed to communicate the "rules and orders" to those not of their fraternity. The *interior regulations*, in fact nearly the whole of the affairs, are under the elders, or are managed as they direct.

The proof went to show that they exercised an influence both inquisitorial and restrictive. Books or

newspapers were neither to be bought or read by the members, except by permission of the elders. Letters were not to be written, or received and opened, unless they inspected them. It was proved to be contrary to orders for members to look at any thing to gratify curiosity. For instance, they must not visit a museum, or even to go on board a steam boat to examine it or its machinery. To test them in regard to this point, I invited some of the shaker females, who visited the senate, to go with me to the state library, and look at Audubon's great work on Ornithology, then just published. They complied with some little reluctance, but I have always thought their going was more out of compliment to me, (as I was of the committee) than a desire on their part to examine that splendid production. The evidence was, that the society believe in a future state of rewards and punishments; and that it is inculcated on members, particularly on children, that no one can be happy hereafter unless he becomes a shaker; and if he violates the rules, or leaves them after uniting with their society, he must be miserable in this life as well as the life to come. Again it was testified that it is inculcated, by preaching that the members will "never see any God but in their elders."

They teach that there is, and should be "no natural affection," and hence, parents and children are not allowed to visit each other, except by permission of the elders, and generally in their presence, or in the presence of a deaconess.

One of the witnesses testified that the society was strict, and often abused children. That the children and members are taught that "it is right to lie, and cheat the devil." and thereby defend and promote the Gospel."

This witness had testified to certain acts of violence, particularly in reference to himself. He had been flogged once for an alleged offence of which he was not guilty, and afterwards used to lie and deny things which were alleged against him that were true. At the age of fifteen he was stripped on a cold day and severely flogged. He finally stated that when he was a boy he was very graceless, and probably one of the worst boys in the world for lying and stealing. The committee thought from his own statement that though the flogging might not have been strictly legal, yet it was not entirely unmerited.

He went on to state, that they were taught by the elders "that this world is a sink of corruption." On being asked what had been his experience in this respect, he said he had not found it so. He then complained of ill-treatment of the members by the superiors, and to illustrate his views, remarked that "all men are born free and equal," and hence deduced that it was wrong for the elders to live or dress better than other members; and stated that he had been required to wear the old shirts of the elders.

Their "orders," as they call them, are very strict, particularly in reference to the sexes. A male and female are not allowed to pass each other going up or down stairs; one must wait till the other has ascended or descended. They must not hang their clothing together. The males hang their garments in one part of the house, and the females in the other. A male and female are not to be in a room together without a third person, or to ride out together without another with them. In reference to this latter regulation, one of the witnesses testified to what he had heard of a ludicrous evasion of the "order." "One of the elders was in

the habit of riding out with a particular sister, and to make up the third person they used to take a dog in the buggy with them." This was promptly pronounced a lie by an elder who was present, as it probably was.

It was proved to be contrary to "order" "to pay anything for the gratification of the sight or senses;" "to tell your feelings, trials, &c. to any one but an elder;" "to talk after going to bed;" "to be in the room when a female makes the bed;" "to go into meeting or to bed after having broken an order, without confessing it to an elder;" "to sing worldly songs, or to tell worldly stories, or read worldly books, except approved by him." "Males and females of the society are not to touch each other;" nor must the female "go alone out of the family at night."

One of the witnesses scandalized an elder and three sisters, by relating that "they were in the habit of going in a pond to bathe together, he having on a short shirt, and they with each only a cap on the head;" the reason given for putting on such slight appendages, was to be enabled to say, that "they did not go into the water naked." Probably the whole was a slander; but I suppose men and women of more pretensions than these obscure shakers, have been guilty of indecencies quite as reprehensible. And if it be true that delinquencies occasionally happen among our shaker friends, they only imitate vile examples from more distinguished quarters.

The committee were invited to visit the settlement at Niskauna, to see and examine for themselves, whether any wrong could properly be imputed to the society. We went there twice, and were received and treated with much respect and kindness. We went through the establishment, conversed freely with the

inmates, adults and children. They all professed to be contented, and desired to be left alone, that they might remain there in quiet.

They have schools where the children are taught to read, write, and cypher. Their clothing was good, substantial, and clean. Their houses and enclosures were the patterns of neatness and cleanliness; and their food though plain was of the best quality, and got up well cooked, and was in every respect as it should be.

We dined with them twice, and I want no better bread and butter, boiled ham, roast turkey and beef, with excellent bottled cider, than we found among the shakers; nor could better be had, if it was wanted. One of our visits was on the Sabbath, as we wanted to see them at their devotions on that day. Sister Abigail who took charge of the kitchen department, got us an excellent dinner, and after we had dined we proposed to return to the city. They urged us to stay and be present at the afternoon exercises, when they were going through with those dances, as we call them. Abigail was a large, tall woman, and we told them we would stay if she and Senator Wager, who was with us and was also very tall, would dance together. It was finally adjusted by Frederick, their market agent, who was a shrewd, good-natured man, and I should think was very competent for his position, assuring us that he would join in the exercises. We concluded to wait; so in due time they congregated in the large room, and after singing some of their hymns, and the elder giving words of exhortation, they prepared for "labor." The men took off their coats, and hung them with their hats on pegs on one side of the room, the females hung their bonnets on the other, and then all commenced.

Frederick did not "go in" with the first, but waited some time, and then very deliberately took off and hung up his coat, and joined the others, giving us occasionally a significant look, which went to say that he was keeping his engagement.

One of their stanzas was very much in the following style; which was sung with a decidedly nasal twang:—

"And David danced with all his might,
And then his mind was eas-ed;
Because he knew that he was right,
And the Lord was not displeas-ed."

Among the females was a young woman who, fashionably dressed, would have appeared well, though not handsome. She had been the subject of a *habeas corpus*, which had been sued out by her mother, whose reputation was equivocal. The girl desired to return and remain with her shaker friends, which the judge permitted. She seemed to enter into the exercises with great enthusiasm of feeling, and eventually appeared almost frantic, and then, apparently, seemed to sink away and fall into a trance. I cannot better describe it, than by comparing it to those exhibitions or manifestations so frequent among the methodists, which they designate as "spiritual power." Probably it is substantially the same, or strongly partaking of it.

The shakers are a very industrious, economical people; making nearly all their wearing apparel, buying but few articles, and those generally paid for by such things as they sell. They take good care of their members when sick or aged, and have no paupers supported by the public. Their fare is good, substantial and wholesome. They are divided into what they call "families," and each of these "families" eat at the same table. They are remarkably temperate, and

although they make and put up good bottled cider, equal to the best Newark, yet it is not used as a common drink; water is the usual beverage. I have known some of their travelling, out-door agents, who would occasionally drink a glass of brandy and water; but this I believe, was more out of compliment to the person inviting them to drink, than a desire to do so. In the main, I regard them as an inoffensive, simple sect, who should be let alone, and who are entitled, as well as others, to the protection of our laws. They should not be encouraged, but *tolerated*; and when parents, father and mother, in a proper state of mind, unite in placing their children with the society, and under their care, I do not wish to restrain them from doing so, or the shakers from receiving them, though I should esteem it a misfortune to the child, so far as intellectual improvement is concerned. In reference to the worldly wants of children, they will generally be well cared for; but I do not like the practice of taking charge of children, where one parent consents and the other objects, even if the one consenting has the legal right to control the question. I think, where either parent objects, it should not be permitted, unless there are some special reasons for disregarding the wishes of the one objecting. A parent who neglects or abuses his children, should not be allowed to control such an arrangement.

There are, undoubtedly, in their society, some of reputable, intellectual standing; nay, I doubt not, some that are shrewd, and even designing. A man of distinguished acquirements and high order of talents, may, from disgust of the world, or other reasons, seclude and bury himself in the society, as such men have often devoted themselves to monastic life.

I cannot doubt the sincerity of the great body of shakers ; but still from their regulations, so contrary to the perpetuation of our race and the social relations of life, they as a sect can never be numerous or dangerous. I look upon them as an inoffensive deluded people ; sincere, but fanatical, and made up of the credulous and weak-minded, with now and then an exception. Any man of discernment who will visit their society, and note their intellectual appearance, I think cannot fail to see great credulity and feebleness of mind enstamped on their features, too apparent to be mistaken, even without the aid of a professed phrenologist.

The committee came to the conclusion, that so far as the charges preferred against them were concerned, the shakers "were more sinned against than sinning ;" and so without making a formal report, we gave the subject the *go-by*, and let it drop where it was.

CHAPTER XXI.

Anecdote of the Late Senators, Griffin and Young.—The Late Col. Stevens, of Hoboken.—His Project for a Railroad and Locomotive in 1811, pronounced impracticable and visionary.—His Experimental Steamboat in 1804.—Robt. L. Stevens, esq. invents and brings into use the long heavy T or H Rail, in 1830 or '31.—Extracts from Lecture of Hon. Charles King.—Legislation in relation to Railroads.—Opposition from Ignorance and Prejudice.—New York and Erie Road.—Extracts from Speech in favor of \$3,000,000 Loan for its Construction, and Prediction in 1836, of a Railroad to the Pacific.—Invited to St. Louis Convention, 1849, and Letter in Reply.—Remarks and Present Impressions in regard to Asa Whitney's Project for Pacific Railroad.—Report of Hon. Nathaniel P. Tallmadge, in New York Senate, (1831,) Predicting the Construction of Hudson River Railroad.

WHAT I have written in relation to legislative matters is principally from recollection, without having had access to documents, journals, or newspapers of that time, so that the production may be regarded as reminiscences in the strictest sense of the term.

By comparing my statements with the journals and proceedings of the legislative bodies and the newspapers of the day, I think they will be found substantially correct in reference to the important outline referred to.

I must bring in the present chapter those legislative matters to a close, but before leaving them entirely, I

will introduce an anecdote, and then go to subjects of more gravity and importance.

We had in the senate, John Griffin, of Allegany county, who was elected from the eighth senatorial district, and had been first judge of his county. He was a tall, large, coarse man, of little education, but of a strong mind and good sense. I have heard many anecdotes of him in regard to his official conduct as judge of the court.

On one occasion the lawyers were arguing a case before him and his associates, and after listening to them a long time the court decided the question, when the lawyer, against whom the decision was made, went on to argue it over again, to convince the judges that they ought to reverse their own decision, and decide otherwise. The judge remarked to him once or twice that the cause had already been decided, and manifested an indisposition to listen to a further discussion; but the lawyer, nothing daunted, persisted in his argument, and was several times interrupted by the court. At last, becoming somewhat impatient and irritated, he remarked that, it was really unpleasant to stand there "wrestling with the opinion of the court," to which the judge replied in no very courteous terms, "Then sit down you d——d fool."

The judge was nominated on the strength of the Genesee Valley canal, for which he was a great stickler; and his principal efforts were directed to carry the law for his favorite project. When the bill was under discussion, he prepared a written speech of great length, which he must needs deliver and publish, to let his constituents know how vigilant he was, and how devoted to the project in which their interests, as well as his own, were so much concerned.

He obtained the floor at an afternoon session, and commenced reading his speech, which was drawn out to an interminable length, on loose sheets of paper. The drawer to his desk in front of him, appeared to be full of his manuscript, which he went on to read, in a drawling, miserable manner, sheet after sheet, making many mistakes in his reading, till the senators becoming tired of the performance, were all wishing him to come to an end. Some left the senate chamber, others read the newspapers, and others were writing letters, caring little for his remarks; while another portion were laughing, and thereby showing their want of interest, if not dislike.

The judge kept on reading, and maintained his position and held his countenance with imperturbable gravity; and after finishing the large roll of loose sheets that were in his desk, when every one hoped and supposed he was coming to an end, he deliberately unlocked an adjoining desk, and took out a roll larger than the first, and then with a smile and wink at some of his friends, continued his reading.

One of the senators playfully proposed to him, that the reading of the residue of the speech be dispensed with, and that it be printed; while another suggested that it be "read by its title," and adopted. He took it in good part, but went on with it till it was completed; and the next day the evening journal came out with the great speech in favor of canals, by "the Hon. John Griffin;" the editor of the journal having corrected, pruned, and dressed it up, so that it appeared remarkably well in print.

While the judge was reading his speech, Col. Young, who disliked him, and had already had several altercations with him, and besides personal dislikes

abominated his canal project, drew a caricature of a large, tall, awkward-looking man, reading an enormous manuscript, and wrote under it something like the following—"John Griffin, of Allegany, reading his *interesting* speech in favor of his canal."

This was found on the judge's desk the next morning, who without this aggression, had no very amiable feelings towards the writer; for he as cordially disliked Col. Young, and had berated him as roundly as Young possibly could him. Not to be outdone in these *kindly notices* of each other, the judge immediately tried his hand at caricature, and caused to be placed on the colonel's desk the result of his labour, which was a caricature of the colonel, under which was written substantially as follows—"This is Sam Young, bank stock speculator, the d—d'st rascal in the state."

This Griffin regarded as but a fair offset for the liberty the colonel had taken, and the feud between them, though not entirely allayed, was for a time considerably subdued.

In a preceding chapter, speaking of railroads, and how little was known of them in 1826, I have introduced a letter written by the late Chancellor Livingston, on that subject. Before closing what I have to say, in regard to their invention and introduction for general use, I wish to state a few facts, highly creditable to the inventive genius and enterprise of our countrymen.

The late Col. John Stevens, of Hoboken, father of John C. and Robert L. Stevens, Esqs., of the city of New York, was distinguished for his enterprise and energy of character; qualities which his sons seem to have inherited in an eminent and highly creditable degree. When the Erie canal was first projected, and

I am told by E. F. Johnson, Esq., a distinguished engineer, as long ago as 1812, Col. Stevens wrote a letter or memorial, in favor of a railroad from the Hudson river to Lake Erie, that was addressed to or submitted to the late Governor Clinton, and some of the other distinguished advocates of the canal project. This, it must be borne in mind, was long before railroads had been introduced, even in England, and in fact before they had any adequate conception in that country, of what a railway was or ought to be, for travel or general business. Colonel Stevens accompanied his letter or memorial with the description, and I believe a rough drawing of a locomotive that he proposed to invent and construct, to be used on his contemplated road. This led to a correspondence, the whole of which I am told has been published in pamphlet form, though I have never been able to procure or examine a copy. He was inquired of, what speed he expected to obtain, in case his road and engine were constructed? He supposed it might, by improvements, be driven to the speed of a pigeon's flight, say sixty miles to the hour; but for practical, useful purposes, should be limited to twenty-five or thirty miles.

Those with whom he corresponded, could not comprehend the project as he regarded it, and pronounced it altogether visionary, though they gave him credit for his splendid conceptions in regard to a matter that they supposed impracticable. Mr. Johnson, the engineer with whom I have recently conversed, informed me that he has a copy of the pamphlet, and that the locomotive proposed by Col. Stevens included all the leading principles, and its plan of construction was very similar to the most approved engines now in use on our railroads.

Another fact in relation to Col. Stevens's inventive genius should be mentioned, in regard to steamboats. As long ago as 1804, which was a few years before Robt. Fulton brought out his first boat on the Hudson, and I think before he came back to this country from Europe, Col. Stevens constructed a small boat, for experimental purposes, in which he placed a steam engine, with wheels of the screw or propellor principle, and used to run it on the waters of the Hudson. I am told that the hull of the boat, with its boiler and machinery, has been preserved, just as it was when he used it; and that the same machinery was placed in a boat, and attained a speed of eight miles to the hour, old and imperfect as it was. These are important and highly creditable facts, that I imagine are unknown to the most of our public men, and even to those who are distinguished for their general and scientific information.

The late Oliver Evans, not far from this time, constructed a boat which he placed on the Delaware, and propelled it by machinery worked by steam, which, after various experiments on water, was taken out and transported through the city of Philadelphia, with much parade and many demonstrations of triumph, for the supposed important invention.

I am also told, that the long rolled iron **I** or **T** rail, now so generally used, was invented and brought into use by Robert L. Stevens, Esq. of the city of New York, who went to England in 1830 or 1831, to procure heavy rails for the Camden and Amboy road, in New Jersey. He wanted rails that in length would correspond with the rails now used in this country, say about fifteen to eighteen feet; but there was not an iron mill in England or Wales, the owner of which would undertake to furnish rails of

that description, or who believed that they had machinery capable of rolling them. After much solicitation and negotiation with the owner of one of the largest mills in Wales, who was a member of parliament, Mr. Stevens obtained permission to attempt the construction, at his own expence, of such rails as he described and desired. At that time the only rails used in England, were the flat wrought iron rail, and the short rail that was cast; the heavy long T or H rail not having been invented.

He went to the mill and commenced operations, but his first efforts were unsuccessful, for he broke the machinery of the mill; and the attempt seemed likely to prove a failure. But he persevered, and invented or constructed other machinery of more power; and in the end successfully accomplished his object. The result was the production of the long, heavy rail, as desired, flat on the bottom, and almost precisely such as is now used throughout this state, and generally most approved of, by our American engineers.

These are creditable facts to the gentlemen who have been engaged in them, and they should be ranked among the great improvements of the age, and they go to prove that enterprise and genius is frequently transmitted from father to son. The Messrs. Stevens, certainly, as a family, are entitled to great credit for their intelligence, public spirit, and dashing, off-hand energy in promoting individual and national objects, that go far to elevate the character of our countrymen, both at home and abroad.

During my nine years legislative services, we had much legislation in regard to railroads, and my votes were generally on the liberal side of those questions.

Since writing the foregoing in relation to the Messrs.

Stevens, I have been furnished with a copy of a very interesting lecture, delivered by Hon. Charles King, president of Columbia college, on the 29th of December, 1851, before the mechanics' society of the city of New York. It was published in the Daily Tribune, January 21st, 1852, and I am told, will soon appear in pamphlet form, with additions and notes. It contains a vast amount of local information, connected with the city and its growth and improvements, and other improvements for the last fifty years, which will profitably instruct any one who will give it a perusal.

I cannot so well illustrate the subject of steamboats and railroads, to which allusion has been made, as by inserting a few extracts from that lecture. Speaking of the "early days of steam navigation," he says—

"But I am running ahead of my subject. Let us get back to 1806, from which dates the era of steam applied to navigation, and the great discovery—for the successful application of a known force in a new manner, and to new and before unthought-of purposes, may justly be styled a discovery—belongs to our city, of which Fulton was a resident, and from which the first boat, the Clermont, started for Albany on the 7th day of August, 1807.

"An hour might be readily occupied with a recital of the hopes and fears, the almost angry doubts and passionate sneers, with which the announcement was received, that a boat without sails or oars was to be forced up the Hudson to Albany, against wind and tide, in a shorter time than was ever dreamed of, and all by the vapor which the housewife's tea-pot sends curling into the air, to vanish in an instant from sight. For at that time steam engines, as applied to the various processes of manufacturing or other industry

on land, were little known generally, and the whole United States furnished but one machine-shop or foundry where a steam-engine could be made, and that was opposite to this city, at Hoboken, in the works of Col. Stevens, of whom more anon."

In reference to the "progress of river steamers," Mr. King remarks as follows:—

"The palm thus gained by Fulton was closely contested by John Stevens, of Hoboken, who long in concert with R. R. Livingston and Robert Fulton, had made experiments in steam as a means of propulsion; but now aided by the genius and practical mechanical skill of his son, R. L. Stevens, was operating separately. Almost simultaneously, but yet *behind* by that *fatal* quarter of an hour which determines the fate of so many enterprises, and of so many human beings, both men and women, Mr. Stevens produced, independently of Fulton's plans and experiments, his steamboat, Phoenix; but precluded by the monopoly which Fulton's success had obtained for him of the waters of New York, Mr. Stevens first employed her as a passage boat between this city and New Brunswick, and finally conceived the bold purpose of sending her round to Philadelphia by sea, and he executed it successfully. His son, Robert L. Stevens, went round with the boat in the month of June, 1808. A fierce storm overtook them. A schooner in company was driven out to sea, and was absent many days; but the Phoenix made a safe harbor at Barnegat, whence, when the storm abated, she proceeded safely to Philadelphia, and plied many years between that city and Trenton. Mr. Stevens thus earned indisputably the honor of first venturing and succeeding to encounter the might of the ocean with a steam-propelled vessel. When the

Phœnix went round to Philadelphia, the Atlantic, and no other sea, had ever known the domination of victorious steam. Even now, when our magnificent steamers, exceeding in dimensions line-of-battle ships, go and come with the regularity of mail-coaches on a beaten turnpike road, this first daring conception of trusting to the ocean a frail craft, with nothing but steam for her means of safety and progress, may recall the lines of the Roman lyricist :

‘ Illi robur et æs triplex
 Circa pecus erat, qui fragilem truci
 Commisit pelago ratem.’

‘ Cased was his breast in triple brass and oak,
 Who first old Ocean’s storm-tossed surface broke
 With his frail bark.’

“ And here let me expatiate a little upon the service to the mechanic arts, and consequently to the welfare of humanity, of the family of Stevens, resident during the half-century among us. We have seen that by the lucky quarter of an hour, Fulton carried away from Stevens the prize of the first successful steamboat; but years before, viz. 1804, Col. Stevens, whose fertile and ingenious mind was specially turned to mechanical inventions, had constructed and put into operation a steamboat, of which the motive power was a propeller, *the* propeller which at this day I believe is admitted, in form and proportion, to be the best. This boat was a small one. In it Col. Stevens put an engine with tubular boilers, the first ever made, now universal in locomotives. The machinery, made under his own direction, and in his own shop at Hoboken, set in motion two propellers, of five feet diameter each, and each furnished with four blades having the proper

twist—to obtain which he had the greatest difficulty with his workmen—and set at an angle of about thirty-five degrees. This vessel, used only for testing the possibility of steam-navigation, so completely demonstrated the fact, that Col. Stevens applied it on a larger scale, in 1806, to a pirogue, fifty feet long, twelve feet wide, seven feet deep, which attained very considerable speed. Encouraged thereby, he commenced the Phoenix, with side-wheels, to whose success allusion has already been made. It is proof of the remarkable accuracy and mechanical skill of the Hoboken workshop, that the engine of the first small propeller, carefully preserved, was set up again not more than ten or twelve years ago, in a new vessel, and, without altering a screw, worked most successfully. The old hull and the blades of the propeller are yet in existence at Hoboken.”

Then, in reference to railroads and locomotives, he has the following, which fully sustains the remarks that I have made, in commendation of Col. Stevens and his sons, so justly distinguished for talents and enterprise.

EARLY LOCOMOTIVES.

“The locomotives first used on the Camden and Amboy railroad, were made or constructed by Robert Stevens, at his works, or upon his models in England, differing essentially from those in use in England. At the outset he applied a spark-catcher, though patents for like contrivances have since been taken out, and he invented and applied them, and has continued ever since; and other railways have adopted the contrivance of the guide, or cow-catcher, as it is commonly called, from an incidental function it dis-

charges, of which the wheels, easily following the curves, give a direction to the forward wheels of the locomotive, fixed on an axle slightly moveable, as with the forward pair of carriage wheels, and thus enable it, without danger of flying off at a tangent, to diverge from its straight, onward, rapid course.

The invention of the T rail, which renders traveling so secure, is also due to R. L. Stevens. He went to England with the model, presented it to the engineers and iron-masters, and begged they would make him rails on that pattern, but they all declined, saying that they had no machinery which could do it. He persisted, and finally obtained from Mr. Guest, a member of parliament, and a great iron-master, an order to use his furnaces in Wales. Mr. Stevens posted thither, wrought with his own hands at the work, but at the moment of success the machinery gave way, and he was obliged to return to London. Yet undismayed, and abating no jot of hope, he asked permission, after paying himself the expenses of repairing the damage to the machinery, to try again. It was given; he did try and succeeded, and gave to the world, taking no patent, that form of rail now universal on every secure road. So much for an American mechanic."

The more railroads were brought into use in our state, the more I became convinced of their utility, and that their construction should be reasonably encouraged. Hence I was for giving liberal charters, such as would induce their construction, instead of depressing or retarding the project. We had in each branch of the legislature, a few who from a pretended horror of corporations, voted against every bill, while others were for loading them down with restrictions, which if adopted must have defeated them. It appears

singular now, when railroads are so much in favor, to look back fifteen years and observe the strange reasons sometimes assigned for voting against them.

I have heard it argued that they were monopolies, inasmuch as each individual had not a right to use it at his pleasure, as he would his wagon on the highway. Others have expressed a willingness to vote for particular railroad bills, if they were so framed that individuals might, if they desired it, place their own cars on the road and run them ; and would vote against them because this impracticable concession was not made. Others again, would urge the old fashioned mode of locomotion by horse power, over rough roads, as decidedly preferable, particularly for the farming interest.

We can hardly conceive that any sensible, practical man, who had seen the facility and comfort of railroad movements, could desire to resist this great modern improvement for the sake of keeping up expensive, uncomfortable, antiquated modes of travel, where in performing what is now easily accomplished in a day, a man and his team would be subjected to seven or eight days hard travel.

They seemed to have no compassion for the poor horse, nor even for his owner ; nor did they seem to value time as anything. The old lumbering stages, or horses and wagons were urged as decidedly preferable. Such conceits and narrow prejudices had to be met and overcome ; and as it required a vote of two-thirds of all the members elected in each house, it was frequently necessary to see the houses well filled before venturing to take the vote for a railroad charter.

The charter for the New York and Erie railroad, was obtained while I was in the senate, for which

I voted, and also for nearly all the subsequent bills in favor of that road, up to the close of my senatorial term, ending with the year 1838.

The charter of this road was granted in 1832, and was reported in the senate by Nathaniel P. Tallmadge, who was chairman of the railroad committee. We had never till this year had a general committee on railroads, but since that time a standing committee has been appointed at each session. The proposed road was to run a great distance through my senatorial district; and as a large proportion of my constituents felt a deep interest in its success, they of course expected my support, which from the favorable view I entertained of the project, they would have had under any circumstances.

The construction of a road of such length, over a country much of it broken, hilly, and forbidding, was a herculean task that not only required "faith and works" in an eminent degree, but large expenditures of money.

Every one regarded its success with doubt. The task was deemed too great. If it could be carried through I had no doubt of its importance and utility. It would bring the whole range of southern counties, then in a measure secluded from the great state thoroughfare, in direct communication with the city of New York; and while it promoted the growth and markets of the city, would open those counties to settlers, induce investments of capital, afford cheap and expeditious means of transporting their surplus products, and thus renovate the latent energies of those counties. All of these benign consequences the city and country are now realizing beyond the reasonable expectations of either, though the road has but just been

completed ; and it not only affords a direct communication with the city, but connects the intermediate regions between the Chenango and Chemung, as it will with the Genesee Valley canal, thus enabling those engaged in transporting heavy articles on the lateral canals, to reach them by steam power on the railroad.

The bill loaning the credit of the state to the amount of \$3,000,000, to expedite the construction of the road, was passed during the session of 1836, after a most sturdy and vindictive opposition. Nearly all the canal counties from Albany to Buffalo opposed it, to which must of course be added those who opposed railroad projects in general, and those who wished to withhold state aid, and state credit.

This bill received my cordial and earnest support ; and with a good board of directors ought to have ensured the construction of the road at a more early day. They so managed that the public lost confidence in them, and poorly requited the liberality of the state. I thought while the state was doing so much for canals, through other portions, the southern counties were entitled to public aid ; and if the road could be constructed, even if the \$3,000,000 should eventually be lost, I cared little about it ; for, from the increase of population and wealth, the state in the end would be the gainer, as I have no doubt it will be. Every one now sees and admits the importance of this great thoroughfare ; and who can now regret the aid of the state ?

The bill was debated in the senate for several days, and I think passed in committee of the whole by a small majority, on 20th April, 1836, on which day I closed the debate in favor of the bill.

A few extracts from my remarks, the whole of

which were published in the daily Albany Argus, and in pamphlet form, will show some of the views entertained in regard to this road as well as others.

My extracts must be brief. In reference to the project, it was said :—

“In a case like the present, where so large an expenditure is contemplated, where so extensive a district is to be benefitted, and where such important results are to follow, I should deem it an incalculable evil, if the state, by withholding its encouragement, should lose the benefit of this vast expenditure of private capital, so essential to the prosperity of that part of the state where it is to be expended.

“The magnitude and extent of the project, commends itself strongly to the favor of the state, and invokes its aid to encourage and give confidence to the credit and exertions of private enterprise. It contemplates the construction of a railroad greater in extent than any one that has ever been made, and looking to more important results. There is a magnitude and boldness in the project,—*a moral grandeur* that challenges admiration and baffles description, holding in suspense and awe the most vivid imagination, in reference to results, and far outstripping and confounding the conceptions of the timid.

“Commencing on tide waters, at or near the ‘commercial emporium,’ it stretches away to the west; climbs with audacious boldness the Apalachian range; traverses the romantic and delightful vallies of the Delaware and Susquehanna rivers and their tributaries, for more than two hundred miles; communicates with the Allegany, thereby opening to the Ohio and Mississippi valley and Gulf of Mexico; and uniting with Lake Erie, on whose capacious bosom the com-

modities of the east will be distributed to the borders of our other immense inland seas for many thousand miles."

Again:—

"Let me inquire what benefits will result from this bill? By its passage, you give the company such credit and assistance as will enable them to complete the work, at a much earlier day than if left to their own exertions. By its construction you open a thoroughfare from New York to Lake Erie, on a route remote from the canal, and afford facilities for business and a ready and cheap access to market, to an extensive and important part of the state. Not only the inhabitants of this state, but those of Northern Pennsylvania and the western states, will be greatly benefited, while the city of New York will acquire additional facilities for business.

"This great thoroughfare can be used, when the Hudson river, the Erie canal, and lake Erie, are blocked up with ice; and with its construction, goods may be thrown into the valley of the Ohio, by descending the Allegany, before the other channels of communication are open. In addition to these commercial advantages, great agricultural benefits will result from the construction of the road; an impetus will be given to business from the expenditure of money; labor and agricultural products will be in demand; farms will greatly increase in value; and public attention being turned in that direction, your southern counties will fill up with inhabitants."

Now are not the foregoing anticipations nearly realized, though the road is but just completed? The recent census goes far to illustrate the propositions, in reference to improvements and increased value of

property, and great augmentation of population. Look at the increase in those counties, and see their advance, no doubt greatly stimulated by the construction of the road."

A further extract:—

"Construct this road, and it will be but a few years before your state will be cut up with railroads like a checker-board, connecting this with the Erie canal. I think it not extravagant to look for one from Attica to the New York and Erie road, thus connecting with Rochester and Buffalo. Another may be looked for from Ithica to Auburn, and thence to the canal. Another from Binghamton or Oswego, to Syracuse; and another from Utica, down the Unadilla, to the Susquehanna valley.

"Nor is this all. It will be but a few years before a railroad will be carried up lake Erie, uniting with some one or more of the railroad routes to the Mississippi. Fifteen years will probably accomplish all this, and I think ten years will show a continuous and unbroken communication by railroads and steamboats, from New York to St. Louis. And may we not look for more important results? Who that looks back to the commencement of the present century, and compares the then situation of what now constitutes the western states, with their present improved condition, can limit his anticipations for far greater improvements, and a vast increase of wealth and population, for the next thirty-six years? Is it extravagant to believe, that before another thirty-six years expire, we shall not only have an organized state government beyond the rocky mountains, with important commercial cities, but a communication by steamboat and railroad, to the mouth of the Columbia?

“The Missouri already affords navigation for thousands of miles; and gentlemen who have crossed the continent, represent the route to the Pacific as peculiarly favorable for railroad communication.

“In my judgment twenty-five years will consummate this object, and when accomplished, what important results must follow! With a rail and steam communication from New York to St. Louis, and thence to the Columbia river, the whole distance may be traversed in less than twenty days, and thus open a direct communication with China. The effect of such communication will be, to turn a great proportion of the American trade with China and the neighboring countries, in this direction; and instead of a dangerous and protracted voyage round Cape Horn or the Cape of Good Hope, six months will be sufficient; and some favorite city on the Pacific will become the great point where the trade of the eastern and western world will concentrate, and from whence it will radiate, and diffuse itself through the various avenues of our republic, and to nations with whom we are in communication.”

In regard to the importance of this great thoroughfare, and of the anticipations put forward in the foregoing remarks, Col. Medara, of Columbus, Ohio, in the *Ohio Statesman* (state paper) of January 15, 1845, when speaking of the occupation and improvement of Oregon, and the adjustment of its boundary, has the following remarks:—

“The Hon. Levi Beardsley, of this city, has sent us, at our request, (for we delight to spread and re-spread before the world any thing connected with this great subject) an extract of a speech delivered by him in the New York Senate, in 1836. We scarcely

believe it will be twenty-five years from that time, which will be 1861, before we shall have a connected route of railroads and steamboats, from the Atlantic to the Pacific, over the Rocky mountains, and Mr. Beard-sley's prophecy will then be history."

One extract more from the railroad speech.

"In reference to the bill under consideration, I must be permitted to say, that I think I can see in prospect, cities and villages springing up on this road, to rival those on the Erie canal; and it is not an extravagant prediction to suppose, that whoever shall live a quarter of a century after the road is completed, will see several cities on its route, more than surpassing what Utica is now.

"It will serve as a chain, connecting the southern extremities of your lateral canals, rendering access easy and cheap for such articles as may be carried on them.

"When I look at the map of New York, and contemplate what she now is, and her future greatness, I am proud of my native state. I look abroad, and perceive her great commercial metropolis inviting the commerce and unlocking the treasures, not only of our own, but of foreign lands. I perceive the noble rivers, the capacious lakes, the immense water power, the fertility of its soil, the healthiness and salubrity of its climate, the wealth and enterprise of its citizens; and I then look at the works of internal improvement, that within fifteen years have added so much to the credit, the wealth, prosperity, and population of the state, and inquire whether this glorious career is to be arrested? It cannot, it must not stop here.

"And now let me ask, why should we withhold our assent to this bill? The spirit of improvement

and enterprise is abroad, teeming with energy and giant strength; developing the resources of the country, improving its avenues of communication, and diffusing wealth, prosperity, and blessings in its onward course. Shall we check its course, and wither its energies? or by extending the fostering aid of government, give such strength and impetus to private enterprise, as shall secure the early and certain consummation of this stupendous project? Our course is onward, and no limited views should withhold the countenance or aid of government, where such important results will follow. Let us seize the auspicious moment, with a firm hope that our best anticipations will be more than realized.

“Sir, I will not longer detain the committee, but commit this subject, with the rights, interests, feelings, and wishes of more than one-third of your citizens, to the decision of those whose duty it is to pass on this momentous question. If you reject it, you blast the hopes of thousands whose hearts have beat high, while they have fondly cherished the hope of success. I trust that in these, their just expectations, they are not to be disappointed. They have been represented as ‘abiding in a wilderness.’ If this be so, and the southern counties are to be so regarded, I trust that in the vote of this committee, *‘the wilderness and solitary places shall be made glad:’* and those inhabitants of the mountains, who, on a former occasion, my friend from the seventh (Mr. Edwards,) seemed to think were occupying *high places* better suited for wild beasts than civilized men; who, like the *Kenites*, are represented as seated on a rock, I trust that even these will also be *made glad*; and as they look from their giddy heights, so graphically described, to the delibe-

rations of the senate, watching with intense anxiety its action, I hope, in the success of this bill, it may soon be said of them, 'Let the inhabitants of the rock sing, let them shout with joy from the tops of the mountains.'"

The bill was finally passed; and the splendid business now doing on the road gives sure evidence of success hereafter, and vindicates the policy of the state in its legislative and pecuniary aid.

Before leaving the subject of railroads, I may as well remark that, during the Autumn of 1849, I received an invitation from a committee of citizens of St. Louis, to attend a national convention at that place, on the 15th October, to deliberate on the expediency of connecting the Mississippi valley with the Pacific by railroad and telegraphic communications. The hospitalities of the city were tendered, and the invitation was every way flattering and acceptable. Not being able to attend, I enclosed to the committee an extract from my railroad speech, in which I had alluded to the project, and also the editorial remarks of Col. Medara, before referred to. A portion of my letter to the committee, in answer to theirs may not be inappropriate.

"For more than thirteen years, as you will perceive by the enclosed extract, I have looked to the connection of the Atlantic with the Pacific, by steamboat and railroad, as an event that certainly *must take place*.

At that early day, those most ardent in their devotion to internal improvements, could but barely dream of a project so stupendous without being regarded as *moon struck* visionaries; and yet there has been no time since that period that I have doubted its ultimate success.

"The adjustment of the Oregon boundary, the

acquisition of New Mexico and California, the immense emigration to those countries, and the attraction of mineral wealth, afford inducements for an early connection with those far off regions, that no one thought of in 1836.

“There is, as your address intimates, great danger of losing those distant territories, and the establishment of an independent confederated western republic, unless more easy and rapid communications can be established. You might have enlarged and illustrated a principle which you merely hinted at, that (in the language of a distinguished author,) ‘Every improvement of the means of locomotion, benefits mankind *morally* and *intellectually*, as well as *materially*, and not only facilitates the interchange of the various productions of nature and art, but tends to remove national and provincial antipathies, and to bind together all the branches of the great human family.’

“The means to accomplish the work must in a great measure depend on the action of congress. No individual exertions or combinations are adequate. Perhaps a judicious combination of individual and national means may be deemed advisable.

“Whether your city shall be the place of departure from the Mississippi, as I have heretofore supposed, or whether a more northern or southern route is to be adopted, must, of course, depend upon explorations, surveys and estimates yet to be made. Judging from maps and what I have read, it seems probable that when the road is commenced it will be up the Missouri, at least as far as the western boundary of your state, using the river to reach the starting point, until a road shall be made through your state, and thus avoiding the embarrassing question of state rights. In any event

your city must participate largely in the trade and benefits resulting from the success of the project. An attempt to connect two oceans, more than three thousand miles asunder, is of a magnitude to alarm the timid, and to induce doubts and fears from those most ardent and sanguine. But look at it as it is. We have at this moment steam communication by boat and railways from New York and Boston to your city, and thence by the Missouri more than five hundred miles west, thus making near half the distance from ocean to ocean. Now, with the experience we have in railroad making, I regard the construction of a road from your western borders, with branches to Oregon and California, by no means so doubtful of success, or onerous to the nation, as the Erie canal was regarded to the state of New York, in 1817, and yet that was completed in seven years and the debt soon paid off. Your project while confined to the territories, is free from constitutional objections, even with the most strict constructionists, for no considerable number deny the power of congress to make roads for military purposes, for the transmission of the mail, and to enhance the value of public lands; and whether lands are appropriated, (of which there are numerous precedents) or their avails in money, there can be no constitutional difference in principle. The great point at present to be attained, to render success certain, is to enlist the general government, in a united, well-considered, and enlightened effort to promote the object. Rival interests and projects must be reconciled; for, to accomplish a work of such magnitude we must have united councils, as well as efforts. With these secured, your hopes and the expectations of the nation will eventually be realized; and the stately goings forth of the 'iron horse' as he

drags the ponderous train across the almost boundless plains that skirt your frontier, and stretch away to the west, will be viewed with astonishment by the backwoodsman, and the red men of the forest. The shrill scream of the steam whistle will enliven the recesses of the Rocky Mountains, and those barriers of nature that have stood in solitary grandeur, frowning defiance since their creation, will yield to scientific application of mechanical skill; and their subjugation will add another chaplet to American enterprise. To carry forward this unparalleled project, is the object of your convention, which, if successful, will remain a monument of American energy, firm and durable as the mountains themselves. There is an indomitable resolution in our countrymen, that yields to no discouraging circumstances, but surmounts all obstacles. If the nation wills the road desirable, means will be found for its construction. It is for your convention to take wise, incipient measures, to promote a union of sentiment, to develop the means, and then to press to completion the great work, in which you have my warmest sympathies and most ardent hopes.

Very respectfully, your obedient servant

LEVI BEARDSLEY."

I have formerly thought favorably of the project of Asa Whitney, esq., for constructing a railroad to the Pacific; not perhaps in all its details, but in the general proposition of governmental aid, by a liberal donation of public lands to him, or in some other mode to promote the great object.

He contemplated starting from the westerly side of Lake Michigan, and desired an extensive grant of lands on each side of his road. The longer the project is delayed, the less inducement will remain for com-

plying with his wishes. The lands in Wisconsin, from Lake Michigan to the Mississippi, have been sold to a great extent, so that the requisite grant could hardly be obtained even if congress was prepared to adopt and carry out his favorite project, which from present appearances they will not do. But there are other objections which in my judgment should control the question in regard to authorizing a road from the Lake.

Those objections are, that at least two railroads are now being constructed, that will connect the Lake with the Mississippi, and perhaps three.

The road from Chicago will undoubtedly be finished within a few years, and perhaps another from Milwaukee. Then it is very certain that a road will be made through central or lower part of Illinois, that will terminate on the Mississippi, at the west.

In addition to these, there is but little doubt that a road will be made from Cincinnati to St. Louis; and from St. Louis a road will unquestionably be constructed to the western boundary of Missouri, which for one hundred miles is now under contract. Then again, another road is contemplated, and I believe authorized, that will probably very soon be made, starting from the Mississippi a considerable distance above St. Louis, and running through or near the southerly part of Iowa, westerly to the Missouri river. And still another, from some point on the Mississippi, in Arkansas, and running westerly or north-west, to connect with the road now constructing from St. Louis, in the direction of Independence, near the westerly line of Missouri. These several roads will probably soon be completed, from individual and state enterprise, stimulated by grants from congress of portions of the public domain.

Now in my judgment, the Pacific railroad, properly

speaking, so far as it is to be regarded as a national work, should start at some point westerly of the western boundary of Missouri, at or near that boundary where the three roads referred to can concentrate, and from thence should be carried westerly by one principal stem. The first thing congress should do to promote this great object, should be an accurate and scientific survey, to ascertain where these roads may most feasibly concentrate, to form a starting point for the road to the west. Then let a careful survey and estimate be made, by competent engineers, for a road leading away to the Pacific, and the best plan adopted for its construction.

To start at that western point, and work away to the west, towards the Pacific, will afford ample space for enterprise, and require all the means that can be spared, without building a single rod of road that can be dispensed with.

If the road shall ever be authorised, its eastern terminus should be as far west as the Missouri line, or in no event further east than the Mississippi; for why, build another road from Lake Michigan to the western boundary of Missouri? The facilities for reaching California, and in short any part of the Pacific coast, by the way of Nicaragua and Chagres, render the railroad of less importance than it would otherwise be; but still it is very desirable to open a quick, safe, and convenient communication by land, through our own territories, and thus bring those far off regions, in communication with the eastern portions of the republic.

I have great confidence in the project, and hope and believe a few years will see it authorized and commenced; but national efforts, in the present state

of affairs, taking into consideration the sale of lands between Lake Michigan and the Mississippi, and thence through Iowa to its western borders, should be confined to a road from these western borders to the Pacific. The immense emigration going on to California and Oregon, and the certainty of a continued and rapid increase, from which new states will soon be formed, and the present state and territory on the Pacific, greatly augmented in point of numbers, every day increases the national importance of such a road.

Congress should no longer remain passive, but the energies and means of the government should be put forward, if not for the whole expense, at least for a portion that should stimulate and sustain private enterprise till the great project is completed.

We have already seen, in the preceding pages, how little was known of railroads in 1826, when the first charter was granted in this state. It also appears that Chancellor Livingston, the enlightened and liberal patroniser of steam navigation, had no adequate idea of what railroads should be, or of what could be performed on these great modern improvements. I suppose the fertile brain of Col. Stevens, in 1811, came much nearer, in its conceptions of what might be expected, and of the importance to be derived from their construction, than any man then living. In 1831, which was twenty years after Col. Stevens had proposed constructing railroads, they were with us regarded as experiments merely. The Albany and Schenectady road, in the early part of that year, though under contract and far advanced, was not completed. At that time, our attention was drawn to the improvements going on in England; and though nothing like the present speed had been attained, yet all eyes were

turned in that direction, wondering and speculating on what was to be the result.

In 1830 I entered the senate, and Hon. Nathaniel P. Tallmadge, as before remarked, was elected at the same time, and came into that body in the same class with me. Mr. Tallmadge was an enlightened legislator, and from his enlarged and liberal views, in reference to internal improvements, had sustained the policy of Governor Clinton in regard to canals. At the legislative session of 1831, Mr. Tallmadge was chairman of the canal committee in the senate, and on 14th of February of that year made a report which he had drawn, distinguished for talents, liberal views, and a full appreciation of the extent and importance of the question brought under consideration.

This was twenty years before the completion of the Hudson river railroad; and though such a project had been at times casually spoken of, and some of sanguine temperament had hinted that such a road might at a future day be constructed; yet almost every one looked at the suggestion as the coinage of a distempered brain, and visionary in the extreme.

Since the successful completion of that stupendous work, many are now ready to claim great foresight in its projection and auspicious termination, who in 1831 would have repudiated and denounced any one who had favorably listened to it, as wanting in sound practical good sense, and altogether an unsafe adviser.

If there is any merit in having, at that early day, listened to and heeded the suggestions, and thereby given credence to the possibility of success in such an undertaking, Mr. Tallmadge, as I will shortly show, should be regarded as one of those who gave credit to its probable realization, by discussing, and not rejecting it as visionary.

The report to which I have referred, and from which I am about to make an extract, may be found in senate documents No. 32, of 1831, where, speaking in reference to the further prosecution of new works of internal improvements by the state, Mr. Tallmadge discusses the subject as follows:—

“ The determination of this question depends on a variety of general considerations, which will be briefly examined, without reference to any particular applications. The subject of internal improvements, by means of railroads, has been referred to another committee of the senate, from whom, it is presumed, it will receive a satisfactory examination. Your committee therefore, only allude to it in this place, in reference to the general question. It is worthy of the most serious consideration, how far or to what extent, railroads are to take the place of or supersede canals. Both modes of intercommunication have their respective advocates. Railroads are in their infancy. From the experience already derived from their construction and practical operation, it is difficult to determine and impossible to foresee the extent to which they may be carried. It is certain that in many instances, the expectations of the friends of their construction have been crowned with entire success.

“ The benefits of internal commerce depend upon the facility and rapidity of transportation. The advantages of canals, as a means of transportation, over land carriage, we have already experienced; but it is impossible to calculate the additional benefits which railroads may confer, when used for carrying passengers and valuable commodities. The application of steam power to the propelling of canal boats, is an experiment which has partially been made, and probably little can be anticipated from it. No greater

facility or rapidity can therefore be expected on canals, than what we now have; but when steam power is applied to railroads, *we are amazed at a velocity which only lags behind the celerity of thought.*

“The experiments have been most effectually made in England; and we are now using the experience that has been there acquired in the construction of numerous similar works in this country.

“The one now under contract between Albany and Schenectady, is held in high estimation by the public, and little doubt is entertained that the most sanguine anticipations of its friends will be fully realized.

“In reference to this subject also, your committee cannot refrain from alluding to the bold enterprise said to be in contemplation, of constructing a railroad from Albany to New York,—of uniting the capital of the state with the great commercial emporium of the union. This to many may appear chimerical. The idea of a railroad on the banks of the Hudson river, indeed excites surprise by its unexpectedness, and wonder by its novelty. A river, for its extent, and as a connecting link in the great water communication between the Atlantic and the lakes, not surpassed in the known world. An attempt by such means to divert from their accustomed channel, the thousands upon thousands of individuals and of value that seemed destined for ages to be wafted on its majestic current, may well challenge our utmost credulity. But from the experience of the past, who shall pretend to fix limits to the future?

“A quarter of a century has not yet elapsed since the idea of navigating the Hudson by steam was deemed infinitely more extravagant than the contemplated railroad on its banks!

“Whatever may be the result of railroads, in reference to particular undertakings, it is sufficient for our present purpose to observe that their practical benefits have to a degree been already tested; and when we reflect that they may be used at seasons of the year when canals and navigable streams are locked up by ice, it is worthy of the serious attention of individuals and of government, whether they may not, to a considerable extent, at least, be successfully and advantageously introduced.”

In twenty years from the time the above report was made, a railroad on the banks of the Hudson was in full operation! and in the language of the report, “*we are amazed at a velocity which only lags behind the celerity of thought.*”

That great thoroughfare being now completed, and in successful operation; and after witnessing the construction of the New York and Erie, the Hudson river and Harlem railroads, who can set limits to the onward course and march of the country?

With free scope for railroad competition I suppose our canals will sustain themselves, and realize the just expectations of their friends and patrons.

The growth, extent, and improvements of the country, will probably keep pace with the facilities of transportation, and we shall find an accumulation of yearly business sufficient for all.

I have great confidence in the belief, that when the Erie canal is enlarged so that we have more breadth and depth of water, steam power will be so applied as to be more rapid in its movements, and in a great measure relieve the poor horse from the annual labor, the fatigues and hardships of which destroy so many of those noble and useful animals.

In short, after witnessing so many, such great and varied applications of steam, and then add the surprising perfection of telegraphic communication by which thought is transmitted with lightning speed, and electricity subjected to science and philosophy, I am about prepared to assent to any proposition having improvements in view. At this age of the world he must be a bold man who pronounces any invention *impossible*. It is about time to strike that word from our vocabulary.

Citizen Genet, during the latter days of his life, was an enthusiast in the belief that balloons would be brought to such perfection, that eventually the intrepid aeronaut would so far subject the wind and elements to his control, as to make distant voyages with celerity, regularity, and safety. He would argue the question, and explain his views at great length; and I used to listen to him with pleasure, for he was a man of learning and genius, and I am by no means certain but that a few years more may realise those fervid anticipations in which he used to indulge. Quite as strange things have come to pass, and others may follow, to astonish those who come after us, if not within our own day and generation.

CHAPTER XXII.

Charter of Central Bank.—A. M. Schermerhorn First Cashier.—Judge White First President.—Notice of him.—Dr. Little, Notice of him and other Officers of the Bank.—Pecuniary affairs.—Revolutions in 1836, '7, &c., and Losses.—Remove to Oswego, 1839.—Failure of Commercial Bank of Oswego.—Notice of Oswego and its future Prospects.—Remove to Columbus, Ohio, 1842.—Loss by Fire.—Farming, and Large Crop of Corn.—Broken Arm, and other Incidents.—Notice of Columbus.—Return to New York, 1846.—Candidate in 1847 for Supreme Court Judge.—Popular Excitement.—Jenny Lind.—La Fayette.—Kossuth.

I HAD assisted in obtaining the charter of the Central Bank at Cherry Valley, at the legislative session of 1818, and was one of the commissioners to receive subscription for stock. The stock being taken, the bank went into operation the autumn of that year, under the auspices of Hon. Abraham M. Schermerhorn, as cashier, who is member of the present congress from Rochester, Monroe county, and was also a member of the last. Mr. Schermerhorn was a man of decided talents, managed the bank with great ability, and finally went to Rochester six years afterwards, where for many years he was the leading and most popular financier in western New York. He is shrewd, kind-hearted, sincere and ardent in his friendships; and I have always regarded him as a high-minded, honorable, and honest man. I had a respectable por-

tion of stock in the new bank, and was a director from its first organization till I left Cherry Valley, the autumn of 1839.

Dr. Joseph White, of Cherry Valley, who for many years past was first judge of the county of Otsego, was the first president of the bank. He was a wealthy man, and had acquired it by industrious and constant attention to his profession as physician and surgeon. As an operator in surgery he was highly distinguished, and for many years was justly regarded as standing at the head of his profession, and was unquestionably the best surgeon in the state west of Albany. For several years he was connected with the medical institution at Fairfield, Herkimer County, and left it with high reputation. He was a careful, prudent man, and safe adviser in the management of the bank, and so too in regard to money matters generally.

Dr. White came to the county at an early day, with limited means, and was the architect of his own fortune. He was always kind-hearted and liberal to the poor, against whom his professional bills were remarkably moderate; and he never oppressed or harrassed his debtors, to compel payment. He was a money-lender, but never took more than legal interest: a man of intelligence, excellent judgment, and beyond all question of strict integrity. In his politics he was a high-toned federalist, and exercised much authority and influence with his party, to which, from his position and standing in society, he was justly entitled.

He died in the spring of 1832, leaving a high and enviable professional reputation. His son, Dr. Delos White, the father of Hon. Joseph L. White, of the city of New York, had for several years before the death of his father, acquired a reputation in his profession, of

nearly equal celebrity. He too had been at the head of one of the departments in the medical college already mentioned, and on the decease of his senior, was looked upon as almost the only man who could fill the place of his deceased but distinguished ancestor, whom he survived but a few years, having died in 1835.

Dr. David Little, from the adjoining town of Springfield, was the second president of the bank, and remained such till his decease, in the fall of 1832, when I was elected president in his place, and remained such till my removal from Cherry Valley, the latter part of 1839.

The bank was always well managed, its affairs were conducted with rigid economy, in strict reference to the interest of stockholders, and for the accommodation of the public. No one connected with that bank has occasion to blush for any mismanagement during the third of a century since it went into operation.

Dr. Little was a man of excellent judgment, stood remarkably well in his profession, was skilful and successful in the management of his pecuniary affairs, sustained a fair reputation, and is justly entitled to the praise of having presided over and protected the interest of the bank, with vigilance and consummate skill. I have always found him honest, honorable, and upright. Ansel St. John was the second cashier; and was not only correct, and in every respect well qualified, but was remarkably popular with the directors and with customers generally. On his leaving the bank, the present cashier, Horatio J. Olcott succeeded him, and David H. Little, Esq. the present president, succeeded me in 1839.

The bank continues to be well managed, and is popular, and now as formerly makes good dividends.

While connected with it, I for several years owned nearly one-fourth of the stock, and was its attorney. A share of its business, added to a respectable professional business besides, enabled me, with the semi-annual bank dividends, to make and save considerable money.

In 1833, '34, or '35, I could have paid off all my debts, and have saved \$50,000, at least, and I think from \$55,000 to \$60,000.

Here I made an irretrievable mistake, which at my present advanced period of life, I can never expect to correct. As a prudent man, I ought to have invested \$10,000 for my wife, and 5,000 for each of my four children, which would have left me with at least \$20,000 and my profession to support myself and family, while those sums at interest would have yielded seven per cent., and by annual accumulations would have soon doubled. I did not do so; and shall never forgive myself for the neglect. Like many others, I purchased real estate, hoping to profit from its rise in value.

The change of times and revulsions in 1836, '37, and several succeeding years, first depressed and afterwards destroyed the value of that kind of property, so that the more an embarrassed man had, the poorer he was esteemed. It is needless to remark that I lost money by these purchases; nearly every one did so. But my investments in land and subsequent losses were not so great as ruinously to impair my estate, had I not endorsed and lent my name to friends. In almost every instance they were ruined, either by improvident purchases or failure of those upon whom they relied. The result was, I had to pay where I had thus become liable, and "pocket the loss." In some cases I had to

take encumbered real estate and wild lands, with occasional bonds and mortgages, inadequately secured.

The lands thus taken in payment, and many of the securities became of little value, and I might about as well have lost the entire debts for which I was liable, as to be plagued and harrassed with such property. To these should be added a large amount, (nearly \$30,000,) principal and interest growing out of the sale of bank and railroad stock, for which I had paid nothing but cash; and on the sale of which I never realized anything worth mentioning. These various losses with liabilities for others, indicated very clearly that I must go to work where I could earn money and retrieve my affairs.

I had recently got through with eight years senatorial service, which of itself was pretty well calculated to deplete the pockets; while so many years public service from home, necessarily lost me my clients, and impaired my business.

Stockholders in the Commercial Bank of Oswego, a bank very much embarrassed, desired me to go there and take it in charge, with a view of sustaining, and ultimately restoring it to credit.

They made me a liberal offer, which I concluded to accept, and went there in October, 1839. In going I committed an error, for the bank was so much crippled, that it was soon apparent that nothing could save it, short of a heavy contribution from the stockholders, which on being made known, some made the required advances, while others refused, and ultimately the bank was forced into liquidation; winding up disastrously for all concerned.

On going to Oswego I resigned the presidency of the Central Bank, and ceased to be a director, as I had been twenty-one years; thus entirely dissolving

my connection with that institution, so far as its management was concerned. As it turned out it was a most unfortunate move. I had done more than any one, except Judge Hammond, in obtaining the charter; had spent considerable money in attendance in Albany; and when an extension or renewal of the charter was obtained, Judge Morse and myself devoted much of our time to it, for which we never received a farthing. For our expences, the bank made some advances, but not to the full amount of our outlays; nor was anything ever paid by the bank for expences in procuring the charter. Thus the stockholders, without expense, derived the full benefit growing out of the charter, which I very much doubt can be said of any other bank in the state.

At the time of renewing the charter, and accepting it under the "safety fund" system, Judge Morse and myself had more political influence with the legislature than all the other stockholders put together; and the bank had the benefit of this influence. So also, for nine years, while I was in the assembly and senate, for which positions I was under no obligation to the bank; yet in all legislation my course was conservative in reference to banks, and would have been so, even had my interest not been identified with them.

Banking so far entered into, and was connected with the business and affairs of life, that no one could wish to cripple them, unless he was prepared to embarrass, if not destroy his friends and business men generally. The sad results that followed the suspension of specie payments; the universal depression in value of property; the bankruptcies of individuals; and general distress that pervaded the community, should serve as a warning against contributing to bring about a like result.

Were I again clothed with legislative power, I would do no act that would be likely to place the banks in a dishonored position; and hence I deprecate legislation that is calculated to create distrust, or to excite prejudices against well conducted institutions. It is trifling with individual interests, and often resulting in losses to widows, orphans, and minors, as well as those engaged in the active duties of life. Well conducted banks always found me ready to protect and defend them against factious and malevolent assaults.

My connection with and claims on the Central Bank, were such, that they ought not to have been severed so long as it could have been avoided.

Breaking up and removing from Cherry Valley, necessarily required sales and sacrifice of property, and threw me entirely out of professional business; so that in this view, as matters turned, it would have been better to have remained there. Before removing from the village, my old neighbors honored me with a public dinner, at which toasts were drank, speeches were made, and "Auld Lang Syne" was sung by the whole company.

I was then president of the Cherry Valley Agricultural Society, and a large number of its members attended. A residence of thirty years at that place had necessarily created strong attachments, which rendered my withdrawal painfully oppressive to my feelings. I had no reason to complain of my new acquaintances at Oswego. They were kind, and treated me with respect and attention. Soon after my removal there, we got up an agricultural society for that county, of which I was the first president, which I believe is still kept up, and is apparently doing much good.

The commercial bank which I had in charge was crippled greatly beyond what I had supposed, and was much more embarrassed than its directors and stockholders were aware: in fact, it was "past praying for." It had to take large quantities of real estate, much of it encumbered; and although the same property is now valuable, it could then hardly be so considered, as the scarcity of money and depression of the times rendered such property nearly valueless. The directors exerted themselves to save it; but the effort was vain. Several other banks failed during the autumn of 1841, which gave a shock to the Commercial, then "on its last legs," and *that* finally went with the rest.

The failure of the bank induced me to go to Columbus, Ohio, the next year, where I had a large farm and other real estate, with mills, that required my personal attention. Accordingly I went there with my family, in October 1842.

It was with profound regret that I left Oswego, which I have regarded as one of the most pleasant residences in the state, particularly during the summer season. Its proximity to Lake Ontario, gives it almost uniformly the benefit of a cooling breeze each day. Then again, in the fall, the lake has such an effect on the temperature, that frosts which destroy the herbage in the interior are not experienced near the lake; while in the spring a humid chilliness is imparted to the air that checks vegetation, and thus the apple, peach, pear, and plum escape the effects of frosts that are often destructive, remote from its borders. The winters to be sure are long, with much wind and raw weather, but the thermometer shows the cold several degrees more intense at Auburn, Syracuse,

or Utica. I think Oswego and its vicinity, particularly along the lake shore, is as fine a portion of the state for fruit, especially the apple and grape, as can be found, scarcely excepting Rochester and its charming surrounding country. Its position is such, as to make it for Lake Ontario, what Buffalo is to Erie; and its extensive business so rapidly increasing from year to year, indicates it, beyond a doubt, as a most important point, and one too where a large city is to grow up ultimately. Its fine water power, healthy climate, commodious harbor, added to its conceded command of a large portion of the Canadian, and even the trade of the Upper Lakes, cannot fail of producing such a result.

The present population is not far from fourteen thousand, which from appearances must be augmented to double that number at no distant day.

For those who wish to escape from the large cities during the heat of summer, I scarcely know a more pleasant retreat than may be found at Oswego, and on and about the shores of the beautiful inland sea that separates it from Canada.

As before remarked, for a summer residence it can hardly be exceeded. Its broad streets enable proprietors, under city regulations, to take in a portion for ornamental purposes, so that each house has in front a small flower garden.

The importance of Oswego, as a frontier position, was discovered at an early day, where a military post was established by the English government. Nearly one hundred years ago, it was taken and destroyed by the French, under Montcalm; and afterwards, a fort known as Fort Ontario, was built by the English and Provincials, which remained in possession of the

British till 1795, when it was given up with other western posts, under "Jay's Treaty," and has recently been rebuilt, enlarged, and strengthened, where a small force is maintained.

Its inhabitants are kind, enterprising, and social; and scarcely any city in the state can boast of society more fashionable or refined. It has already nine churches, if not more, viz: two presbyterian, two episcopalian, two catholic, two methodist, and one baptist.

The school houses are new, large, and commodious, and do much credit to the city.

In going to Ohio, I had no definite object beyond putting my property in a condition to sell, or permanently to retain, as after circumstances should seem most advisable.

On reaching Columbus, I went on to repair and finish my mills, at expenses of course much beyond estimates. My fences were repaired and new ones built. Many acres of new land cleared up, and brought under cultivation, so that each year I was enabled to raise large crops of corn, but prices were exceedingly low.

The autumn that I went there, and the succeeding winter, the cash price for corn was but ten cents per bushel, so that to pay the postage on a letter from New York, (then twenty-five cents,) would require two and a half bushels. Even at this low price, I have known farmers come twenty-five miles to market, when the roads were so bad as to require three horses to haul twenty bushels, and then sleep in their covered market wagons through the night.

My farm was extensive, but was soon put in good condition, on which a large new barn was erected, in 1844.

During the spring of the next year, a disastrous fire swept away my property, which was without insurance, and seemed to annihilate all chance for retrieving my affairs. In that year, (1845,) though an unfavorable season for corn, was raised on my lands about thirteen thousand bushels, of which my share was eight or nine thousand, about six thousand of which was sold when harvested, at twenty cents per bushel, which was more than was realized from that part which was kept through the winter.

Few farmers in the state of New York, I apprehend, can boast of ever raising so much corn in a year, as I raised in 1845.

To be burned out, subjects a man to queer feelings, for it comes so suddenly, and works so hasty a change in his affairs, that he can scarcely realise it.

Every reasonable effort was made to save my property from the destructive element, but all in vain. I shall always feel thankful to the citizens of Columbus and Franklinton, for their exertions, particularly the firemen from the city, who hurried to the conflagration, a mile out of their corporate boundaries.

The loss was astounding, and many of my friends feared my feelings would be so overwhelmed as to discourage further efforts, but there was no use in despairing, so I returned home, took my breakfast, and then went to church, where good old Parson Hoge gave us, as he always did, an excellent sermon.

“Misfortunes seldom come single.” I had just before the fire, submitted to an operation on my left eye, to remove a “terrigium,” or wing that had formed, and was likely to extend over the pupil and destroy its sight.

Sitting in a chair and placing my head against the

wall of the house, without being held or confined, I suffered Doctor Thompson to thrust in his crooked needle, and tear and clip off the part to be removed. The operation was sharp and painful, nearly as much so, I suppose, as removing a cataract from the eye; but it was soon over. Next came the fire, and next spring a broken arm or wrist, which kept me at Columbus, till some time in July, 1846, when I removed from there to Oswego; having sold my lands before removing.

Here I may as well remark, that could I have retained my Columbus property till the present time, the rapid growth of the city and consequent rise in the value of real estate in its vicinity, would have enabled me to pay off all incumbrances, and left me with a surplus of from fifteen to twenty thousand dollars.

Columbus, surrounded by a fine agricultural country, is beautifully situated on the eastern side of the Scioto river. The extensive bottom lands are distinguished for their richness and fertility, and are scarcely surpassed by any within that, or any other state.

The best part of the city is situated on ground considerably above the river; the streets are broad, and "high street" in particular is not only quite so, but remarkably well built up with substantial buildings. Its present population is about twenty thousand, which is rapidly augmenting every year, and being the capital of that great state, with numerous railroads running into it, and manufacturing establishments already in operation, I can see no reason why it should not, within a few years, have a population of from forty to fifty thousand. Undoubtedly, it will be one of the largest inland cities in the country. There is much wealth and enterprise among its citizens, and they

now seem to appreciate the importance of rail-road communications; though when I resided there, the feeling of some of its principal citizens was against improvements of that kind. The state has several public buildings in the city, large and commodious; among which are the state prison or penitentiary, an asylum for the blind, an institution for the deaf and dumb, and a lunatic asylum. A state house is now being constructed, which will probably be the largest and most costly building of the kind within the United States. A medical college has been endowed, and is now in the progress of erection. They have many churches and schools, and the society in the city is choice and good as can be found elsewhere. About one-third of the population of the city is made up of Germans, who are industrious, economical, and thrifty, and as a class are excellent citizens.

The soil of Ohio is such, that except where they had McAdamised or graveled roads, the traveling used to be horrible. I frequently had to ride from Columbus to Cleveland, and to Toledo, over those rough and muddy roads, and in stage wagons but little better than "murder carts." Railroads have now been introduced, so that it is little or no fatigue to go there; but formerly, the best way to go through the country was on horseback, and in this way I often made my journeys. It was necessary for me to be on horseback every day when I was at home, to visit the different parts of my farm; so that to thus ride was not only pleasant, but conducive to health. I used to ford the Scioto and Olentangie rivers at every season of the year, and twice found myself in deep water, so that my horse had to carry me out by swimming. One of these times was in December, when the weather was exceedingly cold.

Columbus was a pleasant residence, and on coming away I left it with many kind recollections; for I had friends there highly esteemed, whom I hope to see again at no distant day. On leaving that place I came to the city of New York, and opened a law office in August 1846, and next year was nominated as one of the justices of the supreme court, under the new constitution, but like others on the same ticket, failed of an election.

New York, like all populous cities, must always have something to excite the multitude. A "nine days' wonder" is hailed with avidity; and then the subject of excitement wears off, or becomes stale, till something else absorbs popular attention.

When Jenny Lind came the whole city was agog to see as well as to hear her. The streets in front of her hotel were crowded day and night, that the gazers and loiterers might by chance catch a glimpse of the distinguished stranger. Her reception was in the highest degree flattering; and what was more, there seemed to be, and no doubt was, a sincerity—a kind, enthusiastic, heart-felt, friendly feeling towards her, which scarcely any foreigner, with the exception of La Fayette has ever enjoyed. La Fayette, for his revolutionary services, his sacrifices in blood and treasure to secure our independence, his devotion to liberal principles in Europe, and his uniform attachment, during a long and eventful life, to the interests and institutions of our country, acquired and deservedly retained a hold on the American heart, immeasurably beyond any one who ever came from a foreign land.

The love and respect of our countryman for him, was the result of a nation's gratitude to a distinguished benefactor, creditable to ourselves and justly due to

him. Hence, every American not lost to the ennobling principles of our nature, felt himself a debtor to the brave, the generous La Fayette; and rejoiced at an opportunity to pay respect to the man who had periled his life and fortune in our cause; and by pecuniary advances to remunerate those services, and in a measure restore the fortune which he had so generously sacrificed. The devotion to him was the result of a far different feeling from that manifested towards the distinguished *Scandinavian songstress*. She came among us with a most enviable reputation, established on ennobling and virtuous principles, well known here before her arrival among us. Sprung from the humble walks of life, of obscure parentage, and dependant on her own exertions for success, she has after attaining an unrivalled eminence in her profession, had the good sense to wear her honors meekly, which of itself is a triumph to which few females similarly situated would be likely to attain. There is a kindness, a generosity, a goodness of heart in her nature, that places her far above the position of almost any one who follows similar pursuits.

It is true our people are excitable, and enthusiastic in their admiration of distinguished performers from abroad; but making due allowances for this, and for the artificial excitement created by newspaper paragraphs, the effect of which no man can better calculate than Mr. Barnum, there are elements in Jenny Lind's life and character that will always commend her, not only to the admiration of our countrymen, but to their warmest affections. Her whole cast of mind is closely assimilated to the broad principles on which our national institutions are founded. Were she an American citizen, as I hope she will be, she would make an

excellent republican. Her feelings are with the masses, and her sympathies prompt her to deeds of charity, calculated to improve and elevate their mental condition.

A woman with these views, connected with a benevolence of feeling continually prompting her to relieve the suffering, and improve the condition of her fellow-beings, can never fail of being a decided favorite with our people. She would be so, without those musical qualities for which she is distinguished far above any competitor. The annoyances to which she is said to have been subjected, by the reception of numerous letters asking charity, are disgraceful in the extreme; and I fear will be calculated to induce a low estimate of our countrymen. . .

Is self-respect entirely obliterated? It is bad enough for those connected with charitable or other institutions, to intimate a desire to be recipients of her bounty; but for individuals to become mendicants and alms-seekers, to the extent represented, is shameful to them and disreputable to the country.

I hope she will have good sense enough to make ample provision for herself, her family, and friends, so as to secure a liberal competency through life, beyond all contingencies; and then, if she can carry out her free school project for her countrymen, she will establish a reputation more desirable, and should be more honored and enduring, than all the conquerors who have graced and embellished the annals of the world.

Scarcely had the sweet strains of the enchantress died upon our ears, and the excitement subsided which her appearance among us had created, when the illustrious Magyar chieftain became the engrossing object of the public mind. Every one must see and hear

Kossuth, whose advent was hailed and regarded as the great epoch of the day. The mind of this great city, and I may say of the whole country, has seemed to be absorbed and intensely excited; so that it would really appear that we could not exist without an excitement of some kind.

That he is an orator of a high order of talents, no one who has heard or read his speeches can doubt; but intense and engrossing as the feeling was on his arrival, and as it remained for many days, it is now evidently wearing off in the city, and we are waiting for some other interesting event to take its place.

There is unquestionably a deep feeling of sympathy among our citizens in every part of the republic, for the Hungarian cause; but I cannot comprehend the earnest appeals for aid, unless it is certain that another struggle is to be made for the independence of that nation. To talk about that struggle, or of "non-intervention," while the people of that country are quiescent, and while they are held in servitude by foreign bayonets, which they have no adequate power to resist, even if they have the will, is the very romance of knight errantry.

With a fair prospect of success, I should rejoice to see Hungary again in arms against her oppressors; and that time will probably come at some future day, should the German people make common cause, in favor of popular rights: but the affairs of Europe, even of France, I regret to believe, do not at present indicate such an event, or that it could be successful, if undertaken.

A better and more favorable day I hope may soon dawn, when the tyrants who have so long governed and oppressed the European people, may be brought

into judgment; and that the *masses*, now regarded as little above serfs, may acquire those natural rights to which they are entitled, while each nation is left to regulate its own affairs, independent of foreign interposition or aggression. When that time arrives, "intervention" and "aid" may have a meaning; and patriotism may be invoked for objects that now appear impracticable, if not visionary.

CHAPTER XXIII.

Visit Cherry Valley, October, 1850.—Splendid View from its high Hills.—Picturesque appearance of Forest Scenery.—Flight of Birds to the South.—Visit Cooperstown and Susquehanna Valley.—The late George Clarke, and Incidents.—Visit Oswego.—Death of Christian J. Burckle.

It is now November, 1850, and I have just returned from Oswego, where, after more than eight months' absence, I have been on a short visit. More than forty years ago I was spending my first autumn in Cherry Valley, where I now stopped a few days on my way to Oswego. My excursion there was in October, before the forest trees had cast off their foliage, but after they had lost the freshness and deep green of summer.

Those high blue hills, dividing the waters of the Mohawk from the Susquehanna, which appear so formidable and forbidding as you rise from the immediate bed of the former river, are admirably calculated to show off the beauties of forest scenery, constituted as they are of lofty hills and picturesque vallies.

I know of no position in the state, except from the summit of Catskill mountain, where so fine and extensive a view can be obtained, as from the top of the hill above the turnpike gate, two miles east of Cherry Valley. From that lofty eminence, with a small telescope I have counted the windows in Johnstown courthouse, nearly thirty miles distant. You look down

upon Bowman's Creek Valley as upon a map, and trace it till it loses itself in the valley of the Mohawk. The eye can follow the course of that river from Little Falls to Schenectady ; while the high ridge of forest land that divides its waters from those of the St. Lawrence, *alone* interrupts the vision to the north. The elevated lands in Rensselaer and Washington counties, and western Massachusetts, may plainly be traced while away off in the north-east ; the Green Mountains may be seen stretching far to the north, in solitary grandeur, and skirting the eastern boundary of Lake Champlain.

Those who appreciate the beauties of mountain scenery, will find themselves amply paid for their trouble, if they will, on a clear summer or autumnal day, take a survey from that giddy height. It is several years since I visited Cherry Valley at that particular season of the year. All the way, the hills and vallies presented the gay yet melancholy aspect of autumn : *gay*, because the shrubbery and trees were yet clothed with their summer dress ; but it had assumed all the tawdry colors of the season, from the faded green to the pale and dark lemon ; the beech leaf, with its modest brown yellow ; the sumach, from its native green, through every variety of shade up to the deep scarlet ; and then the sugar and water maple, green, yellow, purple, and red, beautifully commingled.

The village of Cherry Valley, skirted by hills, abounds with maple and other trees, which have so far grown, that it has the appearance of a village in a juvenile forest. Birds, particularly robin redbreast, resort there in great numbers ; and at the time I was there, they were gathering for their annual flight to the south. I have no doubt that more than one hundred of them fed daily on the red berries of the mountain

ash, of which tree great numbers were luxuriantly growing, on the beautiful homestead of my late friend Judge Morse. The little pilferers seemed to regard those trees as planted, and the fruit preserved, for their express accomodation. No matter; it is all right; let them enjoy the *fruits of the season*. The poor things want something to cheer and support them for their long journey. This brings to my remembrance an incident at Columbus, Ohio. While I resided there, the winter of 1844 was very mild, and the blackbirds came back a month earlier than usual. The red-headed woodpecker was also there, whistling and tapping the hollow trees. I had two thousand bushels of corn in a building, with the windows all open, to promote the free circulation of air. The weather changed suddenly and became cold, which induced hundreds of blackbirds, accompanied by wood-peckers, to resort to my corn for daily food. My hired men proposed to close the windows, and exclude them, which I forbade, as I was quite sure their depredations would cease with the return of warm weather. The blackbirds did not treat me well; for on planting my corn in the spring, the ungrateful rascals seemed to take special delight in pulling it up, so that I had to shoot many of the black-coated gentry, to make them "a terror to evil doers."

But to return from this digression, After a brief visit at Cherry Valley I went on to Cooperstown, and thence down the Susquehanna to Milford. Cooperstown, beautiful and romantic as ever, remains with but little apparent increase, at the foot of the splendid lake so much admired by all who visit it; while "Mount Vision" at the east, rises with solemn grandeur to obstruct the early rays of the morning sun.

Here a division of General Sullivan's army, under Gen. Clinton, concentrated, and by damming, and thus raising the water of the lake, were enabled to float down the river in batteaux, on its augmented waters, as they went on, to chastise the savages during the revolutionary war.

This delightful village, which is the county seat of the large, intelligent, agricultural county of Otsego, has been brought into general notice among the reading community, as the residence of James F. Cooper, esq. the novelist, whose "Pioneers" has faithfully delineated many of its localities, and chronicled the early incidents connected with its settlement and growth. Several distinguished citizens of the state have been, and still are among its inhabitants, whose beautiful picturesque mansions adorn and add to the interest of its natural attractions.

Looking up to the north over the blue expanse of waters may be seen a high head-land jutting out into the lake, where stands *Hyde Hall*, the splendid and costly residence of the late George Clark, now owned and occupied by his son. Mr. Clark, the elder, was an Englishman by birth, and came to this country a few years after the revolution. He was a descendant in the direct line from Lieutenant Governor Clark, a former provincial governor of New York, from whom the late George Clark (who I believe was his grandson) derived a large landed estate in Otsego county, as well as other portions of the state, and in other states also. George Clark encountered, at an early day, much opposition from his tenantry. The tenure by which they held their lands was not in accordance with the views of our citizens generally. These large estates were leased out, some on durable leases, at a small rent, and others for

three lives or twenty-one years. I have a lease drawn out on a monstrous scroll of parchment, executed by his ancestor, and acknowledged before Sir William Johnson, now nearly one hundred years old, under which, as assignee, I used to own and occupy one of his farms in Cherry Valley. For many years I was tenant under Mr. Clark for this and other farms, and always found him kind and gentlemanly, so that I wanted no better landlord. He, of course, wanted his rents and what legally was due to him; and in exacting these his undoubted rights, he no doubt offended many of his tenants, who wanted a little more than their own. It was a tenure that I have often told him would give him trouble; for in my judgment, it was calculated to invite aggressions on his rights, and its tendencies were adverse to the rapid growth and improvement of the country, as with us, each one wanted to be sole owner and master of what he possessed.

I have no doubt that leasing real estate in agricultural districts is a most pernicious system, and so I used to argue with him. Had he lived till the present time, he would have probably found in the anti-rent demonstrations, good cause to change his views, so far at least as the profits of leasing are concerned.

I am told that his son is inclined to pursue a different course, and by selling out the fee of his extensive domains, will relieve himself from much trouble; and I hope, will realize in the interest of his money, a better return than from the rents exacted under the old leases.

To do justice to his father's memory, I wish to state as the result of my honest and unbiassed judgment, that had tenants treated him with respect and kindness, and paid him the rents honestly due to him, they would have had no good right to complain; but they

disliked the relation of landlord and tenant, and hence he was frequently annoyed with insolent demands, which his high English notions of *strict right* would not allow him to concede. He could be as obstinate as they, and hence collisions. Otsego county certainly should not complain of Mr. Clark, for he not only expended his rents derived from that county, but a far larger amount, in the erection of those elegant buildings that adorn his estate; and which are, undoubtedly, the most expensive structures in the county, and probably, the best private establishment west of Albany.

He was a man of extensive reading, well informed, social in his feelings, hospitable to those with whom he was on intimate terms; and I believe a strictly honest man. His prejudices were strong, and if he believed any one intended to wrong him, he was stubborn in resisting any invasions of his rights; but with kind treatment, on the other side, Mr. Clark, so far as I knew him, could be relied upon for a corresponding return of kind feelings. I have been the recipient of his hospitality, though not of his patronage—and have a right to speak of him, as I believe him to have been—an honest, intelligent, worthy man. That he was social and companionable, I *know*, for he gave good dinners, conversed well, told a good story, delighted in a good one from others, and when in merry mood, would sing a good song, but generally one that he had brought with him from “merrie old England.” In short he was an English gentleman in his habits and feelings. I hope it will not be regarded as invading the sanctity of domestic relations, if I allude to some of the incidents connected with that baronial establishment.

Mr. Clark in his feelings, was thoroughly English. He delighted to have his dinner got up in old English

style, with the best of roast beef and mutton, garnished with such delicacies as the lake and country afforded, and just such as his countrymen, who knew how to appreciate good things, would order, were they the caterers, and in these particulars he hardly ever failed to excel. Not only were his household arrangements in this style but he was English in his religious views; unless those matters were in accordance with good old mother church, they were not acceptable. I was invited nearly, if not quite, thirty years ago, to attend the christening of his son, the present owner of that princely establishment. Good old Father Nash, with several other episcopal clergymen were in attendance, and in the end received, it was said, liberal presents. The late John Van Der Speigle Scott, of Catskill, was one of the sponsors; I do not recollect the other, but there were two. Several were there from Utica, a large number from Cooperstown and the surrounding country. The christening was performed with suitable solemnity and gravity, and in due time the dinner was announced, which was in that substantial, excellent style, that just such a man as Mr. Clark would be likely to order on such an occasion. I never knew him more talkative and pleasant, nor could his guests feel otherwise than good-natured and satisfied with him, as well as themselves. In due time the ladies and clergy retired; and then his guests were effectually plied with creature comforts. There was nothing he seemed to delight in more than to sit and enjoy rational conversation; to discuss literary and other questions; to tell stories and hear good songs, and in the end, get his guests, or a portion of them, "under the table." On this occasion, after partaking of his good things and good cheer, on leaving the table in the early part of the evening, they repaired

to the plateau in front of the house, where some of them ran foot races in the dark, but with no great credit to themselves as pedestrians.

As they were going back into the house, one of his guests, who sometimes indulged too freely, mis-stay'd and fell into the hall, obstructing, as he lay, the closing of the outer door. One of the servants came to Mr. Clark, and asked him what he should do with the "large gentleman," who had fallen in the door way, and was not able to get up? The answer was "drag him in and put him under the table,"—which was forthwith complied with, where he remained till morning. Those were gay, frolicsome times, and though they may now appear to have been rude, and perhaps wanting in gravity; yet, I very much doubt whether thirty years have made any great improvement in the substantial qualities of a feast, or the enjoyment of it after it was prepared. It is very much the same still.

The remains of the founder of Hyde Hall rest near the mansion; where his son, in the enjoyment of an ample patrimony, maintains the reputation of a worthy honest man, and a gentleman of decided worth and popularity.

In 1834, I had the honor of an invitation from Mr. Clark to attend the wedding of his daughter. Delicacy forbids saying much about a wedding party, because ladies are more or less mixed up in such an affair; but I may be permitted to remark that the company was not only large but highly respectable. His tenantry had been invited to come there in the afternoon, and came in great numbers to enjoy his good cheer; and then returned home before the wedding feast, which did not take place until evening; but was then ample, and befitting a rich princely establishment like his. I

shall not very soon forget that evening, for to impress more forcibly its recollection, my driver, who was an Englishman, managed to overcharge himself with stimulants, and in the dark, upset the carriage, nearly breaking both our necks, as we went into the ditch.

It is time to return from this digression, and pass down the river, from Cooperstown to Milford. I thought the lofty hills on each side never appeared so beautiful. All the varieties that constitute the beauties of an American forest in autumn were before me in their most attractive form; and when I looked on "old Crum Horn" mountain, as it rose between, and divided the Susquehanna from the "classic waters of Schenevas," as my friend Alvan Stewart used to call them, I thought a landscape view could not be presented more appropriate, for the painter who delights to adorn his canvas with the beauties of nature.

There is an indescribable beauty and richness in the American forest, as viewed through the medium of an autumnal atmosphere and Indian summer's sunshine. There is a sober melancholy, which is heightened by the reflection that a few weeks will scatter the rich drapery, and make those gaudy appendages the sport of winter's chilling blasts. To render our forests most attractive in autumn, the dark rich green of the hemlock, fir, and pine, are indispensable. These evergreens form such a beautiful contrast with the varied hues of other foliage, interspersed with them, that no one, unless perfectly insensible to the charms that nature spreads abroad, can fail to admire them.

My visit at Oswego was painfully unpleasant. My old friend, Christian J. Burckle, who had been sick for several weeks, was evidently near his end, and soon paid the great debt. I had known Mr. Bur-

ckle sixteen or seventeen years; and our associations were of that intimate kind, that I am sure I knew him well. He was an excellent man, of varied and extensive information, ardent and sincere in his attachments, a kind parent and devoted friend. His death so shocked my feelings, that it nearly destroyed the pleasure of my visit; and when I came back from Oswego, and again stopped a day at Cherry Valley, my short visit there seemed as gloomy as if attending a funeral.

CHAPTER XXIV.

Tombstone Records.—Recollections of Individuals.—Anecdotes and Incidents.—Notice of Col. Campbell and Family.—Col. Clyde and his Family.—Archibald McKillip.—Hugh Mitchell—Wells Family—Col. Alden.—Notice of Col. Willett.—Joseph Brandt and the Butlers.—Captain Clark.—A Monument wanting.

THE melancholy state of mind under which I was laboring, on coming back to Cherry Valley from Oswego, as mentioned at the close of the last chapter, was not inappropriate to the occasion. The season of the year (*then* November) was of itself calculated to induce reflection, and to impress the mind with solemn recollections; but in addition to this, the death of so many of my old neighbors and associates, always renders my thoughts of a sombre cast whenever I go there, though there is a melancholy pleasure intermingled, such as we feel on visiting a cemetery, and reading the names of departed friends.

At that time I strayed through the grave-yard, as I always do; and as there is much to interest the contemplative mind, particularly those who are familiar with, or delight in hearing individual incidents, I invite my reader to go with me, in imagination, through that receptacle of the dead. It is quite probable, that on looking at the names, we may call up recollections of some that will not be devoid of interest. Here you will find some of those who, as pioneers, first led the way

into this romantic and then far-off valley; and of their descendants, who perilled their lives in the struggle for independence. Any one looking through that burying-ground, will be forcibly struck with the large proportion of elderly people who rest there, and whose memory is perpetuated by inscriptions on the grave-stones. The first impression would be, that the place is remarkably healthy, as it undoubtedly is. Let me name over some of them, and throw in some hasty recollections and incidents.

James Campbell died 1770, aged eighty years. Sarah Simpson, his wife, died 1773, aged seventy-nine years. This James Campbell, I suppose, was the first of the Campbell family who came there among the early settlers, not far from 1740, and was the father of Col. Samuel Campbell, who died 1824, aged eighty-six years; and great grandfather of Hon. William W. Campbell, of the city of New York, author of the "Annals of Tryon County," and now judge of the superior court. Jane Cannon, wife of Col. Samuel Campbell, died 1836, aged ninety-two years.

Col. Campbell was an active, patriotic whig, of the revolution. I think he was in the ill-fated expedition against Crown Point, during the old French war, where Abercrombie was repulsed and defeated, and Lord Howe-killed. At the Oriskany battle, in 1777, he was in the thickest of the fight; and after General Herkimer was wounded and Col. Cott killed, Col. Campbell succeeded to the command, and after maintaining the contest with obstinate bravery, brought off that portion of the survivors who had stood their ground, manfully, instead of running away as some did, on being surprised. He had several bullet holes through his clothes, one ball cutting away the string by which his

powder horn was suspended. In 1778, when Cherry Valley was surprised, and the settlement broken up by Tories and Indians, his buildings were burned, his wife, with two or three children, made captives, and carried off to Niagara, thence to Canada, and down to Montreal, where, after an absence of two years, they were exchanged for the family of Col. John Butler. Col. Campbell, who was on his farm some distance from the house, escaped. When he learned that the savages had made their onset, his first impulse was to reach his house and to defend it and his family to the last extremity; but on coming in sight he saw it on fire, and surrounded by Indians. He could not save his family, though by flying to the woods he was enabled to escape himself.

Mrs. Campbell travelled on foot, and the greater part of the way carried her infant child. The Indians had intimated an intention to kill it, that it might no longer be an incumbrance to the party, or hindrance on their long journey. She begged them to spare the child and she would take the sole charge of it, severe as the task was, to carry an infant and keep up with the retreating party.

At, or soon after the close of the war, Col. Campbell rebuilt his house, and when Gen. Washington, Gov. George Clinton and others visited the western part of the state, they stopped with him over night. He was an old fashioned republican of the Jeffersonian school, and always a decided friend and admirer of Gov. George Clinton, as he was afterwards of Gov. De Witt Clinton, his nephew. Col. Campbell represented the county of Otsego as one of its members of assembly, not far from the commencement of the present century.

During the war of 1812, he was decided in his ap-

proval of its declaration, and was for sustaining vigorous measures for its prosecution. It seemed to rouse up his spirit and to awaken early prejudices against the mother country, for revolutionary atrocities.

His eldest son, Doctor Wm. Campbell, is buried near his father. He was an excellent man, remarkably well informed; represented the county in the assembly for several sessions, and in 1835 was made surveyor general, the duties of which office he discharged with fidelity and skill. In 1844 he departed this life at the advanced age of seventy-six years, his wife Mrs. Sabrina Campbell, a lady of much worth, having died at the age of fifty-four years, in 1830.

Eleanor, wife of Samuel Dickson and daughter of Col. Campbell, died 1844, aged seventy-four years. Samuel Dickson her husband, died 1822, aged fifty-seven years, who, previous to his death, erected a stone at the grave of his mother, with this inscription: "In memory of Elizabeth Dickson, wife of Wm. Dickson, who was barbarously murdered by the savages, 11th November, 1778, aged forty-eight years."

Matthew Campbell, another son of Col. Campbell, aged about seventy years, and his wife about the same age, are also buried there. I might say much more in reference to the Campbell family, and of their captivity and sufferings during the revolutionary war, but it has been better told and on more authentic information than I can pretend to, by Hon. Wm. W. Campbell in his "Annals of Tryon County," and to that interesting work the reader is referred.

Gen. Elijah Holt, then of Buffalo, died in 1826, aged sixty-four years, and is buried in Cherry Valley, as is his brother, Major Lester Holt, who at seventy-five years, died there. Ephraim Hudson, died 1804, aged

eighty-eight. Ephraim his son, 1805, aged forty-eight. Jesse Johnson, aged eighty-seven. Isaac Seelye, esq., 1833, aged fifty-four years. Wm. Cook, died 1829, aged eighty-one years. His wife Candace, 1835, aged sixty-nine.

This William Cook was an Englishman by birth; an old seaman, and was the "Ben Pump" of Cooper's "Pioneers." Patrick Davison, one of the early settlers, died in 1813, aged seventy-nine years. His wife Mary, in 1830, aged ninety-four. Archibald McKellip, died 1847, aged more than ninety. His wife Mary, died 1843, aged eighty-two years. Archibald McKellip was a whig in the revolution, served seven years in the army; was at the storming of Quebec when Montgomery fell, and was an honest, worthy, industrious man, and good citizen. James Thompson also a revolutionary soldier, died 1821, aged sixty years. James Cannon another revolutionary whig, brother to Mrs. Campbell the wife of Col. Campbell, died 1829, aged seventy-eight years. His wife, of nearly the same age rests by him. Col. Libbeus Loomis, a revolutionary officer and member of the Cincinnati Society, died 1836, aged seventy-nine years. His sister, Mrs. Little, wife of Dr. David Little, died 1846, aged seventy-seven. Dr. Little, her husband, 1832, aged sixty-five years. Dr. Delos White, 1835, aged forty-six. Major John Walton, 1812, aged forty-nine years. William Pесо, revolutionary soldier, 1831, aged seventy-three years. His wife Lydia, 1846, aged eighty-two. Elizabeth, widow of the late Reverend Aaron Putnam, of Pomfret, Connecticut, died 1835, aged ninety. Hugh Mitchell, an old man, and respectable; whom I used to know, lies there without a stone to mark his resting-place. He was very near a hundred years old

when he died ; and was buried near the south-side of the yard by the remains of his first wife and six children, who were butchered by the savages in 1778. He barely escaped by fleeing to the adjacent woods, where he concealed himself till the enemy were gone, when he returned, placed his murdered family on an ox sled, and drove them to the fort, where they were buried, and the old man by request, was placed beside them, when he died. Another very old man of my former acquaintance, lies there, who died in 1814, at an exceedingly advanced age. He was known as "Old Jackey Foster," was at Cherry Valley long before the revolution, came there from Scotland or the North of Ireland ; was as he said in the battle of Culloden in 1746, and used to sing anti-jacobite songs.

One of his couplets was something like the following :

" And buttocks bare, were turned up there,
Of many a brawny Highland *mon*."

Foster was a man of coarse, low wit, and used to crack his jokes, and play off his tricks with an almost unlimited license. At the early organization of the county, there was considerable strife between Cherry Valley and Cooperstown, in relation to public buildings.

The former was settled fifty years before the latter, and had been destroyed during the revolutionary struggle, and hence felt entitled to public favor.

It is said, that Judge Cooper, on one occasion, playfully remarked, that the court house should be placed in Cooperstown, the jail in New Town Martin (Middlefield,) and the gallows in Cherry Valley. Dr. Joseph White, afterwards first judge, and Luther Rich, esq., were leading men in Cherry Valley ; and Foster who

was always poor, and inclined to his drink, had not much credit with these or others of his neighbors. He frequently wanted to borrow small sums of money, and would go to Judge Cooper, always taking care to conciliate his feelings as Foster supposed, by roundly abusing Messrs. White and Rich, and other men of influence at home. Judge Cooper who understood the object, would listen to Foster's various devices to obtain money, and sometimes obliged him by small loans, though none the more for the abuse of his neighbors. On one occasion he had been sworn as a witness, when, on coming out of court the judge asked him whether he had sworn to the truth? Foster laid his hand on his breast, and raising his eyes, said, with much apparent solemnity,

“ I have Judge, as *I am a Christian mon.*”

“ But did you tell the *whole truth*,” says the judge?

“ Yes, yer Honor” (with a significant wink of his eye,) “ and a d——d sight more.”

Col. Alden, who was in command, when Cherry Valley was destroyed, and was killed outside of the fort, has a plain slab to mark his grave; with this inscription :

“ In memory of the brave Col. Ichabod Alden, a native of Danbury, Massachusetts, who was murdered by the savages in this place, on the memorable 11th day of November, 1778, in the thirty-second year of his age.” His remains are by the side of Col. and Mrs. Clyde. When her grave was dug in 1825, being crowded upon that of Col. Alden, his remains became visible. I saw and examined his skull, which was sound as when first buried. The tomahawk with which he was struck, after being shot, had not cut through the skull to the brain, but seemed to have

glanced off, chipping away a portion of the skull. The cavity was discolored with blood, and several lines or marks, where the tomahawk had entered were red and bright. Alvan Stewart took one of the loosened teeth.

Col. Samuel Clyde of whom I have just spoken was born in Windham, Rockingham county, New Hampshire, April 11th, 1732, and died in Cherry Valley, November 30th, 1790. He was an ardent devoted whig during the revolutionary struggle, and all agree that he was a man of indomitable resolution, and true courage. During the French war he held a commission as captain, which commission is now almost one hundred years old, and is in the hands of his youngest son, Col. Joseph Clyde. He was in the expedition against Ticonderoga during that war, and was engaged in that sanguinary contest. He was also at the taking of Frontenac under Col. Bradstreet. On the breaking out of the revolution he took an active part against the mother country; was a member of assembly in the first legislature under the state constitution of 1778, having been elected from what was then Tryon; and subsequently Montgomery county, of which latter county he was the first sheriff after its organization. He came to Cherry Valley, then a portion of Tryon county, seventeen or eighteen years before the revolution, and resided on the farm now owned by some of his grand children near the village. Neither he or Mrs. Clyde, his wife, had any relative there except their children.

He was engaged in the Oriscany battle in 1777, where he was knocked down by a blow from a British musket, but was rescued by a man named John Flock, who shot the man who had given the blow. The next

year 1778, he was appointed Col. of the Canajoharie regiment, which he commanded till the war closed.

With this regiment or a portion of it, he was engaged in the Palatine battle, when his men took a field piece from Sir John Johnson; and Col. Clyde took a musket from the enemy, now owned by his grandson, Hon. George C. Clyde. At the interview with Brandt, at Unadilla, Col. Clyde was present with Gen. Herkimer, whose confidence he enjoyed during the life of the general.

After Col. Clyde was commissioned as such, and after the destruction of Cherry Valley, a small fort was constructed at Freysbush, in the present town of Canajoharie, which was named after him "Fort Clyde."

There was in the British service, an active, bold, and desperate partizan officer, who, I believe, was a tory, named Joseph Bettis, or some such name, who was hung at Albany as a spy, before the war closed.

This Bettis had offered a reward of \$100 to any one who would deliver Col. Clyde into his hands. The Col., of course, was on his guard, and was always armed when he went from home. Bettis told Archibald McKellip, who I have already mentioned, that on a certain occasion he was in the woods, when he saw Col. Clyde who was armed with a gun within eight or ten rods of him. Clyde was not aware that he was in the presence of his dangerous adversary; and Bettis drew up his gun by the side of a tree to shoot him. He told McKellip, that on taking aim at him he felt an impression that he was about to shoot a brave man, who, if not killed, would be very likely to fight desperately and to kill him before the contest was over; and on reflecting on it he dare not shoot, and thus assassinate

even an adversary. Col. Clyde was the first justice of the peace in Cherry Valley, after the revolution. During the war and even after its close, he was very much devoted to the public service, to the neglect of his own affairs; for he went to New York in 1784, and on state security, raised money to pay arrearages, due the officers and soldiers of his regiment,

His wife, Mrs. Catharine Wasson Clyde, was born in Worcester, Mass., April 5, 1737, and at an early age came with her father to the present town of Amsterdam, near the residence of Sir William Johnson.

She was intimately acquainted with the celebrated Indian chief, Brandt, who, when a boy, frequently came to her father's house to play with her brothers.

Up to the time of her death, which was in 1825, at the age of eighty-seven; she always expressed a confident belief that if she could have seen Brandt before the massacre at Cherry Valley, she could have prevailed on him to have saved the inhabitants. She was a niece of Matthew Thornton, one of the signers of the Declaration of Independence; a courageous woman; well informed; recollected all the events of the revolution, particularly all the incidents relating to the destruction of Cherry Valley. On that disastrous occasion, when she found the settlement was attacked, she left her house, and finding all communication with the fort cut off, she with part of her family concealed themselves in a thicket where they remained through the night of Nov. 11th, 1778. It was cold and stormy, and considerable snow fell.

The darkness was enlivened with the light of burning buildings in every part of the settlement; and in the course of that long and dreary night she heard Indians pass and repass several times but a short distance from

where she was concealed. She kept her children still, but she had with her a small dog who gave her intense solicitude lest by his barking, he should attract the attention of the savages; but the dog seemed to understand the importance of "*a silent tongue,*" and kept still.

On the morning of the 12th, a scout of twelve men was sent from the fort; and then she emerged from her concealment, all wet and chilly, from the snow that had fallen, and went with the party to the fort. Here she was presented by the officer in command with one of his shirts, to take the place of her wet under garment. She retired to put it on; but one of her daughters was missing, who separated from her when they fled from the house, and who the mother, with painful apprehensions, supposed had very likely been captured or murdered by the enemy. Soon after Mrs. Clyde had adjusted her dress, she was delighted to see her daughter approaching the fort. When the family left the house, they hurried to a thicket to conceal themselves, and in the confusion of the moment became separated. The young woman remained concealed through the night, and next morning crept stealthily from her concealment, intending to make a desperate effort to reach the fort. Her father had a mare, on which the girls were accustomed to ride, and so gentle, that the young woman did not hesitate to mount her without saddle or bridle. Guiding her with a stick, she made directly for the fort, by a foot-path across the flats, and came galloping up to the gateway, her dishevelled hair streaming in the wind, and thus was she united with the rest of the family.

Mrs. Clyde was well-informed, for she read every thing, and remembered all she read. I have frequently

heard her relate those revolutionary incidents; and I do not suppose there was a more earnest, resolute, and devoted whig in the country than she was. It has often been remarked, that her influence was as great in keeping up revolutionary ardor, as was any of the settlers on that frontier, whether male or female. It is proper to state, that several incidents that I have related in reference to Col. Clyde, are from his grandson, Hon. George C. Clyde, in whose statements I have the fullest confidence; for having studied his profession with me, I ought to *know* something of his reputation, and I have no doubt of the general accuracy of his statements.

I have been at a loss to determine in my own mind, whether the dreadful butchery that took place at Cherry Valley is, as it has generally been, to be attributed to a cold-blooded determination on the part of Brandt, to massacre those who should fall into his hands. Brandt had been educated, and had associated much with white men, and was familiar with habits and modes of civilized life. He is said to have been a freemason; and I have often heard it asserted by the old residents of Cherry Valley, that he saved the life of Lieut. Col. Stacy, who was second in command of the fort, but being outside, was made prisoner when Col. Alden was killed. It is said Stacy was a freemason, and as such made an appeal to Brandt, and was spared. Judge James S. Campbell, of Cherry Valley, who was then a child and a prisoner, informs me, that he recollects seeing Col. Stacy stripped of his clothing, as if about to be murdered, but his life was spared.

I can easily imagine, that in the heat of battle, the lives of prisoners might be sacrificed, even if orders had been given to the contrary, for with civilized na-

tions such melancholy events are not of rare occurrence. But it is obvious that Brandt could not have been everywhere among the Indians, when the sudden attack was made; for they came up on each side of the creek far removed from each other, and passing by the fort hastily, spread over the settlement. I have understood that Brandt always denied that he authorized the destruction of women and children, or of men after they ceased to resist. No doubt he intended to break up the settlement, and scatter the inhabitants by fire and sword, and hoped to take and destroy the fort. Whatever might have been his private wishes, it was hardly possible to restrain the wild and blood-thirsty savages from indulging in their natural propensities and their usages in war.

Another extenuating circumstance, in reference to Brandt, may be drawn from the fact, that Capt. Walter Butler, who commanded the "rangers," had command of the party in this expedition, under whom Brandt was a subordinate. Butler was the son of Col. John Butler, who commanded the "greens," and Walter Butler is known to have indulged in all the barbarities of his savage associates, and was proverbial for his cruelties, for which he received a merited retribution shortly afterwards.

In 1830 I met a son of the warrior Brandt, at Saratoga. He was from Canada, and on learning that I was from Cherry Valley, made many inquiries, and remarked that he wished very much to visit the place. He told me who he was, and said his father had been cruelly misrepresented in regard to the Cherry Valley massacres; that he never authorized them, but on the contrary, restrained the Indians as far as he could, and always regretted the sacrifice of life.

The late William McKown, who died a few years

ago, related the following incident to me, which would rather go to exculpate Brandt from the charge of a desire for indiscriminate slaughter.

Mr. McKown was a lad when Cherry Valley was destroyed, and the incident referred to was as follows :

The summer previous to the destruction of Cherry Valley, he was raking hay on the McConnel farm, when late in the afternoon he heard footsteps, and on turning round, saw a man stealthily approaching him, who was so near that escape seemed impossible.

The stranger was Brandt, who was armed, and came out of the adjacent woods. McKown was alarmed, and his first thought was to make his escape, but Brandt told him not to be alarmed, as he would not hurt him.

He then enquired where one of the settlers might be found, who was suspected of being a tory in his prejudices, if not openly so, and on being directed to his residence, peaceably departed. The settler referred to was "Old Jackey Foster."

There is no doubt Brandt came there privately, to ascertain the strength of the fort, and the condition and location of the inhabitants, preparatory to the contemplated attack.

In speaking of Col. Clyde, I have remarked that he was engaged in the battle of Palatine.

I suppose this to have been one of those frontier skirmishes, where Col. Willett was in command.

In one of those skirmishes Walter Butler, who was son of Col. John Butler, was killed near Canada Creek. Walter Butler commanded a company known as "rangers," and generally accompanied the Indians in their expeditions. He was as noted for his barbarities as his most savage associates, and was the leader of

the party that destroyed Cherry Valley, a bold, vigilant, and dangerous adversary.

Seebe Granger, a revolutionary soldier, who recently died at Cherry Valley, has told me that he belonged to a corps stationed at or near Herkimer or German Flats.

They received orders to march up one of the Canada Creeks with a view of attacking or cutting off Butler's party, who were retreating through the woods from the neighborhood of Johnstown, where Willett had encountered them. The party to which Granger belonged, marched up the creek into the wilderness, and struck the trail of the retreating party, and soon came on the camp where they had stopped through the night. The camp fires were burning, but the enemy were away.

They were pursued, and on the opposite side of the creek, Butler was discovered by the advanced scouts of the American party. He had loitered behind his own men, to see that they all hurried along in making good their retreat.

They had all crossed the stream, and Butler at a long shot distance from the pursuing party, with the large creek between him and them, felt quite secure, and to tantalize them, clapped his hand upon his posteriors. An Oneida Indian, who was with the American party, was one of the foremost of the pursuers; and when Butler presented his backside, the Indian drew up with deliberate aim and though a very long shot, brought down his adversary. Rushing across the creek he soon approached him. Butler attempted to rise, but his back was broken, so that he was helpless; and then he begged for quarter. The Indian told him he should have "*Cherry Valley quarter,*" and knocking him on

the head, tore off his scalp, while he was yet writhing in the agonies of death.

Granger saw him before he was quite dead, and very soon a Dutch boy came to them who had been captured by Butler's party, and escaped from them as they were hastily retreating.

Many other incidents might be related of those border troubles, but I fear my remarks are already too desultory, and too much extended for "grave yard" reflections.

I was a member of the court for the correction of errors, and was attending a session of that court in the city of New York, when Col. Willett died. The court was invited to attend his funeral. Those present who remember the circumstances, will recollect that he was buried in the dress that he formerly wore, which I suppose, was his old revolutionary partizan field dress. The coat was grey or mixed, and he had on his head a half-military cap. How it happened that he was thus clad I do not know, but presume he had requested to be buried in the dress he had worn while in the service of his country.

He was a brave, vigilant, and valuable officer, admirably qualified for active frontier services.

His remains were deposited in Trinity church-yard, and volleys of musketry over the grave of the departed hero were fired, but not till it began to grow dark, in the evening.

Those who have read the "Annals of Tryon county" and other works treating of those frontier contests, will recollect the butchery of the Wells family at Cherry Valley, as one of the most appalling in that bloody tragedy. They were all murdered except the late distinguished John Wells, of the city of New York, who

was absent at the time; and the whole family consigned to a common grave without a stone to mark their burial place.

In addition to those I have mentioned, many other old people are buried there; among others, Simeon Goodell, a revolutionary soldier, nearly ninety years old. Also captain Jerome Clark, who was in Bunker Hill battle, and served through the war. He lived to the advanced age of ninety-four years, always sustaining the character of an American patriot, as well as a good citizen, and upright religious man.

There is a mournful pleasure in looking at the graves of my old neighbors and friends; and at my last visit my mind was in that gloomy state, that I would not on any account have omitted my usual ramble "among the tombs." Only think of the changes where I resided thirty years. To say nothing of children and other relatives, look at the list of a small portion of my old associates. Isaac Seelye, Judge Morse, the two Dr. Whites, Dr. Campbell, Mr. Rose, Mason Fitch, and many others, now no more. Scarcely any of those of my immediate associates remain, except Judge Hammond, Judge Campbell, Mr. Ripley, and a few others. My old friend Brackett, as I have elsewhere remarked, is alive, but has gone to the Mississippi, and is so far removed and advanced in life, that we shall probably never again see each other. Mason Fitch went off suddenly, an honest, noble-souled, kind-hearted man. At the time of his death, I thought no one could have been taken from that little society whom I should more miss and deplore than him. Judge Hammond is there still, but age impairs his health, and too clearly indicates the wintry period of life.

Mr. Trull, one of the most stirring, energetic, busi-

ness men in the village, came there at a later period; and though he and myself for many years have been on close intimate terms, I do not class him among my "oldest associates."

I shall always hold Cherry Valley in kind remembrance. It is the birth-place of my children. Thirty years of my life, and by far the best and most prosperous, were spent there. The confidence of its citizens was extended to me beyond what I had a right to expect; and being the resting-place of two of my children, and the birth-place of all, with two brothers and a sister sleeping in its grave-yard, I should hold myself in abhorrence could I forget or cease to love and venerate its hallowed associations. No! I delight to cherish these recollections, and to dwell on the vicissitudes of bye-gone years, when hope, joy, and bright anticipations for the future were predominant, and impelled me forward in the "struggle of life."

I delight to visit that yard, where in the stillness of the evening, I have frequently called up in memory the recollection of many friends now sleeping their "last sleep." May the clods of that beautiful and romantic valley lie gently on them; and the remembrance of their names and their virtues come up sweetly to the recollection and contemplation of surviving friends.

There is one thing wanting, that will occur to every visitant who brings to mind the horrid massacre during the revolutionary war.

Strange as it may now seem when our frontier settlements are pushed to the Rocky Mountains, to say nothing of the Pacific, Cherry Valley was then an exposed and poorly protected settlement; where its secluded inhabitants were liable to surprise at any time by lurking savages, which alas, was too fearfully realized.

Every one acquainted with revolutionary incidents, knows that next to the massacre of Wyoming, none were attended with more fearful consequences, more suffering and brutal sacrifice of life, without regard to sex, age, or condition, than were here perpetrated. Whole families were immolated and consigned to a common grave. On visiting the village in 1848, I was so impressed with the belief that its citizens would at some future time, desire to place something there, that should perpetuate the remembrance of the sad event, that I asked Col. Clyde, who knew the spot where the Wells family and others of the murdered were buried, to point it out.

This he did, and as the old inhabitants were nearly all gone, and those remaining rapidly passing away, we drove a stake near the centre of the pit, to designate the place, in hopes that at some subsequent period a monument might be placed there.

My Cherry Valley friends, I trust, may yet awake to the subject, and by erecting some suitable, plain, substantial monument with appropriate inscription, thus mark the spot, and by perpetuating the event, add an additional attraction to that hallowed locality.

CHAPTER XXV.

Unadilla Hunts.—Members of the Club.—Hon. Sherman Page, Grand Sachem.—A Week's Shooting.—Premium Buck awarded Dog Primo.—Interlopers and Poachers punished.—Shoot a large Buck.—Splendid Sport for a Day, and Carousal at Night.—Various Incidents.—Letters from Judge Page and Col. Clapp.—Poems by the late Henry R. Storrs and Morris S. Miller.—Primo extricated from a perilous condition.—Exploits and Incidents.

“Hark! the goddess Diana calls aloud for the chase,
Bright Phœbus awakens the morn!”—*Hunting Song.*

As I was formerly a member of the Unadilla Hunting Club, I must devote a large portion of a chapter, which I fear will be too much *in extenso*, to sports of the field, growing out of visits to that celebrated sporting ground.

Those Unadilla hunts, about thirty years ago, were better managed, I imagine, than any of the kind in this state for many years, and were attended by sportsmen who came, some of them, more than sixty miles, about which distance I used to go. From Chenango several used to attend, among whom were Col. Clapp, Gen. Rathbone, Judge Monell, Simon G. Throop, Gen. Peter Sken Smith, Hon. John C. Clark, and Col. Benjamin, now deceased. Judge Morris, of Butternuts, Col. Starkweather, and Joseph Miller, of Cooperstown; Messrs. Devereaux, Lansing, and Griswold, from Utica, with others from abroad. At Unadilla, Hon. Sherman Page, who has been judge of Otsego county, representative in assembly, and twice elected to con-

gress, was the soul of the hunt, and was known as our "grand sachem." Henry Ogden, esq. since deceased, a fine talented fellow, but amazingly fond of hunting and fishing, was one of the association, and a most keen sportsman. Dr. Colwell, an old school-fellow with me, still living at Unadilla, was also one of the craft.

These meetings were in the autumn, for several successive years, generally in November, and usually commenced Tuesday morning, winding off Friday evening. The time devoted to them was given up, particularly the evening, to boisterous mirth and roistering stirring events. In the course of the week, the grand sachem would give an excellent supper, which from the substantial fare and abundance of creature comforts, should have been dignified as dinner, except as the day's sport compelled the table exercises to come off in the evening. One or two good saddles of venison always constituted part of these feasts, to which were added other substantials as well as luxuries, of which the fine Susquehanna pike taken by friend Ogden, were indispensable. Wine and brandy were not unsparingly proffered, and those suppers passed off with an exuberance of good feeling and good cheer, that rendered them, as well as their hospitable giver, decidedly popular.

An account of a day's shooting will serve as an insight to the sports of each day through the week. Our rendezvous was the village inn, known as "Hunter's Hall," where each night were assembled a crowd, consisting of the patrons of the hunt, and a large number of those who, knowing the woods, were to put out the dogs in the morning, and drive the deer to the different "runways" where the amateur sportsmen

were stationed. These runners and scourers of the hills were good shots. Each had his rifle, and was to shoot the deer whenever he could. They were selected and employed by the grand sachem, and were devoted to our interest; and unless we had employed them, we should hardly have been permitted to "drive the deer," except at the imminent peril of our hounds, if not of ourselves. After taking the best precautions we could, many deer were shot by poachers and interlopers before our dogs, but if they came among us at night, being generally known by our hunters, they fared poorly, for ours were not slow to inflict personal chastisement. I saw one who avowed having shot one of our deer, and justified it on the ground that he had as much right to it as we had, knocked down and kicked about the street by one of our drivers. Ours was a raftsmen, a good shot, and as fond of a fight as of a frolic, and always ready for either. He so punished the interloper that he gave us a wide berth for the future, though he threatened to shoot our dogs, for which he was "licked" a second time. Our man Carly was pretty well paid for his pugilistic services, as he assured me on my shaking hands, and leaving a half dollar in his, that every gentleman had *blessed* him with an equal amount. Every night the tavern was crowded with our huntsmen, who with the grand sachem, discussed and settled upon the route for the ensuing day. They as well as the sportsmen generally, were well refreshed, and the evenings wound up with story telling and song singing, in which our friend Throop and Gen. Smith used to distinguish themselves.

The dogs were secured at night, that we might be sure of their services in the morning. Just at day-light the bugle was sounded, which was a signal for the sportsmen to prepare for breakfast, and for the hunters

to be ready to start with the dogs. As it reverberated beautifully among the hills, and diffused its animating strains along the valley, it would stir and cheer up the dogs, who would respond by clamorous and discordant yells, all eager to join in the chase which they knew was in preparation. Having decided to scour the hills, for instance, on the north side of the river, part of the dogs were sent to the round top, others to the *vlie*, and sportsmen were stationed at the Indian monument, the hay stacks, the mouth of the ouleout, and other well-known runways of the deer to the river.

My old hound Primo had never followed deer till he went with me to Unadilla, and as he would not follow strangers, I generally went on horseback to the woods with him. Primo was intelligent, had a good nose, was reasonably fleet on foot, patient and persevering in tracing out a cold track, and when he opened, his voice was most musical and sonorous. He assisted in running the first deer started, and although his first effort, he acquitted himself so well, and also through the week, that the sportsmen awarded me a premium buck, for his distinguished services.

Those chases were exceedingly exciting; nothing could be more so. On reaching the recesses of the forests with which the hills on each side of the river were densely covered, the dogs would frequently beat the thickets an hour before getting up the deer. On striking the old trail, they would occasionally give tongue, while they were slowly tracing it out in all its intricate windings. As they drew nearer, the scent became more apparent, and they of course more excited. They would finally rouse him and then open in full cry, so that the most inexperienced ear could not fail to know *the game was up*.

The deer, on being thus started, often leads off in

a contrary direction from the river, to ascertain whether the dogs are actually pursuing him, and makes several doubles to throw them off his track, running often round the hills, where the hunters try to shoot him. Finding himself hotly pursued, or alarmed at a shot or the sight of a huntsman, he makes a straight course for the river, and then leaves the dogs far behind. When he makes up his mind to go, it is almost impossible to check him till he reaches the river's bank. He shoots straight a-head, and often takes the water before the dogs are in hearing of those at the river. The cry of the dogs is enchanting, as they pass from hill to hill; now swelling into full chorus, and then receding till entirely lost; again returning, and their cheerful notes re-echoing from one side of the river to the other, and reverberating among the hills. On reaching the strait trail, they come rushing down like a mountain storm. You hear rifle shots in the distance, which tell you the deer is there, far far ahead of the dogs. They finally reach the river, and if he is killed the clamor ceases: if not, they plunge in and swim, to take the trail on the other side. I have seen nine of them swimming the river at once, and nothing can be more beautiful—their noses just out of water, and their large ears floating on its surface, as they make for the farther shore. I recollect my dogs swam the river nearly a dozen times in a single day in November. It is surprising to see the sagacity of the hound in hunting out the trail when he crosses to the opposite shore. As soon as he reaches land, he runs up and down the river's bank, till he finds the place where the deer left the water, and then is off in pursuit and full cry.

I have recently written to Judge Page, now seventy-

two years of age, inquiring what he recollects of those hunts. After recurring with melancholy reflections, to the loss of so many of our old associates, the spirit of the sportsman becomes so apparent, that I cannot refrain from inserting an extract from his letter.

“We killed (he says) twenty-seven deer one week. You helped slaughter the whole. Among them were twelve large bucks.” This is rather figurative. I only “slaughtered” them by being present during the week, and doing what I could to promote the general object.

“That week we ran fifty-two well-trained hounds, among whom were Primus and Driver. We had thirty-one men who put out the dogs, some in pairs, others single; and about thirty bloods, some on horse-back and others on foot; some watching the points of hills, others at the fords of the river, and always one or more at the Indian monument. All stations were occupied; and by the rising of the sun, our hounds were giving tongue at every point of compass from Hunter’s Hall.

“These were times that enlarged and enlivened men’s souls. Imagine yourself on the high bank at Pumps Eddy, (as you used to be,) the sun just rising over ‘Burnt Hill,’ ‘Round Top’ at the south, Poplar Hill at the north, the famous eel weir above, and the cave bank below you. A hound breaks forth on Poplar Hill, another, and still another on Burnt Hill, and Round Top. By this time twenty are in hearing. You know not where the deer may come—you hear a rifle at the cave bank, and now another at the eel weir; and perhaps at the hay stacks and ouleout; crack! crack! crack! and still the music of the dogs, growing louder and more shrill, as they approach. All is expectation and

excitement ; you are flurried. At this moment, a large buck with antlers erect, is seen on the opposite side making his way directly to you. Your rifle is well loaded, and you have examined the priming, to see that all is right, you are certain of a shot, and a moment more you have him. Pop goes a smooth bore, and Spikerman the poacher has killed him. Your agitation and excitement ceases, for you are angry, and wish John Carley was there to lick the rascal. You despair of killing anything ; but don't be discouraged, for another deer will soon be along, and as for Carley, he will certainly flog the poacher, when he meets him. The dogs are still in full cry in every direction, and your morning's sport has just commenced ; keep your place, for another deer will be here ; and so it turned out. You have killed him, and Carley has found and licked Spikerman, and got away his buck ; but has finally restored it at your request after the flogging ; for you and your friends have enough, and you have given the poaching rascal a drink from that choice bottle slung under your arm, and thus secured his friendship, just as you did with Captain Adarine Carley, and uncle Sperry."

Now in all this, though pretty well colored, there is more truth than fiction ! Standing on those high hills, and listening to the cry of the hounds, I have often admired the inimitable description by the " Bard of Avon" who in the " mid-summer night's dream" makes Theseus before uncoupling his hounds, invite Hyppolita to a position the better to hear them, and says :

" We will, fair queen, up to the mountain top, and mark the musical confusion of hounds, and echo in conjunction." To this she replies :

" I was with Hercules and Cadmus once, when in

a wood of Crete they bay'd the bear with hounds of Sparta ; never did I hear such gallant chiding ; for, besides the groves, the skies, the fountains, every region near seemed all one mutual cry ; I never heard so musical a discord, such sweet thunder."

Theseus flattered with the just discrimination of his queen, in thus appreciating the cheerful exhilarating cry of the hounds, and approbation of the sport, gives the qualities of his own ; not inappropriate to ours, particularly my three—Primo, Hunter, and Dashwood, and says :

" My hounds are bred out of the Spartan kind, so flewed and sanded ; and their heads are hung with ears that sweep away the morning dew ; crook kneed and dewlap'd like Thessalian bulls ; slow in pursuit, but match'd in mouth like bells, each under each ; a cry more tuneable, was never halloo'd to, nor cheered with horn."

How true to life all this is, and how often I have realized it. Even in my sleep, and often within the last twelve months I have dreamed of those Unadilla hunts, and the well-known cries of the hounds that used to traverse those romantic hills. That music has, in fact ceased, the deer are all gone, the huntsmen have laid by their rifles, and civilization and agricultural improvements have spread over those rugged hills, as well as the delightful vallies.

On one occasion, at those hunts, I had gone on horseback with my three dogs, to a high hill, known as the " Round Top," where, after beating about a considerable time, they struck a trail that slightly attracted their attention, which was manifested by an occasional yelp.

I hurried to them, and found them slowly working

their way towards a thicket, interspersed with low tangling brush, and well calculated to conceal any animal which should choose to take shelter in it.

The dogs were not in the least excited, but were patiently scenting out an old, but monstrous large track of a deer, that had been there so long before, that scarcely any scent remained by which they could trace him. When hounds attempt to follow such a track, they not only keep their noses to it, but they smell the small brush and weeds, that may have come in contact with the sides or legs of the deer, and to which he may have imparted in the slightest degree that scent, which, however subtle and insinuating, enables them to follow. The farther they went the more earnest they seemed to be, and instead of that slight yelp that was only intended to attract attention, they began to indulge in a much more frequent and sonorous cry, which clearly indicated that they were getting nearer the chase.

As they went into the thicket, I was quite sure they would soon rouse him, nor was it long before my anticipations were fully realized, for I saw a monstrous buck leap out and bound away at a long shot distance, moving off in most gallant style.

His flag was up, showing the white; and his antlers hugely large, and apparently broad as a rocking chair. When a buck goes off in this proud manner, he appears much larger than he actually is, for his brush being erected, and at every bound, showing the white of it with his white belly, he looks at a distance nearly as large as a small horse, particularly to new sportsmen; and hence, they generally miss them at their first shots. He did not run swiftly, but went off with that proud high bound, for which his kind are distinguished, when they wish to give play, look around and ascertain whether they are exposed to danger.

The moment he stirred the dogs caught his fresh scent, and then all three opened in full cry, and pursued as fast as they could. The buck steered for some high rough cobble hills, and there played for some time before the dogs, running round the hills, and keeping just far enough ahead to be a few rods out of their way, but near enough to excite them to make all the haste they could, and all the music that three matched and well-toned voices could possibly utter. My object was to shoot him before he left the hill, and though I saw him several times playing through the bushes before the dogs, I could not get a shot at him.

It became very exciting; when at last he must have seen me as I was moving from one place to another, to cut him off, and then he increased his speed. He had played so long, that I was sure he would soon make for the river, and the place to which he would be likely to run, was known as the "hay stacks," where our Grand Sachem Page and another good shot were stationed. In his course there the deer would be likely to cross the road near the Indian monument, where a rifleman was also placed. I had pushed my horse somewhat towards the river before the deer began to run that way, so that by hurrying down the hill I soon saw him as he passed down some distance from me, and was thus considerably ahead, and the dogs following in full cry, though many rods behind him. On clearing the wood, my horse was put in pursuit as fast as I could whip him to it, and it was an exciting ride; for I could nearly keep up with the dogs, and the deer was in plain view the whole way after he had broke cover and approached the flat land and meadows, that skirted the beautiful Susquehanna.

In his course he ran wide from the Indian monument, so that he was neither frightened or annoyed

from that quarter, which induced me to redouble my speed, under an impression that he might give play in the meadow before taking water, and thus enable me to get a shot. Riding at that speed was exceedingly hazardous, but it was a "neck-or-nothing" sort of business, a perfect hurry scurry; and with a large buck in sight the danger of a fall, and breaking of limbs or even the neck was not to be taken into the account. The deer halted for a short time as he approached the meadow, to look about and see if the course was clear; when hearing the clamor of the dogs as they were rapidly approaching, he cleared the fence at a single bound, and galloped off towards the river in the direction of the "hay stacks."

This was an interesting moment, for the question whether he was to be caught before entering the river, depended on the skill, coolness, and good conduct of the sachem and his companion, who were stationed there.

• Fixing my eyes in that direction, I soon saw the curling of the smoke from two rifles, almost instantaneously followed by their sharp reports, and at the same time, saw the deer make a high unnatural spasmodic spring, dropping his flag at the same instant, and then made his way slowly towards the river's brink.

I had shot deer myself, and had seen enough shot to satisfy me, from his movements, that he was amazingly sick from the medicine they had administered, but he soon disappeared from sight as he descended the bank towards the water. In a moment the sachem and his companion ran towards him, and raised a shout of triumph that came echoing back from the southern hills, and this shout told the story, that the monarch of the forest was slain.

The dogs with discordant and vociferous yells, increased their speed on hearing the rifles and the shouts, and were soon in at the death, and then their cries ceased.

On seeing the flash of the rifles I slackened my pace and rode leisurely along, for there was no occasion then for hurrying at the risk of my neck, and it was lucky that I did so, for just then I heard the cry of a strange dog, and looking off at the right I saw on a small hillock covered with shrubs, a large buck that stopped and listened. He was a long shot from me, but his side was partly presented, making a beautiful mark. I had checked my horse as soon as I heard the strange dog, and on the deer getting in position, I took a hasty aim, holding my gun as steady as possible on horseback, and let drive at him. He was at least, twenty-five rods from me, but the rifle being well directed, the flying messenger sped its unerring way, and lodged in his vital parts.

The buck bounded off, and was soon concealed in the brush and shrubbery. Leaving my horse and scrambling up to where he stood, I soon found incontestible proof that he had been shot through the body, and I had no doubt that it was near his heart, for I had aimed at that part. Tracing him by his blood, I did not go more than ten rods when I came upon him, stretched out and entirely dead, and before I had fully cut his throat the dog that had been following him came up. Then repairing to the river where my friend Page was stationed, I found my three dogs lying by the side of the deer they had driven, watching him intently, and waiting my arrival. They knew him to be the one they had been following, and claimed him as their own, and when we drew him up the river's bank, and

tnence to the road, they strutted along by his side ; and whenever a strange dog approached, they manifested great displeasure, and were ready to contest their right by a regular onslaught on all intruders.

From the size of the ball that had killed him, it was apparent the grand sachem had done the work, thus adding another chaplet to his well-deserved sporting brow, and an additional incident to his catalogue of splendid achievements. The buck was truly a mammoth, and after he was dressed, his carcass weighed about two hundred pounds. We then drew the deer that I had shot to the road, and the two were piled into a one-horse wagon, and "toted" to the village ; though to put them into the wagon, was about as much as we could do.

Creditable as these exploits were, two enormous bucks were not the only trophies of this day's work.

A party at another runway, brought in two or three others, but none so large as ours. The sport had been so fine that day, that the evening was spent with far more than usual hilarity, even into the eye of the morning ; and many songs, jokes, and stories, served to while away the time, to the infinite amusement of the crowd who nightly assembled at "Hunters Hall." Of that night it might truly be said, "There was a sound of revelry by night."

Nor were they sparing in their potations, so that had old Bacchus himself been there, he would have found votaries very well qualified to contest even with him, the palm of victory, and not improbably would have hustled him under the table.

If it could not be done there, it would have been a work of supererogation to have gone any where else. From the spoils of this week's hunting I carried home as

many choice saddles as I desired, and the antlers that had graced the heads of several of the forest rangers.

Several well written accounts and articles, in reference to the hunts, were published at the time, some of which will be found in the course of this chapter.

I ought to say a word of the excellent lady, Mrs. Page, who used to provide those fine entertainments, (and hope I may say it without offence.) No one knew better than she, how to get up a venison supper that would fit precisely the appetites of those prepared, for their enjoyment, by the active exercises of the day. So far as appetite was concerned, the jaunting through woods, over hill and dale, could not fail to promote it.

Talk of your Saratoga waters, your sea-bathing, and the various effeminate devices to promote health!

Good enough in their places, yet in comparison with manly field sports, they are mere nostrums, simple expedients to engage the attention of idlers, and evanescent and trifling as vanity itself.

The man who is fond of wood-craft, who rides well, shoots well, and enjoys with a keen relish the hardy amusements, is a wise man; for he promotes health, and takes life easily. Such a man with a clear conscience, sleeps well, and must have a good appetite. But without artificial stimulants, those venison suppers would induce desire, for they were precisely the creature comforts that the "inner man" would delight in, under any circumstances.

Col. Clapp, of Oxford, Chenango, has recently written me, and enclosed several productions relative to the Unadilla hunts.

One is an appropriate parody by the late Henry R. Storrs, a distinguished advocate, who formerly represented the Oneida district, in congress. Another signed

“Old Towser,” by the late Morris S. Miller, first judge of Oneida county, which with other productions were published at the time. He has also sent me a letter from our grand sachem, giving an account of the capture and rescue of the colonel’s favorite dog Driver.

Speaking of our hunts, Col. Clapp says, “They generally lasted four or five days, and resulted in the capture of twenty or twenty-five deer.

“I have seen nineteen fat bucks and does, lying side by side, in the ball room of our hotel, in Unadilla. The glorious scenes in the chase, and many remarkable deaths that occurred; the music of the dogs, and the excitement of the sportsmen, are indelibly impressed on my memory.”

Letter from Hon. Sherman Page.

November 30th, 1821.

“J. Clapp, esq.:—I this day shipped Driver with General Rathbone, for Oxford. As Driver will hardly be able to inform you of the various incidents which have befallen him since the great hunt, I assume the task. He drove one of our stall fed bucks into the interior of Delaware county, where the buck was killed before him; and Driver, poor fellow, was made prisoner by one of the pirates, where for several days with a rope about his neck, and more than Algerine barbarity inflicted on his weary body, he suffered many pains and tortures similar to Captain Riley. His liberation was effected yesterday by sending an express.

S. PAGE.”

“THE SPORTS OF THE CHASE ;

*Or the ryghte merrie exploits of ye huntinge in Unadilla
foreste.”*

BY HON. HENRY R. STORRS.

“Cervus erat forma praestanti et cornibus ingens.”

Æn. Virg., Lib. VI. 483.

I.

“Have you heard of a buck, which came out of the west ?
Of all that wore antlers, his speed was the best,
Save his broad horns and swift heels, he weapons had none,
He roamed without fear, for he roamed all alone ;
So stately his gait, and so nimble his feet,
You'd have long'd for a shot, though you liked not his meat.

II.

“By a late heavy freshet, the bridges were gone,
So he swam the Chenango where ford there was none,
He stop't not for fences, and staid not for brake,
Till he reached the deep thickets of Butternut Creek,
There he nipp'd the green moss, to all bucks a rich benison,
Nor dreamt that ere night he'd be turned into venison

III.

“But Dian's high votaries were up with the dawn,
The dogs they gave tongue, the hills echoed the horn,
Yet so boldly he bay'd them, so stately and tall,
The huntsmen, dogs, muskets, and horses and all ;
And so fiercely he fought, he'd near stamp'd out the liver,
Of those “thorough-bred,” “far-famed” dogs, Primus and
Driver.

IV.

“Came ye here to be chased, or came ye in war ?
Cried out Clapp ; ‘Primus, Driver ! set on boys, hurra !’
We'll tread you a measure, but scarce had he spoke,
When from Driver's deep mouth the loud *whilliloo* broke,
And the mountains, the wood-lands, the dales and the bogs,
Again rang with the music of three packs of dogs.

V.

“ So lightly o’er briar, bush, and hillock he sprung,
 And so loudly the thickets, with *whilliloo* rung.
 One followed the dogs, one examined his flint,
 One look’d in his pan, if his priming was in’t,
 One flash’d, many shot, and another miss’d fire,
 They’d have killed him, no doubt, had he been somewhat
 nigher.

VI.

“ There was mounting ’mongst those of the Otsego clan,
 Beardsley, Morris, Starkweather, they rode and they ran,
 There was racing and chasing on Butternut Creek,
 ’Twas sublime sport to ride at the risk of your neck;
 But sublimer by far, when the dogs seemed to pose,
 To see Driver lead on the true track by his nose.

VII.

“ The dogs are at fault, but dog, huntsmen, and horse,
 All met near the stream, where ’twas too wide to cross,
 And the buck seemed at last, to have made his escape,
 (Right glad without doubt to get out of the scrape ;)
 E’en Driver was bauk’d, Clapp was fixing to hide him,
 When at last on the opposite bank they espied him,

VIII.

“ They looked up and down, for a passage of dry land,
 But found that the chase had fled to an island,
 There he looked at the dogs, and the dogs looked at him,
 ’Twas too rapid and broad for e’en Driver to swim ;
 And so they resolved, as they could not get nigh him,
 Tho’ ’twas too far to shoot, ’twasn’t too far to try him.

IX.

“ He seemed as he stood there, the cavalcade viewing,
 To have very faint notions of what they were doing,
 So composed and at leisure, he looked in their faces,
 He seemed to feel quite sure, at two hundred paces,
 ’Twas provoking to think that he thus bid defiance,
 To their dogs, horses, shot, their gun-powder, and science.

X.

“ But thy days, (alas ! poor buck, how unkind thy fortune !)
 The obdurate fates, had determined to shorten,
 At two shots he fell, and I'd say if I dare to,
 That 'twas full forty rods ; but the fact I don't swear to,
 'Twas said so, and pity, it were for the glory
 Of such a grand frolic, to spoil a good story.

NIMROD.”

THE UNADILLA HUNT ; OR OXFORD CHASE.

By the late Morris S. Miller, of Utica.

I.

“ Chenang, or Otsego, old Oneida invites,
 To join in the chase for three days and three nights,
 Their rifles are ready, flint, barrel and stock,
 And their pulses strike seconds, as true as a clock,
 Tally ho ! hark away ! see them mount with a grace,
 Huzza ! Yoicks ! Tantivy ! see the gods of the chase.

II.

“ There's Throop ready mounted, upon a fine black,
 And a far fleeter gelding, does Starkweather back,
 Cox Morris' bay, full of mettle and bone,
 And gaily Sken Smith's on a dark sorrel roan,
 But the horse of all horses that rivals the day,
 Is Clapp's well-fed charger, and that is a gray.

III.

“ Their horses thus all of the very best blood,
 They'll make the snow fly, and they'll dash through the
 mud,
 And for hounds, their opinions with thousands they'll back,
 Devereaux, Storrs, or Lansing can't show such a pack,
 There's Nimble, Crack, Frolick, Bounce, Slyboots, and
 South,
 And Primus and Driver too, with their deep mouth.

IV.

“Forty stags are brought down, at forty rods how they fall !
 Forty bucks are made ‘venison’ by the long shots and ball,
 Forty saddles now smoke on the plentiful board,
 Forty corks are now drawn from Bacchus’ hoard,
 Forty sportsmen club-wits, every man in his place,
 Forty stories are told of the grand Oxford chase.

OLD TOWSER.”

I must relate an incident that took place at Unadilla, in December, 1823, not far from Christmas; as exciting and probably more dangerous than any of my adventures.

The sleighing was good, and the late Isaac Seelye and myself, with Mrs. S., and Mrs. B., concluded to improve it, and visit our friends at Unadilla. I took my gun, and old Primo, determined to have a deer before our return. Our friends, Page and Ogden, and some others, were delighted to have one more hunt, before the law took effect, prohibiting it. In the morning we took the sleigh, and drove some two miles south of the river, where the dogs were to be put in the woods. It had thawed considerable, making the snow soft and wet, which with the rain had raised the river, so that where the current was rapid, the ice had broken and given away in the middle of the channel.

The dogs were put out on the mountain, and beat about a long time without getting up the game. They finally led off and left us; and as we were getting wet with rain, we concluded to return. While getting ready, we heard Primo, at a great distance, apparently running for the river. I knew from his cry that he had game before him, that was making for the river, at a run-way half a mile above the bridge. We were told that deer, on taking the river at that place, uniformly

swam down below the bridge, passing under it; and as he was probably nearly a mile before the dog, was most likely then in the river. We jumped in the sleigh, and Johnson, our driver, ran his horses down the hill to the bridge, to reach it before the deer should escape.

On approaching the bridge, I saw the deer swimming down the stream below, and jumping out of the sleigh, I clambered down the bank on the south side, and got on the ice skirting the border, the main channel in the middle being open a considerable distance below to still water, where it was closed over. The others were directed to cross the bridge to the other side, and shoot the deer if he came out.

My running down the ice on the south side turned him towards the north shore, where the ice also shelved out and prevented him from landing, where he was shot, after I had snapped my gun at him several times, which having got wet would not go off. Primo had followed the deer to the river and put in after him, nearly half a mile above the bridge, and came swimming down the current, occasionally giving tongue, which was greatly increased when he heard the rifle.

I saw him forty rods above the bridge, and very much feared he would continue down to where the ice closed over, and that he would be drawn under and drowned.

It was necessary to make a prompt effort to save him, for he was a favorite; but how to do it, I really did not know.

I finally began to try the strength of the ice towards its edge by stamping on it, and approached very near the open current, in which the dog was swimming rapidly down the river.

His attention was attracted by my calling him, and as he came swimming down, he turned towards me,

where I was on the ice near the edge. My gun was a long one, and laying it down on the ice parallel with the current, I pushed it as near the water as possible, and so near that by resting one hand on the gun, I could by lying down, reach the water with the other, and as the dog approached me, laid hold of him and pulled him out. It was extremely hazardous, for had the ice given away, the gun would have gone to the bottom, and probably I should have gone with it, and been swept under the ice. Those looking on, called to me to desist, but I could not see Primo perish without an effort to save him. He was much chilled by being in the water; but to make amends, he had a supper from the offals of the deer, and was allowed to sleep by the fire at night.

The last deer of my shooting at Unadilla, was in 1825. It was a windy, chilly day. Messrs. Page and Ogden stationed me near a creek, and went with their dogs to the woods, my dog Primo remaining with me, whom I tied with my pocket handkerchief to a willow bush, to prevent his escape in case he heard the dogs on the hill. A deer at length came dashing towards me, running down the creek in its current. I had my double barrel, and fired the rifle at him as he was approaching, intending to shoot him in the breast, but he was running swift and presented but a narrow mark, and in my haste I missed his breast, but the ball struck his hind leg near the upper joint, and the leg being extended back, the bone was shattered the whole length of it. He continued, and as he passed me at four rods distance, his neck was broken by a shot from the other barrel. The lock of my gun was blown off by the discharge; Primo broke away from the bush

with the handkerchief about his neck and was on the deer immediately.

That old dog, Primo, was a rare specimen, and was respected by all who knew him. He was nearly as intelligent as most men, particularly in finding his home, when he was far away in a strange country. He had gone with me on one occasion to the Black river, about sixty miles, where I intended to hunt deer for a few days. The snow had melted, and freezing in the evening, formed a sharp crust, which I was apprehensive would cut his feet, and render him unfit for service. He was always averse to riding, but I tried to coax him into my wagon, and on his refusal, I laid hold of him to put him in. This gave offence, and he very soon stole away and returned home, sixty miles, where I found him on my return.

In the fall of 1826, he went with me to Ohio, and went on foot all the way. We stopped at Cleveland over night, and next day pursued our journey about thirty-seven miles, when on coming to a piece of bad road, as it ran through a forest, I got out of the carriage with my rifle, to walk until the road was better. Primo soon got up a deer, which after making a turn or two, led off to the south till the dog was out of hearing, where he remained a long time. I waited in that vicinity nearly the whole day, but as he did not return, I gave him up for lost, and pursued my journey; not without hopes that he would come back and take our track and follow us. Going on to Norwalk, in Huron county, we made a visit, so that it was three weeks before my return to Cleveland, where I was happy to find the old dog, who had gone back to the house where we had stayed, and took possession of the very room in which we had slept.

Justice to his memory requires me to relate a further incident. Hunting foxes on one occasion, he had driven a grey fox after a long chase into her burrow, where it turned out she had young ones, though I did not know it at the time, or they would not have been disturbed.

Tools were obtained to unearth her, and Primo was in the hole digging and rendering such service as he could. I had another hound with me, a lazy, bob-tailed, worthless animal, that was of no earthly use except to babble, make a tremendous noise, and eat every thing eatable that came in his way.

Primo was industriously engaged, and had worked himself far into the burrow, so that he was almost out of sight, while Bobtail was lazily reposing himself hard by. The first intimation of there being young foxes, was a whining of Primo, and then that he carefully brought out one of the pups and laid it down without harming. I presume he had ascertained by this time that the fox he had been pursuing was a female, and that he had no desire to injure her; for it is well known to naturalists that the hound if a male will often be merciful to the female fox, and I suppose Primo intended to be equally merciful to the offspring, for it was not at all injured. Bobtail on the present occasion, had none of those generous instincts, for as I was about taking up the youngster to secure and preserve him, the worthless quadruped who had hitherto been resting himself, rushed in and snatching up the young fox devoured him in a moment.

The outrage was so great that I was strongly tempted to shoot him on the spot, but as an act of humanity spared him from a well merited and ignominious death; not that I had any expectations that he would ever re-

deem his character by a magnanimous act, or perform a commendable deed of any kind.

With Primo it was different, for he was always trusty and faithful, and being so, and resolute too, he could be relied upon in any emergency.

CHAPTER XXVI.

Hunting Deer on the Maumee.—Several Incidents.—Birth-day Hunt.—Chase on Horseback, and two unhorsed.—Cold bath for one,—Cutting off, but not “bruising the Serpent’s head.”—“Coon” Hunt at night.—Habits of the Raccoon and Opossum.—Fox chase.—Red, gray and black Foxes, of different classes.

THOSE hunting excursions at Unadilla, have been the subject of a long chapter, and the recital of them may have fatigued the reader. But as I have had many since, on the Maumee river, near Toledo, my readers must allow me to draw on my memory for some of those more recent adventures.

On one occasion I was riding my high-spirited horse Logan, when hearing the dogs at a great distance, a deer dashed into a thick patch of weeds and hazel bushes, and concealed himself. Satisfied that the dogs were on his track, and that he would break cover as they approached, I crowded Logan towards the place of concealment, when as they approached, out jumped the deer on the other side, but at a considerable distance from me. Logan was put in pursuit, and at last seeing the deer he seemed to comprehend the business, and went into it with alacrity. The ground was prairie, interspersed with oak openings, and some places covered with small brush, consequently, not good smooth, safe riding. I could gain on the deer, and several times got within long rifle range, but before I could check up my horse and get him still, the deer

would be out of reach. Every one knows that with a gun charged with buck shot, you may make a pretty good shot, though the deer and horse are both in motion; yet for rifle shooting, your horse at least, must be still. Pursuing the deer, I saw several of our party near where he passed, but they did not fire, and he escaped. On coming back to them, Cornelius Shaw, late sheriff, whose melancholy death on a California steamer has been recently announced, enquired of Capt. Pheatt, why he did not shoot the deer? Who replied, that he dare not, for "the Judge," meaning myself, was so much exposed, that it would have been dangerous. Shaw dryly remarked, "the Judge is getting old, it could make but little difference to him; I think you should have risked it." Not very much in earnest I suppose, but about in the same vein as the conversation of two sportsmen after dinner, recorded by Fielding in Tom Jones, or Joseph Andrews, when one offered the other a wager, and said he might shoot at his posteriors. The wager was taken, (*pro forma*,) and the "taker" said he would pepper him worse than he was ever "peppered by Betty Bouncer."

My oldest son will recollect the first deer he killed, as he stood under an oak where I had placed him, intending to give him the first chance. He had a double barreled gun, each charged with buck shot. I had my rifle, and took a long rifle shot distance from him, so that if the deer came between us, he would probably be in reach of both. I saw the deer when he broke cover; he came out beyond where my son was stationed, and on coming within range, and receiving the fire from one barrel, turned, and ran back for the wood, when the other was discharged with alacrity and precision. The deer ran but a short distance; both shots

had taken effect, which for a new beginner, who is generally flurried, was a very fair demonstration; in fact, highly creditable.

The day I was sixty years old, (13th Nov. 1845,) I was at Toledo, and Judge Potter agreed to go with me after deer. We were up at four o'clock in the morning, and found it cloudy, dark, and drizzly. We intended to go five miles before putting out the dogs. He went on horseback, and I took my youngest son in a one horse wagon. Before we reached our intended place, the dogs took a fresh track where the deer had crossed the road, and soon brought him in sight, just about sunrise. He finally got off, the dogs at his heels, and Potter following on horseback, while I drove as fast as possible to reach the runway, where I supposed he would cross the road. Just after getting my position, he presented himself on the opposite side of the road, a good distance off, where he stopped in the hazel bushes.

I delivered a charge of buck shot which I thought more sure than the rifle, where the brush and weeds were so thick, when he turned and ran a few rods, and gave up. This was about eight o'clock in the morning, and I would have killed another before nine, had not my gun become wet so that each lock missed fire. My son's gun was in the same unfortunate predicament, or he would have killed the deer, as he was standing by me, when it stopped near us.

A party came out after breakfast to join us, my eldest son among them, who shot one, and in the course of the day we killed four altogether.

Another time four or five of us went out on horseback, my second son being of the party, and Judge Potter, Mr. Goodsell, and I think Dr. Ackley being the others.

We had three or four good hounds, and went about four miles before putting them out. My companions knew where the deer were most likely to be found, and their usual runways.

They pointed out to me a position where I stationed myself, and shortly afterwards a deer came bounding through the thick brush, and as he leaped into a narrow path, I gave him a shot from one barrel, and before he was fairly out, another from the other; both of which took effect, and brought him down on the further side of the road. The dogs soon came in, and after dressing and hanging him up, we concluded to go in search of another, first giving the hounds a good meal from the offals of the slain deer. We were hunting on prairie ground, where there were occasionally bunches of willow and other shrubs, with a belt of timber land skirting in the distance. There were many places on the prairie, where the ground was slightly depressed, which from recent rains were covered with water; sometimes an acre or more, that appeared like a small pond, through which we rode without difficulty.

We did not proceed far before the dogs got up a large buck, that led off to the forest, and soon doubled to come back, and run the length of the timber land. We all pushed ahead hoping to shoot him as he passed, each striving to ride faster than the others. We separated as we rode forward, and Goodsell being farthest to the left was so near, that as the deer came bounding by at a long shot distance, he let drive at him, and was instantly thrown from his horse, which recoiled and started back at the report, throwing his rider over his head.

My son was mounted on an active high-mettled Indian or French pony, full of life, but not well broken, nor under perfect control.

He and Judge Potter, and myself, after Goodsell's mishap were riding full tilt towards the runway of the deer, each one whipping his horse and trying to get near enough for a shot.

We had rode through several ponds of water, portions of them being but little more than fetlock deep, and others up to the knees of our horses, but had uniformly found good substantial ground underneath.

The deer being in sight and the dogs not far behind, with open mouths and full throats, added greatly to the excitement, so that we dashed forward without much regard to water or other impediments. The Indian pony rode by my son had become greatly excited, and was making fine head-way, when on coming to a pond of water which he had barely entered, where he found the ground more miry than he expected or desired; and as his fore feet slightly sunk into the mud, he stopped suddenly, and immediately sprang back, throwing his rider a rod and a half over his head sprawling into the water. The pony pricked up his ears and trotted off, and then shook himself, right glad no doubt to have thus ridded himself of his rider, while *he*, picking up his gun, waded out to dry land, where he shook *himself*, to throw off a portion of the dirty water, with which he was dripping.

While this was going on, the deer ran past the whole of us and escaped, for neither Potter or myself could get within rifle range. The pony was caught after considerable coquetry on his part, and my son at last mounted; when in due time the hounds returned and we started in another direction.

Presently the dogs gave tongue vehemently, but seemed to be stationary, when on approaching them we saw them at a respectful distance from a large

skunk, and he was slowly walking away from them with his white tail up over his back, and his hair standing on end, so that he appeared nearly twice as large and tall as he really was. He was marching off with that firm stepping, strutting gait, for which this animal is distinguished, and which, will be better understood by those who have seen him move off in this way than I can describe it. He had not yet emitted his offensive odor, but was prepared to do so whenever the dogs should attack him, or he should be otherwise disturbed.

It is well known that a hound, however keen-scented he may be, finds his olfactory powers paralyzed whenever he is besmeared with the disgusting liquid which the skunk emits; because the pungency of that odor is so insinuating, that he can smell nothing else. Hence we were desirous to prevent them from coming in contact with him, as we hoped to get up another deer. Hurrying my horse along, I got between them and the skunk, and ordered them peremptorily to keep back; then as he went purring and sputtering off, and had got about three rods from me, I drew up my rifle and fired at him; but either from the stirring of the horse, or that deceived from his hair and tail being up, I did not hold quite low enough, and instead of shooting him in his stern as intended, I cut off his tail close to the root. One of the others then fired with more accuracy and killed him.

He emitted his liquid the moment the rifle was discharged, the scent of which was diffused around, but the dogs were kept back, and we were so far off that the only inconvenience experienced was from the odor, and not from the liquid itself. We were not able to start another deer, and this was the last exploit of the day, for we soon reached the one we had slain, and

having packed him on the most gentle horse, we carried him out to the public highway, where he was placed in a wagon going to town; and was safely deposited in the American, at Toledo.

Next day he was served up, and contributed largely to make up a venison dinner for the whole of those at the table; among whom were, of course, the sportsmen who were out the day before.

This being my first performance in the hunting line, on the Maumee, though not the first in the order in which I have related those exploits, it was deemed a fitting occasion to put me in for the "trimmings," and champaign was distributed freely. The boarders at the house having partaken of the venison, and of course of the drinkables, were not slow in furnishing their share of beverage on such a joyous occasion; so that on the whole, the dinner went off well, and all separated with kind feelings, and an earnest desire that the next hunt should be equally successful, and the feast as creditably sustained.

At another time, while hunting deer in Ohio, I saw in the weeds on the prairie ground, a large snake, gliding rapidly along, but not being pursued, he stopped about two rods from me, where he seemed prepared to start on a race to avoid harm, keeping his head about a foot from the ground. There he lay in plain sight; his sharp forked tongue darting out, and his keen eye glancing about, as if to detect the slightest indication of danger.

I did not unhorse to fulfil the scripture injunction, to "bruise the serpent's head," for I thought it extremely doubtful whether I should succeed if it was attempted, as those reptiles run amazingly fast when they choose to dart away among weeds and shrubs. I thought it would

be a creditable performance to decapitate him with my rifle; and at that distance I was sure I could do it, if my gun did not hang fire, and if I could for a moment control my horse so that he should not stir. In fact, I would have wagered five to one, that at three rods I could have cut off a wire; so checking up my horse till he was motionless as a statue, I took a hasty, close, but steady aim, and clipped off his head with the rifle ball as neatly as it could have been done with the best Sheffield blade in the hands of an experienced operator.

The Indians have acquired considerable reputation for their supposed skill and accuracy in shooting the rifle, but I think much more than they are entitled to.

Our American riflemen I think far superior to the Indian; and this will be conceded by those familiar with the performances of each. I have shot with several of them, and have never found one whom I could not beat twice out of three times; and that too, with his own rifle.

As a hunter, the Indian is excelled by no one for craft and cunning; as he understands the habits of all the beasts of the forest, and knowing them, resorts to skilful stratagems to circumvent the animal he desires to kill or capture.

Those "coon" hunts that we used to have in Ohio, were not without interest, and ought not to be passed over without notice.

The raccoon is a sly, cunning animal, and scarcely ever shows himself in the day time; but he is an errant thief, and a great night walker, and hence those who wish to take him must go at night.

The best season of the year for that kind of sport, is in the months of September and October, when the moon shines so as to shed sufficient light to aid the pe-

destrian, as he threads the thickets in the neighborhood of corn fields. The month of October is preferable, for the youngsters by that time have acquired a growth sufficient to give good sport, and to be worth catching.

The raccoon resorts to corn fields, and delights in pulling down and feeding on the newly half glazed corn; and he is also passionately fond of resorting to swampy thickets, where he can hunt along in a slight water course for such things as he prefers; nor is he backward in occasionally robbing a hen roost.

To hunt him with success, you must know his modes and habits of life, as well as the places where he is most likely to be found; and this remark is applicable to all animals, for no one can be an expert hunter, unless he knows those modes and habits.

In Ohio, a coon hunt always implies "a smart chance," as they say at the west, of taking one or more opossums; for like the raccoon, this animal is most active at night; and is also noted as a "chicken thief," as well as a great cheat.

In Columbus, when I lived there, I suppose there were nearly one thousand negroes, a large proportion of whom came from the slave states, and I don't remember one of the kind, who was not passionately fond of both the raccoon and opossum.

A "coon bake" and "possum roast" seemed the *beau ideal* with them of a good feast, and they were not very much out of the way; for a fine, fat raccoon, when stuffed and baked, is rather inviting to almost any one, particularly to sportsmen.

While the possum, when roasted, is in flavor somewhat similar to a roasted pig, the raccoon has more of the wild gamey flavor than the opossum; but either, or both, when well cooked, are not to be despised, when making part of a "game dinner."

To gratify some of my hired men, and the boys in the neighborhood ; and, perhaps a little pre-disposed for the sport, I sometimes went out with them on their night expeditions.

Those excursions were not altogether without their annoyances ; for we frequently had to go through mud and water, as well as thickets, and to clamber over logs and fallen timber in the dark.

A gentleman, now of the city of New York, whom I meet every day in Wall street, was then a resident of Columbus, and went with me one evening, and he, I know, will corroborate every word I say in regard to fatigue and annoyances.

In hunting coons at night, particularly if the moon shines, it is best to have a rifle with the party ; though generally this is omitted, and nothing but an axe and flambeaux are taken.

If you have a rifle, the animal may frequently be shot from the topmost branches of the large, high trees, and thus save cutting them down, or climbing to shake him off.

By looking carefully into the top of the tree, particularly when you can look towards the moon, the game may be seen among the branches, and with the rifle may frequently be brought down by a second or third shot, if not the first.

A shot gun would be best, from its throwing its charge at a wider range, were it not from the fact that the fur is so thick and woolly, that unless the shot were very coarse, an old coon would carry off all that could be got into his carcase from half a dozen discharges ; while a rifle ball has a mighty soothing influence, and generally produces a quietude, in case you can get it through the body of your interesting customer.

An experienced dog is absolutely necessary, and he must have seen service in coon hunting, to be useful; for, though many dogs will bark and babble on the track, yet there is no relying on their cry, unless you have one of sufficient experience to counteract the cunning of the animal you wish to take. There is nothing more common with him than to climb a tree, and then, by running on the branches, to go from one to another, and perhaps to several, where he will conceal himself in the top, or perhaps run down and make off to another. The young, inexperienced dogs, on coming to the tree where he ascended, are very noisy and jump up its side as if they were sure he was almost in reach; but the old dog is not to be deceived by the yelping of the youngsters. He examines the tree, to be sure that the coon went up, and then examines the others to ascertain whether he has come down; and often makes a circuit of many rods, to learn whether he has descended and led off. When you have such a dog, never mind the cry of babbling pups, for they only deceive you.

We went out one fine moon-shining night in October, accompanied by the gentleman from Columbus, to whom I have referred, and another of his companions. Several of my hired men went along, and, on reaching the corn field, a large coon was soon driven up a tree standing on the border of a swamp. This was cut down, for we had no gun with us, and then the coon scampered off through the thick brush and ran up another small tree. One of the men ascended and shook him off, when he was soon killed by the dogs.

They struck another track that led off through wet, forest land, over fallen trees, and part of the way on fences, the dogs keeping up a constant cry, till at last, after slowly wending their way and tracing out the trail,

they became stationary, where we expected to find another coon. We hurried along by our torch-lights as fast as we could, and found them barking at an opossum that had ran up a sapling. He was soon secured ; but, with the craft and cheating of his kind, pretended to be dead, though he was not in the slightest degree injured. To test him, some one applied a torch to his nose, which he entirely disregarded ; another poured some raw brandy into his mouth ; and another pricked him with a knife : but he would heed neither, nor would he manifest the least symptom of life, except a spasmodic action by contracting his tail, as he was carried by that appendage, after knocking him on the head.

We got up another coon that ran into the mill-pond to swim across ; but the dogs were in so soon after him, that he returned back to the shore he had started from, where they caught and killed him. On coming near the pond, the man who carried the possum threw him down in the road, when the wily quadruped, notwithstanding his previous hard usage, and the death that he had so well counterfeited, began to make off, and was finally killed by a blow from the axe. The bank where we approached the mill-pond was high and steep, and one of the party in his haste to get down to the water's edge, mis-stayed and rolled thirty feet down the steep bank, where it was rough and nearly perpendicular. Those in attendance were alarmed, and enquired whether he was hurt ? To which he responded by enquiring, " where is the coon ? "

We reached home about twelve o'clock at night, very well jaded out, when, after taking supper, we separated ; and the next day we had several applications for the coons and possums from the darkies, who were highly gratified on receiving the desired boon.

In the vicinity of Columbus there were but few red foxes, and I saw but one during the four years that I resided there. The gray fox, though not so plenty as the red one is in New York, was more abundant there than the red; but he never ran long, and of course afforded but little sport. He will very soon take to his burrow, or climb a tree to get away from the dogs.

The red fox, though not so much of a racer as the black, gives fine play, and is distinguished not only for fleetness of foot, great bottom for a long race, but for craft and cunning to circumvent and avoid his pursuers.

Major Webber, in his recently published book, entitled the "Hunter Naturalist," rather comes to the conclusion that we have but two kinds of foxes in America, the red and gray; and that the cross and black foxes are of the same class with the red, only differing in color, as a litter of kittens among cats, and pups among dogs, are of different color. As an evidence of his position, he refers to an instance, where, among a litter of young foxes, they were found of each color, red and black, and others of a shade between the two.

I do not dispute the latter fact, but differ with him in his conclusions. The different colors may have resulted from a cross between the red and black fox; for there is no doubt that they intermix and cross the breed: or it may result from the same class having young of different color. But it seems to me there is nearly as much difference in the running of the two, as there is between the latter and the large gray wolf of the northern states; or as there is between him and the small wolves of the western prairies.

The black fox will frequently lead off twenty miles, while the red, though he will run a long time, generally plays round within a few miles of his home, and it is

difficult to drive him off any considerable distance. I think the gray, red and black are three distinct classes, but they are all of them of the reynard family, and distinguished for their craftiness.

The red fox at Columbus that I have spoken of, was captured in the fall of the year, about twelve miles west of the city, near the great Darby Creek, where he was taken from his burrow without injury, and being bagged, was brought in to make sport on another occasion. He had often been chased, and was well known in his neighborhood, but till now had been so fortunate as to elude his pursuers.

He was an "old he one," and the winter before had managed to drown two good dogs that were pursuing him, by crossing himself on the weak, thin ice on the creek, which, though it would bear him, he knew would not bear the large hounds that were on his trail,—and they, like fools, attempting to cross, broke through, and were drawn under the ice below and drowned.

On being taken, he was locked in a large room, where he was fed and kept for a week, till the appointed time to let him out for a run.

The sportsmen were notified that a "bagged" fox would be put out, and on the day appointed, they came with their hounds for ten or fifteen miles round about. More than sixty men assembled on horseback, and probably as many more, of men and boys, on foot. Upwards of thirty-six hounds were in attendance, the most of them of the large fine Virginia breed.

Reynard was taken out in a bag about three miles west of Columbus, where he was turned loose in Mr. Sullivant's large woods, and a small dog of the whiffit, or fiste kind, was set after him to frighten him by barking. We gave him more than half an hour's starting

time, and during this half hour, the hounds were very clamorous, for they all knew that something of the kind was on foot.

In due time they were brought to the woods, where they soon struck his track, and then were off on his trail, doubling from one part of the woods to another, till they finally crossed the national road, and led off to the southwest towards the great Darby Creek, for the fox had sagacity enough to make for his former home.

The horsemen pursued as fast as possible, hurrying through the woods, over all impediments, and several were unhorsed, being thrown entirely over the heads of their animals. I was mounted on my horse Logan, who was fond of that kind of sport, and of course was ridden without a martingale, that his head might be the more free on his leaping over logs and fences. Then with a cap tied down snugly under the chin, and boots drawn up over a strong pair of pantaloons, I was prepared to make my way through the open forest, among brush or brambles.

Reynard gave fine play, and had almost reached his old ground, when the dogs overtook and killed him, about twelve miles from the city.

We came out of the woods to a small tavern some ten miles west of Columbus, where we refreshed ourselves and prepared to return home.

Before starting, a man was posted off on horseback with the dead fox, noosed in a rope, who was directed on reaching the large meadows in the Scioto Valley, to drag the fox through the meadows and fields towards the city, so that we might have a "drag hunt," and have the national road to course upon, while the hounds kept through the fields hard by. They took the trail, and the whole pack dashed forward at a smash-

ing rate, in full cry; while the horsemen kept the road and came in, full tilt, with whip in hand, and cheering the dogs with their shouts.

A considerable number of sportsmen dined together; and one of them, a Virginian, who had formerly kept upwards of thirty magnificent hounds of the Virginia "yellow tan" breed, but had got reduced down to fifteen, offered to give me the whole if I would take them. He said game had become so scarce, that there was no use in keeping the dogs; that he would not separate them, or sell them; nor would he give them to one who could not appreciate them, and who would not use them well. They were beautiful dogs, and remarkably well broke, as well as fleet of foot.

As with the Virginia breed of horses, so with their hounds; great pains have been taken to keep the blood pure, and they have the finest dogs, I suppose, in the United States.

Those hounds on Long Island, or on the low level lands in New Jersey, would be invaluable to a sportsman.

It is quite time to bring this yarn to a close; and I will not aggravate my reader by a further recital, or inflict another coon or fox hunt story for his perusal. It is quite apparent, as the reader will perceive, that I have been extravagantly fond of field sports; and if sentimentalists are good authority, I have much to answer for, in reference to these delinquencies. The propensity, whether right or wrong, is still predominant, and I should be very likely to add to former transgressions should favorable opportunities again occur. I am sure I could hardly resist, nor do I suppose I should try very hard to do so.

CHAPTER XXVII.

Habits and Intelligence of Animals.

To those who have closely observed the habits and intelligence of animals, many indications have been noted that appear like an exhibition of reasoning faculties. Call it instinct, or craft, or whatever else you please, still a great degree of cunning is manifested, coupled with circumstances very nearly approaching to reasoning, if not absolutely so.

Take the fox hound as an instance, who often becomes as subtle and expert in circumventing the fox, as the latter is crafty in avoiding his pursuer.

An experienced hound after ascertaining from frequent trials the usual course of the fox on a given portion of ground, will resort to devices to circumvent him, which appear like the intelligence of school boys.

Those hounds that I formerly owned, were expert fox hunters, and I used frequently to go with them to Windmill Hill, in Cherry Valley; which, with a large forest adjacent to it, was much frequented by foxes. The hill was high, and narrow at top, from whence the land on each side, (east and west,) descended. It was more than half a mile in length. The fox when started, would generally course several times round the hill, playing some distance before the dogs, about half way down the hill on one side; and on doubling, would take the other side about the same distance from the top. In this way he would frequently make a run of a mile or two, north or south, passing on the sides of the hill

lengthwise, several times before leaving it entirely. This was his usual run-way; and the dogs on learning it, instead of running the whole course and keeping his track, would often leave it on one side, and pass up over to the other, with a view of cutting him off, and taking the track nearer to him. If reynard in the mean time had left the hill, they of course would loose his track by leaving it and running across, and then would have to look it up the best way they could; but they very often were the gainers by this device, and would save a half mile or more of running, and gain so much on the fox.

Almost every man familiar with fox hunting, if observing, has witnessed such performances. Now the fact being so, how is it to be accounted for? Simply that the dog knows it is shorter to run up, and take the track on the other side of the hill, than to run the whole length of it, and then come back to the place where he strikes it again; precisely as the boy knows that it is shorter to run through the barn and come out on the other side, than to run around it.

Now take the deer, who is by no means as crafty as the fox or dog. Why does he when pursued, so frequently take the brook and run in the water, often a half mile or more? The object is to conceal his track, and to leave no scent by which he can be followed. Then comes the question, how does he know that he makes a track, or leaves a scent, by which his pursuers follow him? Instinct, perhaps, teaches him.

The horse soon learns to open his stable door, by pulling out the pin by which it is fastened. This he acquires from observing how others open it. Every one familiar with horses have observed this, and other vidences of intelligence and observation.

I have known horses and cattle who would break into forbidden fields at night, and to conceal their depredations, would be out in the morning, when they would assume an unusually honest look. Watch them at night, and you would detect their maraudings.

No one who ever hunted the squirrel, but has noticed his devices for deception. Nothing is more common than to see him run to a tree, and ascend it on the side next to you for a considerable distance, then work himself round till out of sight on the other side; when he will run down and scamper off to another, keeping the first in range between you and himself, so that you shall not see him when he makes off. The object of this is to deceive you, and make you think he is on the tree you saw him ascend; when, in fact, he has practised a cheat, and is in the top of another, often many rods distant.

The fox has always been noted for his cunning, and fraudulent devices. When pursued by dogs, he frequently gets on the fence where the snow is blown off, and will keep on it a great distance, and on leaving it will make a long leap from it, that his track shall not be discovered by the dogs, who are slowly following by the slight scent left on the rails. At other times he will run into a flock of sheep, and keep with them for a given time, that his tracks may be trodden out by theirs, and the hounds thus be put at fault.

Those who have trapped for him, know how necessary it is to conceal the trap, and to cover with such light substances as shall disguise, or prevent his smelling it; and yet he will frequently dig it out so far as to expose, and thereby comprehend it; and sometimes spring it by thrusting a stick upon it. They have even been caught by the nose with steel traps, in con-

sequence of using too short a stick to spring the trap. That they will counterfeit death for a long time, when they wish to deceive, is a fact well authenticated. I will mention a remarkable instance :

I had once been pursuing reynard for a long time, and his foot prints in the snow showed him to be a large fellow, and, no doubt, an "old one." The dogs finally drove him from Windmill Hill to a ledge of rocks, where, running into a hole between the courses of lime rock, too narrow for the dogs to enter, he fancied himself quite secure, as he undoubtedly was, so far as the dogs were concerned. On arriving at the hole, the dogs were digging and barking, but made no headway towards capturing the fox. The seam between the rocks extended several rods, and the earth resting on them, and extending over the seam, two or three inches deep, was frozen. With an iron bar I broke through this layer of earth, till I found where reynard lay, a rod or two from where he went in. The frozen earth over him was removed, and some of it fell in upon him, partly covering him. The edges of the rock were broken away, so that I could see him; but he would not move. I thought he had gone in as far as the narrow seam would permit, and had got fastened between the rocks. On searching, I soon found which way his head was, and applied a stick to his face and nose, punching and irritating him to ascertain whether he was alive; but he gave not the least indication that he perceived or cared for the stick. Then, breaking away the rocks so that I could get my hand between them, I seized him by his long nose with my left hand, and held him at least fifteen minutes, till one of my companions broke away the rocks with the bar, so much as to make room to take him out. During all the time I

held him, he gave no sign of life, nor could he be induced to do so, till one of my companions who held, and kept back the dogs, allowed them to come forward and seize him; when he immediately threw off the disguise and fought resolutely, but was soon killed.

Now he evidently was practising this deceit, in hopes that I would take him out and throw him down, when he would have shown a light pair of heels, and been off in a moment.

I have known the opossum, who is celebrated for playing false, to practice deceits, even beyond this; so also the coon. The opossum, of all animals, is probably the most inveterate *cheater*; so that to deceive, is, in common parlance, "to play possum."

In my last chapter has been related an instance of his deception, as well as various devices of the raccoon, which are but little inferior in point of sagacity.

My friend McKenstry, who keeps one of the best hotels at Sandusky city, Ohio, who is a keen sportsman, and a highly intelligent and respectable man, relates circumstances in regard to three hounds, that he witnessed at Little Falls, Herkimer county, when he resided there several years ago. A brief account of this was published two or three years since, in the "New-York Spirit of the Times," and was substantially as follows:

McKenstry and Matthew Talcott, now deceased, who was a brother of the late Attorney General Talcott, had been out hunting, and taken with them McKenstry's hound. As they came into the village on their return, a large cur dog belonging to a villager, sprang over the fence, and laying hold of the hound, got him down, and bit and shook him severely. The

cur was finally beaten off, and the hound went along home; but from some indications observed by Talcott, who was a close scrutinizer in matters of that kind, he thought the dog intended to run off, and so informed McKenstry, and advised him to shut or tie him up. This advice was not heeded; but the dog was watched, and soon after leaving home, was followed by McKenstry and Talcott, to satisfy themselves what he was after, and where he was going. He trotted along some two miles, and stopped at a house where two hounds were kept, with whom he often hunted. Arriving there, he fondled around them, and by intimations understood by them, the two were induced to follow him. The three returning to the village on a good round trot, heads and tails up, went directly to the yard where the cur was, and jumping over the fence, fell upon him, and never let go their hold till they had killed him.

Now, of the truth of this, I have no doubt. And how can it be accounted for, except that the hound knew he was not a match for the cur, but thought with the assistance of the two others of his own kind, they would be more than a match for him; and hence induced them to make common cause with him, against their common adversary? That although one could not resist him, the three could; and so the result proved.

No one doubts that dogs have tenacious memories, for they will remember you for many years. So have horses. Birds must have the faculty of memory in an eminent degree; for some of them will come back annually from the south, many years in succession, and repair and occupy the nest of preceding years. These faculties in beasts and birds, whatever you choose to call them, are strange and mysterious, indicating intelligence, and many of them approaching close to reason-

ing, if not properly designated as such. Man with all his boasted wisdom, is in many respects not greatly superior to the beasts that perish.

Many circumstances and incidents will occur to those who have been close observers of the habits and instincts of animals, that indicate much sagacity and cunning; which if not properly resulting from reasoning faculties, come so near, that the shade of difference can hardly be distinguished.

CHAPTER XXVIII.

Reflections in regard to Capital Punishment, in connection with the Execution of Professor Webster.

PROFESSOR Webster has suffered the extreme penalty of the law—while penning this paragraph, the boys are crying “Extra Herald; Execution of Doct. Webster.”

The melancholy fate of Webster is a sad exhibition of the weakness and wickedness of poor human nature. He has “gone to his last account,” to meet the victim of unbridled passion.

The laws have been vindicated in the face of strong prejudices, that, for a time, seized upon and pervaded the public mind; while the stern integrity of the jury, the unwavering firmness of the court and civil authorities, are highly creditable and afford incontestible evidence, that no man, however eminent in station, is superior to law. Much is said in opposition to capital punishment, which its opponents denounce as “judicial murder.” “It’s contrary to natural law” say they, to take life. The Supreme Being alone, can give life, and as man cannot give, he has no right to destroy. “Shut the culprit up in solitary confinement,” it is said, and then he will be pointed at as an object too bad and too dangerous to be tolerated in society, while he will have space for repentance. Again it is flippantly said, “the object of punishment is to reform and make better the offender, instead of subjecting him to suffering.” A sickly mawkish sensibility seems to have taken hold of the minds of

many good men, which perverts and misleads their judgment.

How is it contrary to "natural law," to inflict the death penalty on the murderer? If I am attacked and my life put in danger, the opponents to capital punishment agree that I am justified in killing my adversary. But how is this? I am destroying life, which I can neither give or restore! I am justified because my life was in danger; and I had the same right to slay my assailant, that I would have to kill a wild beast that attacked me. Precisely so in relation to society. The murderer has proved himself an unsafe member. The man who "of malice aforethought" slays a human being, cannot be suffered to remain at large, because of his dangerous propensities. Community is not safe. The public good, the public safety, requires that he should be cut off; and then it becomes a question of expediency, upon which the law-making power must decide whether life shall be required, or whether he shall be restrained of his liberty. Men may and will differ when expediency is the question. I am now speaking of the *right* of society to punish with death: and I hold that they have the same *right* as they have to imprison or banish. The murderer has foreited all his rights, and society may inflict the utmost penalty, or restrain his liberty, just as shall seem most expedient, or may remit or pardon altogether.

To say the object of punishment is to reform the guilty, is expressing but half its object. It is not only to reform; but it is to inflict pain, or disgrace, or both, to make the culprit desist for the future, under an apprehension of suffering; and to make him an example that shall serve as a "terror to evil doers."

But it is said solitary confinement, (solitary and

perpetual,) where the convict may reflect, and repent; is more humane, and in accordance with the march of civilization, and melioration of the criminal code. Do the advocates for solitary confinement fully understand what they ask for? They surely would not advocate the keeping of a prisoner with a view of inflicting daily or weekly tortures, and yet solitary confinement is but little, if any short of it. The general result in reference to those in solitary confinement, is an early loss of intellect, and rapid decay of the system, that soon puts a period to human existence.

Now I will not discuss the question which is most merciful or cruel to the prisoner, to execute him, or subject him to an imprisonment, that shall soon terminate his existence, with the probable previous destruction of mind and reasoning faculties. In my judgment, death is far preferable. A strong objection to substituting imprisonment for capital punishment, arises—*First*, from the difficulty of keeping the prisoner in perpetual imprisonment.

Society would not feel safe were the murderer at large; or if it was believed that he might be at large by escape, executive clemency, or commutation of punishment.

In the state of New York, the pardoning power is vested in the governor by the constitution; and before abrogating the death penalty, public sentiment, I apprehend, would require an amendment that should place the exercise of that prerogative under rigid restrictions. A *second* consideration is this. We know that although the laws of nearly all countries punish the murderer with death, yet in cases of great aggravation, it is difficult to restrain popular impulses, which prompt to im-

mediate punishment, and that too, without waiting for the forms of law.

Take our own state, and the most sober, sedate, and staid part of society, (and law abiding too,) and let an aggravated murder be committed, perhaps a wife, or daughter, after other flagrant indignities, and let the law be changed so that the murderer can only be imprisoned after a legal trial, and what would probably be the result? In four cases out of five, the offended party would invoke the aid of Judge Lynch, to do speedy execution; or he would take the law in his own hands and slay the murderer himself. This, may be said, would be from a spirit of revenge, which I am willing to grant; but it is in accordance with the promptings of nature, and when we legislate and make laws, we must make them in reference to the predominant feelings in society.

It seems to me that such would be the natural tendency, and that laws would be violated and set at defiance by the injured party, whenever an aggravated case should occur. But it is said that executions are demoralizing, and tend to harden and debase the feelings of the lookers on, when public; and that neither public or private examples have the effect of restraining crime. In reference to the public execution of criminals, I freely grant the influence is pernicious; and hence, those who are doomed to suffer, should meet their fate where but few should be witnesses.

I do not, however, admit that capital punishment as some contend, loses its terrors on the masses, and rather tends to increase crime; nor do I admit that it fails to restrict the number of homicides that would otherwise take place.

One thing is very certain, and that is, that where

the murderer is executed, he will not commit further offences. Society, therefore, is rid of one dangerous member, who is thus cut off.

To say that imprisonment would be equally salutary in its effects, is an assertion, that may, or may not be true. To say that it would be more salutary, and that it would restrict crime, I should very much doubt; for it seems to me, that the penalty that is most dreaded by a vast majority of mankind, is the most likely to restrain offences. And what has so much terror for poor human nature, as the deprivation of life? "What will not a man give in exchange for his life?"

On looking over and reviewing this question, I am strengthened in my impressions by what has recently taken place in California.

There they have not only tried men by self-constituted courts, emanating from popular impulses, but have repeatedly and speedily inflicted the death penalty. The safety of society required it, and popular sentiment justified and sustained those proceedings.

The organization and action of the self-organized vigilance committee of San Francisco, where the trial of offenders was speedy, and the execution of the criminal not only certain, but summary in the highest degree, had an effect in restraining crime, as all, I suppose, will now admit, far beyond any lenient measures that could have been adopted.

Here, the question became practical; and in addition to sustaining the action of self constituted courts and committees, public sentiment required laws more stringent and sanguinary, which were enacted, extending the death penalty to other offences than murder.

The state of society there, and the practical questions growing out of it in reference to crime and pun-

ishment is worth a thousand theories put forward in books or public journals.

Human nature is very much the same in all ages, and in every country; and proceedings that would restrict crime in one region would be very likely to have the same effect in others similarly situated.

What I have said thus far, has been without reference to scripture injunctions, where the death penalty is not only recognized, but expressly enjoined; and those who look to the holy book as authority, will find abundant proof of its early enactment and uniform infliction.

So also may it be said that all nations in all ages of the world, have regarded the murderer as an enemy to mankind, and have required life for life. If it has not been so universally, the exceptions are only exceptions to a general rule of action and belief.

The murder of Doct. Parkman, as well as the punishment of his murderer, should not be lost in its influences on community. It should be a solemn and impressive warning to creditors, not to oppress and drive a needy man to desperation. Recollect that debtors have feelings and rights, as well as creditors. It is an easy matter to take a debtor by the throat, and tell him "pay me that thou owest;" but it is not always safe or expedient. Doct. Webster, though poor in property, had a proud spirit. He had a family depending on him for support—he had a reputation dear to him and them—and should this reputation be blasted, it was to him and his family, the loss of every thing. The great dramatic poet says, "you take my life, when you do take the means whereby I live." This was Webster's situation; and Parkman, for a few hundred dollars, which neither his necessities, or his superfluities re-

quired, determined to disgrace his debtor—his former friend—and take from him the means of support for himself and dependant family.

It requires no stretch of imagination to realize the deep distress and indignation that agitated the bosom of Webster, when he learned that Parkman threatened to expose his delinquency, and to wrest from him the fees and emoluments, on which he and his family relied for support; and then the insolent, overbearing manner! Debtors, if they are not altogether lost to a sense of honor, are, of all men living, the most sensitive. They feel themselves dependant, and subject to the caprice of creditors. They feel depressed and degraded, from the fact that they are not able to meet their obligations; and they feel an anxiety in reference to family wants, that no man can ever realize till brought down by adversity to a state of poverty.

Such, I have no doubt, were Webster's feelings, provoked and aggravated by Parkman's importunities; and, although no justification for the horrid tragedy, yet a sympathy is excited for the man thus painfully situated, and an abhorrence for one who would needlessly tantalize a wounded spirit, though improvident, as well as dependent. It should be a solemn warning to creditors as well as debtors. The one should not oppress, nor the other avenge.

Had a mild, forbearing course been pursued, the murdered man and his murderer, would probably still be in the land of the living, and the stern retributions of a future state not yet realized, though sure in the end to overtake the delinquent.

Oh! what pains and heart-rendings have been the result of this deed of darkness! What blasted hopes, what household and family desolation! Surely, an inordinate love of money "is the root of much evil."

PREFACE TO CHAPTER XXIX.

TO THE READER:

In reference to the following chapter, "slavery and alienation of feeling between the north and south," I wish to remark, that it was not written with a full determination to make it a part of this volume.

The public mind has been so much excited in reference to the slave question, that some friends who have examined and approved of this chapter, and who desired to see it in print, have advised me to publish it in pamphlet form, under an impression that its insertion in this volume, might prejudice the sale of the book with a portion of readers.

I was half inclined to yield to these suggestions; but on reflection, have concluded to give it a place in my published volume, and submit it to the scrutiny of those who may deign to peruse it, with a request that they give it a candid and impartial consideration.

I am the more inclined to this course, from the fact that the public mind appears to be settling down to a more tranquil state, and that a discussion of the question will now be heeded by candid men, who under the excited state of feeling that has existed, might have passed it by with contumely, if not contempt.

The great body of the American people, are law abiding and orderly citizens, and desire to act rightly, when rightly informed. Hence I cannot believe that a candid discussion of this absorbing question, can or ought to give offence to those who differ with me, and

yet aim at the best interest of the country, and who are willing to investigate questions that enter so largely into our political institutions.

I have endeavored to present the slave question, its origin, progress, and present existence, in such a light as well authenticated facts will warrant; and to urge upon my readers the importance of abiding by the constitutional provisions, as the only chance of perpetuating the union of the states. It has appeared to me, that through our sympathies at the north, or our prejudices against the institution of slavery, we have for many years, in a measure overlooked our obligations under the national constitution; and have too easily yielded to our impulses, while southern rights and interests have been rudely and unscrupulously assailed.

If those who read will reflect, and regard the constitution as the result of the labors of our revolutionary fathers, and its compromises and concessions as mutual pledges from different portions of the union, for the peace and harmony of the whole, it appears to me they must yield a more ready acquiescence to those provisions, though particular portions may not be precisely as we may desire.

To those who set up conscience as a "higher law," and as a law, over and beyond the constitution, or any enactments under it, I cannot hope to bring them to an approval of what I may advance, for they deny the validity and binding force of the constitutional compact on that subject.

Such men will not be convinced, even if Washington should arise from the dead, and urge an acquiescence in a provision which the fathers of the republic sanctioned; and without which, the union of the states could never have been cemented.

But there are others equally opposed to slavery, and probably none more so than the writer, who recognise that provision of the constitution, as of the same validity as other portions; and who will yield a ready acquiescence to *that*, as well as to all constitutional laws that may be enacted.

To them, and others, who believe in sustaining the provisions of the constitution in all its parts, I invoke a candid perusal of the following chapter; and to those who may differ with me, I only ask the charity of the reader, to believe that my intentions are upright, honorable, and patriotic.*

CHAPTER XXIX.

Slavery, and alienation of feeling between the North and South.

WHEN the federal constitution was adopted, slavery was tolerated, and existed, in almost every state of the union.

The territory north-west of the river Ohio, then a wilderness, with the exception of a few old French settlements, though formerly subject to slavery, had been declared free by an ordinance of the old continental congress in 1787, before the formation of the federal constitution, with an express proviso, however, that those owing service, and escaping from other states, should be restored to that service. The comparatively few slaves in the northern states, with the manifest disposition, that began to show itself in favor of manumission, rendered it quite certain that it would not long be tolerated among them. Hence, a well-founded apprehension, among the southern states, where the great mass of slaves were held, that their northern neighbors, by freeing their own, would not only influence the black population of the south to flee from their masters, but would make the free states receptacles for the run-away slaves.

Each state was then sovereign and independent of the others, except so far as the old confederation united them for certain purposes, of which slavery formed no part. Just as independent of each other on this question, as any sovereignty of Europe; and the right to reclaim and bring back a fugitive from service, did no

more exist, except by compact or law, than it does now, to bring him back from Canada. Such right could only exist by compact among the different states. It is easy to perceive that the southern states, whose laws and civil institutions, were in a peculiar degree based on the relation of master and slave, which, entering into the elements of society, could not but regard this matter as of absorbing interest; and without a compact to restore fugitives from service, they could not safely enter into, and maintain the union of the states. Not only were their laws and institutions based on this state of society, but the property of southern citizens was, in a large degree, vested in slaves and plantation establishments, suitable for slave labor, and the comforts of living.

Slavery had been forced upon the colonists north and south, (more particularly the latter,) by the mother country, at their early settlement; and northern shippers had been for many years, the principal importers. Hence, where slaves abounded in great numbers, they could not be universally manumitted, except by breaking up the well established organization of society, and the sacrifice of private rights, to the ruin of nearly all the landed proprietors. It may be remarked that the revolution was "*begun, continued, and ended,*" under this state of things; leaving each state to manage and control the question within its own borders, as, in its sovereign capacity it should think proper. It may be further remarked, that the revolution was neither started nor prosecuted to redress the grievance of negro slavery, nor did the continental congress possess, claim, or assume such power.

This delicate question, therefore, became a "stumbling block" in the convention that formed the consti-

tution, and it was only by a compromise among the delegates from the several states, where some opinions and rights must be mutually conceded, for the acquisition of others, equally desirable ; that a federal union could be secured, or a satisfactory constitution agreed upon. Nor could it have been concurred in by the states, after the convention had adopted it ; except upon an expectation that it would be carried out, and abided by in the several states. The convention was composed of men of the revolution ; those who had been reared under the British yoke ; but who, at an immense sacrifice of blood, and treasure, had gone through a seven years' war, and triumphantly thrown off that yoke. Such men, imbued with a patriotic love of country—with a desire to perpetuate the principles for which they had fought, and to secure the union of the states, devoted themselves to compromise, and adjust the embarrassing questions, which resulted in the adoption of the following provisions,—Art. 4, sect. 2 of the constitution :

“ A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

“ No person, held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

Here are two clauses, the first relating to fugitives from justice ; similar in principle to treaty stipulations

now existing between the United States and several foreign governments. The other, having express reference to slaves, and those owing service in one state "under the laws thereof," and escaping into another, who shall be delivered up, on claim of the party to whom such such service or labor may be due."

Words cannot make it more plain and significant. Under this provision of the constitution ; and, to carry it out, congress, in 1793, passed a law authorizing certain officers to entertain jurisdiction of applications for the surrender of run-a-way slaves, which was signed by General Washington, as president ; and John Adams as vice president ; and this has been in force nearly sixty years.

The very state of things apprehended by the southern states, has happened. The northern states have, from time to time abolished slavery ; some, by an immediate emancipation ; others, as in New York, by a gradual abolition ; and now it is well for law abiding, peaceful, good citizens, candidly to reflect on what has passed, as well as what is to follow.

Whatever may be the opinion of northern men upon the abstract question of slave holding, it is quite time for them to consider whether it is right, prudent, or honorable, to shuffle off, or evade this requirement of the constitution. I do not, nor will not suppose, that northern men in great numbers, will openly avow a desire to evade this provision ; much less to countenance opposition to it. To suppose such a northern feeling, would indicate a willingness to violate express stipulations, to outrage southern rights, and southern feelings, and to put in extreme peril, the union of the states ; which union, more than anything else, has con-

tributed to the growth, prosperity, and happiness of the whole country.

Is it honorable for any portion of citizens either north or south, to repudiate the stipulations of our ancestors—of our representatives, who formed the constitution, and of those who adopted it? Nullification at the south has been in bad odor at the north; and yet a refusal to abide in good faith, by the compromises of the constitution, and faithfully to carry them out; is but another name for nullification, and equally reprehensible.

When Louisiana was purchased under Mr. Jefferson's administration, it was a slave province, and was sturdily opposed by the federal party. I have no doubt, a portion of that opposition resulted from an apprehension that, in the end, it would give an undue influence to the south, particularly in reference to the slave question. I am aware that the avowed opposition was on other grounds, and no doubt much of it from party, political considerations. It was finally acquiesced in, the more readily, as the purchased province controlled the outlet of the Mississippi, and the descending products of our western citizens, who were settled on that great natural thoroughfare, with its numerous and extended tributaries.

But when Missouri—a portion of Louisiana—applied for admission, as an independent state, with slavery existing within her borders, and a slavery provision in her constitution, the smothered feeling in the free states, broke out with an energy, that, in the struggle between the north and south, almost rent asunder the ligaments that bound the states together; and threatened the stability of the union.

Louisiana, as claimed by Spain and France, and

as we purchased it, extended almost indefinitely, on the west side of the Mississippi, to the north and west; and the whole, when acquired, was subject to slavery.

The question was finally happily settled by a compromise, known as the Missouri compromise: by which that state was admitted, with a concession to the free states, that no other slave states should be created north of 36° 30' north latitude. Here was a concession to freedom, that converted from slave into free territory, a vast area, from which Iowa is already admitted as a free state, and Minesota and Nebraska, with others at the west, unquestionably will be, in due time. Here the free states will, in the end, be decided gainers in reference to slavery, without reckoning Missouri, which from present appearances will be made free, though the others, without her, will outnumber those subjected to slavery.

Florida was subsequently acquired, and though a slave territory large enough for two states, was admitted to the union without serious opposition, even from the north. The whole country regarded it as a desirable acquisition, to get rid of a foreign government that gave protection to fugitives from justice, as well as from service; that served as a rallying point for hostile savages; that in a measure controlled a portion of southern trade, and that in case of hostilities, would greatly annoy our commerce in the Gulf of Mexico. We wanted it to round out our southern border, to secure our commerce, and free us from unwelcome neighbors. Thus Florida was acquired and admitted by almost unanimous consent.

When Texas commenced her unequal struggle with Mexico, which resulted in Texan independence, the whole country, north and south, sympathised in feeling with the brave Texans. They, to be sure, had estab-

lished slavery within their borders; but so long as the contest was between them and the Mexicans, even northern sympathies were decidedly with Texas. We had heard with horror of Mexican cruelties; the taking of the Alamo, and cold blooded massacre of its defenders; and when at San Jacinto, Texas, under her brave and accomplished Houston, and other leaders eminent in Texan warfare, avenged former injuries, and established her independence, at the same time holding in captivity, Santa Anna, the leader of her oppressors, the whole country greeted "the lone star," as it rose resplendent from the smoke of battle.

The proposition to annex it to this republic, was not well received by a large portion of our citizens, particularly those of the whig party. Mexico protested, and it was perfectly obvious that its annexation would involve us in war.

This consideration embodied nearly the whole whig party, north and south, against the acquisition, unless the consent of Mexico was first secured. Many northern whigs, and some democrats, had misgivings, from the fact that it would add slave territory large enough for several states, which in the end would give undue influence to the southern portion of the union. This consideration, however, no doubt added considerably to the popularity of the measure at the south. The presidential campaign in 1844, was mainly contested on this question; and the abolition party, though professing an abhorrence to the admission of Texas, threw away their votes, and thus enabled Mr. Polk to carry New York, which secured his election. Texas was brought into the union almost entirely by democratic votes; the democrats of the north very generally going with the south in favor of the measure, and were equally re-

sponsible for its admission, as well as the war that grew out of it, as were the southerners who supported Mr. Polk. This remark is as applicable to that portion of the democracy since known as free soilers, who under the lead of Mr. Van Buren, have professed such a holy horror for slavery, as to the most zealous republicans who favored the annexation and the compromise measures afterwards.

I know it has been said that Mr. Van Buren cared not for the slavery question; but in consenting to stand as a candidate, desired to avenge himself on General Cass, whose friends had pressed him for a presidential nomination in 1844, and who had contributed to the defeat of Mr. Van Buren, at the Baltimore convention. Mr. Van Buren had objected to the admission of Texas, unless matters could be amicably arranged with Mexico, to avoid war; but I am not aware that the existence of slavery was ever urged by him, or any considerable number of his friends, against the admission. He and they aided in electing Mr. Polk; they sustained him in prosecuting the war against Mexico, and with few exceptions, went for annexing Texas, and the acquisition of large portions of Mexican territory.

Whatever Mr. Van Buren's private feelings were in reference to the question of slavery, there is not a doubt that many who supported him for president, in 1848, regarded it with absorbing interest; and having been influential in bringing on the Mexican war, it seems to me it would have been more magnanimous for them to have gone on and aided in adjusting the disturbing questions growing out of their own acts, instead of acting with the abolitionists, and thus adding fuel to the excitement.

Mr. Van Buren will hardly live long enough to con-

vince his countrymen that his course has been discreet or proper. They will, very likely, be so dull of comprehension, as not to discover the propriety of a proffered veto in advance, against abolishing slavery in the District of Columbia, when southern votes were wanted; and an announcement, in 1848, that a like veto would be withheld.

However plausible and satisfactory to himself his reasons may appear, it will be no great marvel, if the public at large shall look at the latter declaration, as a device to secure the votes of a class of politicians formerly discarded by himself and party; and whose sympathies were antagonistical to those of the south, and to his own, a few years previous. His position in 1848, will add no desirable chaplet to his brow.

The war with Mexico, though not popular with the whig party, was nevertheless sustained with energy and good faith by the great body of the people, whigs as well as democrats. The cabinet of Mr. Polk, or rather that part more immediately connected with the war (the purse and the sword,) was of eminent ability. The commanding generals and their subordinates, down to the privates in the ranks; displayed military talent, and indomitable bravery, that soon planted the stars and stripes on the towers and ramparts of the proud Aztec metropolis. The result was the acquisition of an immense territory; and then, in reference to the government and division of these extensive domains, the slavery agitation between the north and south, were revived with unparalleled bitterness. Under this state of feeling, the first session of the thirty-first congress commenced, beset with difficulties, heart-burnings, and divisions, that threatened the peace and perpetuity of the union itself.

It cannot be necessary, so soon after the protracted and embittered discussions of that session, to go into a full detail of the various questions that divided the representatives of the people.

These, in short, were the admission of California as an independent state ; the adjustment of the Texas boundary ; the establishment of territorial governments in New Mexico and Utah ; the abolition of the slave trade in the District of Columbia ; and the " fugitive slave law " so called.

When it was ascertained that the Mexican war was to result in the acquisition of the territories above mentioned, a large portion of the representatives of the free states, passed a resolution known as " the Wilmot proviso," introduced by Mr. Wilmot, a democratic member from Pennsylvania, the substance of which was, " that slavery, or involuntary service, except for crime, should not exist in any territories that might be acquired." A large portion of whigs, with many democrats from the free states, insisted on applying this provision to the bills relative to the territories above mentioned ; and even to California, although she had adopted a constitution with an express exclusion of slavery.

The southern representatives generally, insisted on adopting the Missouri compromise line, $36^{\circ} 30'$, excluding slavery north of that line, and leaving it optional with citizens south of it on being admitted as states, to permit or prohibit slavery as they pleased ; or, in other words, to say nothing about it at present ; while a few ultra southern gentlemen, desired an express recognition, if not authorization of slavery, south of the Missouri compromise line. The latter view of the question was not generally satisfactory, even to southern repre-

sentatives, as it implied a right on the part of congress to legislate in regard to slavery, which many of them denied. Those who opposed the Wilmot proviso, took the ground, that it was a mere abstraction, of no practical force ; and, if adopted, would amount to nothing, as the territories on becoming states, would permit slavery if they pleased, notwithstanding the proviso. This was the view taken by some of its opposers ; while others, particularly southern members, took the ground that, though it would not prohibit slavery, if the states on being admitted chose to sanction it ; yet, it was unjust to the south, by whose blood and treasure, as well as that of the north, the territories had been acquired ; and southern men had the same right as northern, to go there with their property, and be protected in its enjoyment. Again, the proviso, even if of no binding validity, would seem to deter slave holders from going there with their slaves ; and, on the whole, was an injury, as well as insult to the south, to be thus thrust forward in advance. Others, again, argued that the question appropriately belonged to the citizens of the territory, and should be left to their decision ; while others voted against the proviso, for the reason that the situation, climate, and physical condition of the territories, would preclude the introduction of slave labor, which never could be profitable or desirable ; and therefore it was unnecessary to pass the obnoxious provision.

In relation to the dividing line between Texas and New Mexico, there was an embittered controversy, with threats and well-grounded apprehensions, of a hostile collision, that would light the torch of civil war. Whether a few square miles, more or less, of a desert country, should be under the jurisdiction of *free*, or *slave*

laws, was an absorbing question, in reference to which, mad-caps of the north and south, seemed ambitious to drive the controversy to a trial of strength. These, with the fugitive slave law, and suppression of the slave trade in the District of Columbia, were the leading questions in the embittered struggle, which prolonged the session of congress to an unexampled length; engrossed its attention to the exclusion of nearly all other matters; and seemed only to be adjusted by the devotion and generous exertions of distinguished leading men of the two great political parties, who nobly resolved "that the union must and should be preserved" at every hazard.

The several laws of that session, known as "the compromise measures," were finally carried, after protracted debates, and in the face of determined opposition. For a time it seemed impossible to reconcile the requisite number to any one proposition, to give it the shape of law; while to keep the questions open for the purpose of agitation, seemed to be the object and desire of abolitionists at the north, and ultra slavery men at the south.

Mr. Clay was constituted the acknowledged leader by those of each political party, who thus wished to adjust the disturbing questions; and nothing short of mutual concessions seemed likely to promote the desired result.

A more gallant, patriotic, talented, and devoted leader, could nowhere be found. Bold, upright, and persuasive, he had, in times past, hushed the elements of strife, and restored quietude to the union; first, by his proposition known as the Missouri compromise; and secondly, the tariff adjustment; which, for a time, allayed sectional controversies, on that exciting subject.

Not only Mr. Clay, but General Cass, Mr. Webster,

Senators Foote and Dickinson, General Houston, the senators from Indiana and Illinois, Messrs. Mangum, Badger, Bell, and Underwood, with others equally deserving the thanks of their countrymen, devoted themselves to adjusting, by way of compromise, the various complicated questions under discussion.

To them, and their associates who acted with them, in the senate, and those of similar views in the house of representatives, the country is specially indebted for the passage of the compromise measures; which, it is hoped, if faithfully adhered to, will give quiet again to the country; and restore that harmony and kind feeling, which has been rudely disturbed.

And now arises the important question, whether these measures, and the requirements of the constitution, shall be sustained and carried out in good faith? Or, shall every thing that should be most dear to the American heart, be put at hazard by an attempt to evade, or oppose the laws, and the constitutional provisions?

On this subject, it is most consoling to know, that president Fillmore, with his confidential official advisers, stands firm and immovable. His integrity, firmness, and consistency of purpose, in every official station heretofore filled by him, give assurances to the nation, that with him as its chief magistrate, there will be no faltering, no hesitancy, in sustaining and enforcing the laws of the land.

I by no means intend to intimate that those who opposed the compromise measures, were wanting in patriotism, or attachment to the union. The great body of them acted from pure and patriotic motives; and though they did not concur in the measures adopted by the majority, I have no doubt they desired an ad-

justment that should be satisfactory to the country, and substantially just to all its parts.

Conceding as I do, purity of intention to most of them, I cannot but look upon their opposition as fraught with danger to the stability of the union. While some hesitated to vote for measures, under an impression that their constituents would not approve of their votes, others may have voted with an expectation of building up a political reputation by adhering to, or opposing certain measures; and others again, unwilling to incur the responsibility of taking a stand, and boldly throwing themselves into the breach, were content to see those who were more chivalric in feeling than themselves, adopt a course which they secretly approved, but wanted courage to pursue.

It is too much to expect from political men, generally, that they will jeopardize their position by running counter to the opinion of their constituents; even when those opinions are the result of prejudices. Still there are representatives who will take this responsibility, and like Curtius, sacrifice themselves to preserve the country; and most fortunate it is, that such representatives can sometimes be found.

Those who took the opposite side on the compromise measures, did not regard the danger so imminent as those who sustained them; and no doubt believed their own propositions would arrive at the same result.

In my judgment, the risk was too great to justify doubtful measures, or to experiment upon the forbearance of different sections of the country, already too highly excited. It was time to stop discussions, and by mutual concessions and conciliatory measures, bring back the country to fraternal feelings, then nearly lost from recriminations, and alleged aggressions, mutually charged against each other.

Those laws thus far, have been acquiesced in with reasonable unanimity on the part of the people, with the exception of the fugitive slave law, which has been bitterly denounced by a large number of citizens in the free states. That law, if abided by, and carried out in good faith with the other enactments, I trust will give quiet once more to the union. Indeed, save the discontent in South Carolina, which has been prevalent in regard to tariff laws, as well as resulting from the slave question, I know of no serious impediment to a restoration of kind feelings, except the continued hostility of a portion of the north, to the constitutional provision requiring the return of fugitive slaves to their masters. This is the real ground of opposition to the fugitive slave law, and has been at the bottom of all the difficulties between the free and slave states in regard to slavery. The law of 1793, which prescribed the mode of proceedings to compel a return to service, was not much clamored against, because abolitionists, and those who connived at the escape of slaves, could by delays and devices evade that law. It is true, laws were passed in some of the states, securing to the fugitive slave the trial by jury of the question, whether he should be returned to service; that is, he might replevy himself and allege his freedom, and thus, under a state law, claim for himself a jury trial. More than twenty years ago, the supreme court of the state of New York, by a solemn decision, adjudged the state law unconstitutional, as it undoubtedly was; and this has also been adjudged by the supreme court of the United States. The correctness of those decisions, will be made apparent to any one who will candidly examine the cases; or who will consult the writings of the late accomplished Judge Story, who certainly will never be suspected

of partialities to slavery, or slave laws. All the clamor and denunciations that have been got up against the fugitive slave law, on the ground that it took away the right of trial by jury, is the merest pretence, without the shadow of excuse. Those making the assertion, either know nothing about the laws, or if knowing them, have intentionally misrepresented them to deceive and impose on those more ignorant than themselves.

The right of trial by jury never existed to decide whether a slave charged with escaping from service, or a fugitive from justice, should be given up. Who ever heard of such a trial, where one was arrested on an allegation of crime?

Fugitives from justice, and from service, stand on the same ground by the constitutional provision; and though they have the right to be tried by a jury where the crime was committed, or where the service is alleged to be due, which in the latter case brings up the question of *freeman or slave*, yet in reference to sending back either, it is a preliminary enquiry merely, whether there is reasonable cause.

When I say *the right of trial by jury never existed to decide whether a slave, charged with escaping from service, should be given up*, I do not intend to deny that state laws have been passed, authorizing such trials. But those laws have been adjudged unconstitutional; and hence, the assertion that *the right never existed*, as an unconstitutional law, is a nullity.

The slave states have laws securing the right of trial by jury, to any one held in servitude, who claims to be free; and I have no doubt, the trial would be as fair and impartial as in any other state. But it is said at the north, if it is a question of property to the value of a "writing desk," the parties have the right of trial

by jury ; while, if a claim of service is made, that involves a question of freedom ; the party claimed, must be given up without intervention of a jury ; and should he after his removal, have a jury trial, it will be among strangers, and under most disadvantageous circumstances.

This is all true ; but is it a fair argument when taken in connection with the provisions of the constitution ? “ *Disguise it as you will, still slavery is a bitter draught,*” and I freely admit that the constitution, and the laws under it, so far as slaves are concerned, are severe ; and a departure from the English common law. Hence, when it is asserted that it would be but just to allow a black man claimed as a slave to have a trial by jury, where the claim is made, and would be in accordance with the common law ; as a distinct proposition will hardly be disputed, even by southern lawyers. I am sure I shall not dispute it ; and I will add, that it would be more in accordance with the common law, not to surrender him at all ; but to regard every human being found in a free state, as a free man, and entitled to its protection. This would be the common law, but it has nothing to do with the question.

Slavery was forced upon the colonies, in opposition to the common law ; and being here before, and at the time the constitution was formed, the provision requiring the giving up of those claimed as fugitives from service, was adopted as a compromise between the north and south, and the faith of each was pledged in the most solemn manner, for its performance. Under that provision, the law of '93 was passed, and has been adjudged a constitutional law.

Why then, is it now contended that fugitives from service should have a jury trial, except by those who

are willing to violate the constitution, and dissolve the union of the states? And suppose this could be effected, how would it benefit the slave? They would be slaves still, unless northern philanthropists, with fanatic zeal, should invade the slave holding states, and by encouraging and aiding a servile war, thus sever the bonds of the slave, to the degradation and destruction of the whites.

This must necessarily be the result; and hence, good men, who love the union of the states, and believe it of inestimable value to all, though there may be many provisions in the constitution that they individually might prefer to change, or even abrogate altogether, have, for the preservation of the union, more than once made concessions; and in this spirit, the fugitive slave law, amending the law of '93, was adopted.

The law of '93 being so often, and so easily evaded; the fugitive slave law, though more stringent in its provisions, as it was intended to be, was substituted; but contains no new principle in regard to the return of the slave. It to be sure authorizes certain officers to act in carrying out the law, and so did the law of '93; and the law of 1850, in certain prescribed cases, requires the law to be executed, and authorizes the employment of force to compel submission.

But there is no requirement beyond the constitutional provision, that those "held to service or labor, in one state, under the laws thereof, escaping into another state, shall be delivered up on claim of the party to whom such service or labor is due." Those willing to obey this provision of the constitution, have no reason to object to, or oppose the fugitive slave law. The truth is, a small portion of citizens in the free states, known as abolitionists, openly denounce and oppose

this constitutional provision; while a much larger number, who do not go the whole length of the abolitionists, so far sympathize with them on this question, that they are not only willing to see *them* entice, and even *steal* away a slave, but will indirectly connive at, and secretly aid the escape. This northern feeling, which had led to depredations on the rights and interests of the south, outraging their feelings by denunciations, and robbing them of their property, lies at the bottom of all the difficulties, between the free and slave holding states.

No candid man, who knows and regards facts, but must admit that we of the north, in these matters have been the aggressors, not only in a few isolated instances, but daily, and that too for many years. Northern citizens, many of them, without much reflection, have practically repudiated the requirements of the constitution; while professed abolitionists, and others not admitting themselves such, but justifying themselves on the score of "conscience," have professed to obey "a higher law," and therefore *disregarded* the constitution.

As between these classes, I can look on your out-and-out abolitionist, with some little complacency, for he tells you plainly, that the provision in the constitution is contrary to the divine law; and, therefore, void from beginning. While your "conscience" man will, very likely, find excuses to swear to support the constitution, and then hypocritically violate it, as well as his oath.

Though I regard the abolitionists, were it not for the insignificance of their numbers, as the most dangerous enemies to the peace and stability of the union, yet their extravagant, fanatical zeal, will, probably, always

keep them a party so weak in numbers, that their efforts will appear ridiculous, as well as impotent.

On the other hand, your "conscience men," make their "consciences," like charity, "cover a multitude of sins." I cannot comprehend the dictates of *that conscience*, that will permit its possessor to sleep quietly under its monitions, while he claims and enjoys the benefits of the constitution, as a shield for the protection of life, property and national rights, at home and abroad, and yet winks at evasions, if not actually encourages opposition; and that too, after an oath registered in heaven for its support.

While freely admitting the existence and binding authority of that great code of natural law, impressed by Deity himself upon the consciences of all intelligent beings, and which is superior to all human, conflicting enactments; yet, in reference to civil duties, as a member of community living under laws, and professing an attachment and adherence to the constitution, I know of no higher law, and desire to know none, than the constitution itself. Hence when conscience is made a pretext for violating constitutional laws, or repudiating the constitutional provisions, I want "none of it."

Should I ever feel constrained to resist the laws of my country, (which God forbid,) my opposition will be of that cast, that it will be revolution, if successful; treason, if not. I will not profess reverence for the constitution and laws that protect me, and make conscience a pretext for forcibly violating those I dislike.

Conscience is made the pretext for so many aberrations of duty, and is used for such base purposes, that I almost abominate the word, and can say of it, as Shakspeare makes one speak of the word *occupy*, that it "was an excellent good word before it was ill assorted."

I once had a "conscience man" in my employment, who always thrust his conscience forward, when he was most delinquent in duty. On one occasion he felt himself greatly scandalized, on my telling him he had too much, and made too free use of the commodity. Our business relations were finally brought to an abrupt close, by his stealing my corn and running away, taking with him bag and baggage, conscience and all.

I do not intend to speak irreverently, or disparagingly, of the monitions of conscience. But it seems to me, that efforts to enlighten and appropriately apply it to the affairs of life, instead of casuistical devices, which too often lead to its misapplication, would make us better men, and better citizens.

I know there is a repugnance to slavery, and a conscientious abhorrence of it, that pervades, and in a great measure controls the feelings of citizens in free states; and I respect that feeling, when restrained within its appropriate sphere.

I also know, that this anti-slavery sentiment has greatly increased in the free states, since the manumission of their own slaves. To look at its operations, it would really appear that individual interest, or the interest of friends, or perhaps the former universality of slavery at the north, by bringing our citizens in contact, and daily intercourse with those who held slaves, had in a great measure quieted conscience, and stifled its monitions, till we were rid of them ourselves; and now, as if to atone for former delinquencies, exhibits itself with recuperated energies, in an unrelenting warfare against all who hold them, just as our citizens formerly did. If it is sinful now, it was equally sinful then; but the zeal now manifested, was then dormant;

and being rid of our own, is now rampant for extirpating slavery wherever it exists.

If our northern citizens regard it as a conscientious duty to war against slavery, why not wage the warfare against its existence in Cuba and Brazil, where the slave trade is permitted, if not actually authorized; instead of warring against their southern brethren? Here is a foreign field for their sympathies, wide enough for the most active exercise of benevolence and philanthropy. In the one case, it would be a controversy with foreigners who approve of, and sustain the trade; while in the other, it is interfering with the rights of our own countrymen, disturbing the peace of the union, and that too, in express violation of constitutional engagements.

I am not to be understood as an advocate for slavery. I would not establish it anywhere; and being rid of it ourselves, have no desire to see it re-established. It is an evil fastened upon the country before our national existence, and must be left to the states where it exists to manage it, like other evils, the best way they can for the public good. Were I a citizen of Maryland, Kentucky, or Missouri, I would favor incipient steps for a gradual manumission, so remote as not to produce revulsions and disruptions in society, but would, eventually, result in a full abolition of slavery. In Delaware, I would vote for it at once; while, in the Carolinas, or more southern states, I would not, for the present, vote for even the incipient steps.

Whites, as well as blacks, have rights; and I am satisfied, that in those states where so many are held in servitude, it is better for both races to remain as they are, for the present, than to disorganize society by freeing the blacks, and thus setting them and the whites in antagonistic positions.

The two races cannot hold an equal standing. They cannot, and do not, at the north. Prejudices too strong to overcome, will not permit it; and to think of liberating the vast numbers of ignorant southern slaves, and throwing them upon their own resources for a livelihood, many of them with but little more capacity for taking care of themselves, than so many oxen, would be the extreme of fanatical folly, and ruinous to those states. If it did not lead to an immediate conflict for mastery, as it did in St. Domingo, it would let loose a multitude, who, from sheer necessity, must either beg, steal, or rob, to sustain life, or must be supported by society at large.

I would not from any mawkish sensibility in regard to natural rights, like Don Quixotte, half crazed on one particular subject, make war, and contend with windmills; but would treat slavery, as I would other evils engrafted upon society; ameliorate the condition of the slave; render him comfortable and happy; make his servitude as endurable as possible, till it could be removed without inflicting greater evils on society. When that time will arrive, is best known to him who foreknows and controls human events. I would not precipitate it, to introduce the fruits of West India emancipation; besides, as a citizen of another state, I have no right, legal or moral, to interfere with the domestic relations of others; nor would I, if I had such right. Let them adjust the matter themselves, as we have done; and as I know we would not have consented that other states should interfere with our affairs, neither will I with theirs. While the black man, I hope, will always find me his friend, and ready to protect him in all his legal rights, he must not expect me to outrage, or violate the constitutional rights of the whites.

Those southern domestic relations, must be left to southern management; and in my judgment, the northern man who interferes with them, whether so intended or not, inflicts a great evil on the slave, and is in fact his worst enemy.

Whether slavery of itself be a sin, is a point on which good, and great men, both laymen and divines, have, and probably will always differ. While it is generally conceded that the negroes are an inferior race (intellectually, if not physically,) to the Caucasian; it is contended by many eminent theologians, that a state of servitude is allotted to them by a "higher law" than man can enact, which, for nearly 4,000 years has existed without change.

"Cursed be Canaan, a servant of servants shall he be unto his brethren." "Blessed be the Lord God of Shem, and Canaan shall be his servant." "God shall enlarge Japheth, and he shall dwell in the tents of Shem; and Canaan shall be his servant."—Gen. 9th chap., 25th, 26th, and 27th.

Here is a denunciation thrice repeated, to give it more emphasis and solemnity, which is significant, and no doubt has a meaning. It is supposed to refer to the descendants of Canaan, the son of Ham; and the best and most learned biblical scholars have uniformly conceded that the negro race are those descendants.

Whether that be so or not, certainly the curse or denunciation referred to individuals or nations of some description; and men more learned and wise than myself, have contended that it expressly refers to slavery, which we know has always existed. I will not assert that it refers to, or sanctions slavery, but at least it implies a degraded, inferior position, mentally or otherwise, and perhaps such a condition would be a fulfilment of the prophecy.

We know from history, sacred and profane, that slavery has existed in all ages of the world, authorized in the old, and tolerated in the new testament; yet it is a monstrous evil to both races which I hope may be removed, whenever it can be, without inflicting greater. This hope, I confess, is more like the christian hope, that the world will be converted and become better, and the millenium ushered in at some indefinite future period, than a positive reasonable expectation that such result, however desirable, will soon take place.

That the negroes are an inferior race, I cannot reasonably doubt; though this affords no excuse for buying or stealing them from their own country to make slaves abroad.

Reasoning from analogy, their inferiority in the scale of being, may be deduced from the fact, that there is a gradation, mentally and physically, from the lowest to the highest of created things. This we see in the vegetable and animal creation—it pervades the whole, and appears to be the order and economy of nature. Then when we leave the brute part, and institute comparisons between the different classes or races of the human family, where should the negroes be placed?

While almost every race except his, has advanced in civilization, arts, and sciences, he has remained stationary; and is now, where left to himself, substantially the same as he was 3,000 years ago.

The lights of Egyptian, Assyrian, Hebrew, Greek, and Roman science made no impression on him, while civilization and the arts of modern times find him scarcely an imitator, except as he has been forced to adopt them from communication with civilized men.

He has withstood the whole—and at the present day, in all the fastnesses of his native Africa, he exhibits the same stupid brutalized condition that characterized him in the first ages of the world, and that has marked his progress through the “whole course of recorded time.”

Even on the western coast of Africa, where, for nearly four hundred years, he has been brought in intimate relations with Europeans, he has scarcely emerged from barbarism, and still worships his idols; while his leading trait of character is an aptitude to steal or capture his own race, and sell them into bondage.

He can imitate, but what has he ever invented, or what talent for invention has he ever manifested?

Probably the Caffirs and Hottentots are the lowest class of humanity, and who would think of comparing them intellectually or otherwise, with the European races? Their very physical conformation, their heads, and frontlets, stamp them as beings of an inferior order. If this be so, they must remain a degraded race, even if admitted to equal legal privileges, for the laws of nature can neither be overthrown or counteracted.

If the black race are ever to be improved, it would seem to be by a forced communication with civilized life; and in this view of the question, good may eventually be derived, even from a state of slavery.

Situated as they are, in the southern states, where the slave is compelled to associate with civilized men; and conform in a great measure to the modes and habits of civilized life; I have no doubt, that take them as a race, they are far better off than an equal number ever have been in their original condition.

It may, in God's good time, be made apparent, that slavery has been permitted for some great purpose, that

shall eventually work out in his inscrutable providences, the good, and the civilization of that benighted race.

While I would not extend slavery, I am willing to abide by the stipulations of the constitution, and leave the amelioration or abrogation of the condition of the slave to the several states, who, alone have the control of the question.

In this view, I ask all good men; those who are considerate, well disposed, and who wish to preserve the rights and liberties of the country—whether opposition to the fugitive slave law is a moral or christian duty?

Can an American citizen, who has the good of his country at heart, desire or aid in producing such a result? Is it not the first duty of a good citizen to obey the law, till your courts, organized by yourselves, to decide on its constitutionality, have declared it invalid; or until you can amend or repeal it, through the medium of the ballot box. It seems to me this is the legitimate course—the only course that good citizens should desire.

Certainly you do not wish to encourage an opposition that may place life, liberty, and property, under the control of mobs, or lawless assemblages; nor do you wish to see the majesty of the laws derided.

Let me make a candid appeal, and ask you, if you have not formed hasty conclusions, such as have resulted from prejudices or pre-conceived opinions, without much reflection?

I know the great body of my readers do not desire a dissolution of the union; and yet it appears very plain to me, that this will be lost, unless we abide in good faith by the requirements of the constitution. Ask yourselves whether *you* will repudiate those com-

promises, and run the risk, and take the consequences of a disruption? Or will you adhere to engagements made by wise and good men, which many, very many of us have sworn to support! Or will we basely cast aside and trample upon those provisions, which we personally dislike, and yet, without which, the constitution could neither have been formed or adopted! Is it reasonable to expect the south to abide by the constitution, when the north violate and repudiate those provisions intended to secure southern rights and interests? It is preposterous to think so.

The truth is, we at the north have been unwilling to carry out the provisions, where they were against our opinions, and this is made painfully obvious by matters transpiring daily. If we are honest we must admit it. What else is the meaning of petitions presented to the legislatures asking for a state law "to prevent the return of fugitive slaves?" What else means the following abolition resolutions adopted in Massachusetts?

Resolved—That we rejoice with our whole hearts at the recent rescue of a man claimed as a slave in Boston, as an act just and merciful towards man and well pleasing in the sight of God.

Resolved—That we hope that this act will grow into a perpetual precedent, and that, law or no law, constitution or no constitution, union or no union; the hospitality of Massachusetts will never be violated by the deliverance of any fugitive from oppression to his tyrant again."

It has been proclaimed even from the sacred desk, that opposition to the law, and the constitutional provision, is a christian duty. Can it be possible that doctrines like this will long be tolerated by any considera-

ble number? I cannot believe it. Men will reflect, and reflection will induce other convictions.

Perhaps I am too sensitive on these subjects, but if I am, it is no new born zeal. It is at least of twenty years' standing. I am on record, and have been on this subject, for sixteen years. By referring to the democratic legislative address, drawn by me, and adopted May 24th, 1836, the following clause will be found, not inappropriate to the present state of affairs:

“Within the last year the public mind has been greatly excited on the subject of abolition. We are satisfied that the great body of the American people are sound on this question; and that they not only deprecate any interference with the rights of the people at the south, but view with disapprobation any attempt to agitate the public mind in reference to this delicate and exciting subject. We think, however, that you cannot have failed to observe in the congressional proceedings of the present session, a studied design on the part of the abolitionists to agitate this question; and a most ready acquiescence on the part of southern nullifiers, in any scheme to invite or provoke discussion. It has appeared to us, that there has been a perfect understanding between the fanatics of the north, and the nullifiers of the south, to thrust this subject before the public, with a view to detach the slave holding states from the support of the administration.

“But thanks to the intelligence and patriotism of the south, this project has found but little favor, except with a few disappointed and desperate politicians of the nullification school; and at the north, it has been abetted by comparatively few in numbers, and (in reference to its leaders) those have been principally broken down, unprincipled aspirants, who have long since, not

only rendered themselves odious, but have justly lost the confidence of those to whom they are best known.

“With a zeal untiring, and an unabated ardor for public notoriety, ‘they will compass sea and land to make a proselyte,’ but their object being political distinction, the people duly appreciate their exertions, and will consign to merited obscurity, those who attempt to rise by such base artifices and deceptions.” This was signed by every democratic member of the legislature.

Now, though I believe the feeling in every slave state, to be perfectly sound in favor of the union, and that, too, by large majorities; and though, in my judgment, it would be for the interest of each to adhere, even if the free states should violate the provision of the constitution, by refusing to surrender slaves; yet, with the present exasperated feeling on that question, I do not believe the union can, by any possibility be preserved, without the faithful performance of that engagement.

The south may well say, why shall we remain united with those who openly deride and set aside the terms of the original compact? If they violate one provision, what assurance can we have, that *all* will not be set at *nought*? Pride of feeling will come in, and even if interest should say stick by the union, for in union only, there is strength; yet it is almost certain that southern pride would revolt at the unequal co-partnership, and would go out by main force, rather than submit to disgrace, as well as injury.

Viewing as I do, the union of the states, as beyond all comparison, the most important bequest left us by the fathers of the country—the men of revolutionary times; I beseech all who so regard it, to stop aggressions at once; and though slavery be abhorrent to our

feelings, and a return of fugitives from service, a most unpleasant duty; yet let us not be aggressors on the rights of the south, and set an example of disobedience to law, which may be deeply deplored in the end.

Reasonable considerate men should reflect, and make up their minds, whether the perpetuity of the union with a restoration of kind feelings between the north and south, is not of vastly more importance to all classes, both white and black, than a severance of the interest and unity of the states, with all the concomitants of civil war, and bitter hatred, which must inevitably follow.

“The dissolution of the union.” Have the citizens of the different states, north or south, properly considered the direful consequences that must follow such an event?

The union resulted from a consciousness that it was indispensably necessary to the whole country. It was consecrated by the blood of the revolution, which, shed for a common cause, carried with it cohesive powers that consolidated the mass. That union once disrupted, and by force too, if broken up at all, in all human probability can never be again consummated. The blood that will be shed in collisions between the states, will have lost its cohesive qualities, and henceforth will have become repulsive and antagonistical.

A dissolution of the union, of all political calamities, would be the greatest. To say nothing of the civil wars that must inevitably follow; and the border hostilities that collisions of feeling and interest must constantly engender; it would annihilate all the bright hopes of the apostles of liberty. It would render of no avail the blood and treasure of the revolutionary struggle; for how could we appeal to other nations, and talk of the

blessings of liberty, when we had made so calamitous a use of it ourselves? We are all of the same race scattered through the different states, but united in interest, in language, in the social relations of life, and bound up in one common destiny.

A dissolution would blot out the stars, and efface the stripes of our glorious flag; and the eagle if allowed to remain as the representative of a fragment of the now favored confederacy, would no longer be the bird of Jove, invested with power; but rather of weakness and degeneracy. Spirit broken and disgraced, the noble emblem, thus far the harbinger of victory and national glory, would flee to a more generous people, or remain as a sad memento of the glories of the past.

Who would become the depositors of those works of art that illustrate and perpetuate our onward march, and excite the pride and veneration of the beholder, whether from the north or south?

Marius sitting solitary and degraded among the ruins of Carthage, has in all ages been regarded as a melancholy spectacle of the reverse of human greatness.

But how inferior would the misfortunes of that great man of antiquity appear, to the sad exhibition which the dismemberment of this republic would present?

Its splendor effaced, its laws violated, intestine commotions within, weakness substituted for strength without; the sturdy pillars that supported the political arch prostrated, disjointed, and in ruins; while desolation overspreading the whole, would write *mene tekel* on all our former greatness. I trust in God that such a result, so dire and calamitous, shall never be realized.

After all what benefit have we of the north gained by agitating the slavery question, except the assertion of an abstract principle, and the acquisition of a few fugitive slaves, which we did not want?

I will not argue this point, for no man of truth and common sense will pretend that any practical good has resulted; or that we have acquired anything beyond the unenviable distinction of evading, or violating the compromises of the constitution.

But what benefits have accrued to the slaves?

Nothing beyond the escape of a few, the greater part of whom, I have no doubt, have not improved their condition; while northern agitation, and bad faith to the south, have riveted the fetters of the slave with tenfold severity, on the great body of them; have induced laws and police regulations more strict and penal, and put far off their emancipation in states, which if left to themselves, would have sanctioned a gradual abolition.

Even in Delaware, where they seemed prepared to liberate the whole, and where it would seem they might be set free without injury to any one, it is very doubtful whether the proposition could now be sustained. While in Maryland and Kentucky, slave holders, abused and tantalized, their property stolen, or spirited away, have become callous in feeling from repeated abuses, so that to all human appearances, slavery is now more firmly fixed than ever. I would not do on command of an intermeddler, what I might think right of itself, and which I might cheerfully yield on request. I should be more likely to break the head of him for his insolence, who would rudely command, than to yield acquiescence. In other words, I would do no such thing on compulsion; and so it is, and will be, with the south. We have no right to interfere with their affairs, and they will refuse to listen to our suggestions, for the reason that we are "busy bodies in other men's matters."

If abolitionists intend to repudiate the constitution, and resist, or encourage others to resist the laws of the

land, (and that seems to be their intention, if their blustering means anything,) let them do so openly, and take their chance of punishment. Let them so act as to acquire a patriot's name; if it be successful, revolution; or let it be rebellion and a halter, if they fail.

In this position they will be respected for courage, if for no other quality. But let them not pretend to acquiesce in the union of the states, and claim and enjoy protection of life and property from its laws, while withholding obedience to them, and exhorting to disobedience. They have been zealous in their teachings that it is sinning against God, against light and knowledge, and outraging the monitions of conscience, to obey the requirements of the constitution.

If an attachment to the union, and a determination to adhere to and fulfil the requirements of the constitution, be sinful; then, beyond a peradventure, I am "one of the wicked."

While, if claiming and enjoying protection, and swearing to support the constitution, yet evading, and encouraging others to resist the laws and nullify its provisions, thereby putting the peace of the country, and the stability of its government in jeopardy, be sinful; I know of no condition so deserving of reprobation here, or hereafter, as should be visited on such transgressors.

In the latter unenviable condition, I look upon the out-and-out, half crazed abolitionists; and have no great doubt that they will be so regarded by the enlightened and unbiased judgment of the country, and of posterity.

CHAPTER XXX.

Reflections in regard to the war with Mexico.

THE annexation of Texas we all know, led to the war with Mexico. When the project was first started for bringing Texas into our union, and thus getting back an immense territory that we had ceded away, it met my decided approbation. I was desirous of avoiding a war, but wanted Texas in almost any event; and it appeared unreasonable that Mexico, weak as she was, should so pertinaciously object.

Texas came into the union by compact between that and our own government; the war followed, and an additional territory was acquired, sufficient for an empire.

A few reflections in regard to that war, its commencement, prosecution, and conclusion, may not be out of place.

That a war would be the result of the annexation of Texas, was apparent in 1844, from the pertinacity with which the Mexicans asserted their claim to the territories represented by the "lone star," and their refusal to acknowledge an independence already achieved.

The United States, England and France, had recognized Texas as an independent government; and it was a foolhardy effort on the part of Mexico, to keep up a claim to that country, from which they were more likely to be invaded and harrassed, than to invade and recover the revolted province. Mexican pride, however, was aroused; and when Texas was admitted to

fellowship with the states represented by the stars and stripes, Mexico, weak as she was, blustered, and seemed to think a resort to arms necessary to sustain her reputation, even if she perished sword in hand.

She voluntarily assumed that attitude; and if her spirit is admired, her prudence, and her efforts in the desperate conflict, will afford no flattering reflections to her national pride, or give assurance to the world that she can sustain herself hereafter.

The contest resulted very much as was to be expected. President Polk was aided by a cabinet of extraordinary talent. Mr. Walker at the head of the treasury, managed it with a skill and success rarely equalled, and never surpassed. While Governor Marcy, in the war department, conducted it, and in conjunction with military men called into council, matured the government plans for the campaigns, with an energy and forecast, that shewed him eminently qualified for the important position he held. War being declared, the great body of the whig party, though they disapproved of it, yet resolved to support it till brought to an honorable conclusion.

National pride was excited, and the whigs did not play the fool as the federalists did during the war of 1812, but generally voted the supplies. The first military talent of the country was put in requisition; and, while Generals Taylor and Scott headed the principal armies, they were seconded by Generals Wool, Worth, and other subordinates, whose brilliant exploits, and chivalric bearing, would have conferred honor on any service.

The troops, too, though most of them new recruits, or volunteers, were invincible; and Mexico harrassed and annoyed by our navy in the gulf, and on the

Pacific, and pressed by the armies within her territory, was soon at the mercy of the invaders. Her capital taken, her armies defeated and dispersed, her treasury exhausted, and the spirit of her people broken, we might as well have subjugated the whole, and retained the whole, as to have made peace by purchasing California and New Mexico, then subdued and in our possession. It was understood that Yucatan, harrassed by her Indian population, would cheerfully have come into our union; and I am by no means certain, but it would have been better for our own country, after so nearly subjugating Mexico, to have sent ten or fifteen regiments more of volunteers, who with the armies there, and the fleets on the coast, would have conquered the whole country. It would have been for the interest of Mexico, however revolting to its pride, to have been brought under, or in connection with, a strong government like ours. We should probably have had no more difficulty among ourselves in adjusting matters in reference to the slavery question, than we have had in regard to New Mexico, California, and the Texas boundary.

As to the morality of the act, I do not see that we should have been in fault, so long as we treated the conquered people with humanity, and improved their condition, as we should have done, had they been annexed to the union. Mexico when she crossed the Rio Grande in hostile array, took the chance of war; and had she been entirely conquered, and made part of ourselves, it would have been but the result of the hazard on which she ventured to stake her political existence.

It is no new thing for the sword to serve as arbiter to settle the fate of provinces and empires.

It appears not only probable, but almost inevitable, that the whole of Mexico will ultimately be absorbed and brought under our control, making part of our confederacy.

Such an event with the consequent infusion of Anglo-American spirit and enterprise, would make Mexico what she ought to be, (but what she never will be under her present laws and system of government,) one of the finest portions of the American continent.

I have been told, that Mr. Secretary Walker took this view of the question, in cabinet council; and was for subjecting and annexing the whole, but whether that was so in point of fact, I have no certain knowledge; though I think such was the case, for a man of his enlarged views, would very likely be of that opinion. It has been intimated that he contended, after we were in possession of the Mexican capital, that a reasonable tariff on Mexican importations, to be levied under our laws, or laws regulating military operations, would enable us to prosecute the war to the subjugation of the whole of that country, without being burthensome to this. If any man could have consummated such a result, Mr. Walker could.

Mr. Polk and his cabinet did not favor so bold and grasping a project, and perhaps it is best that they did not; as it is not certain that public opinion at home, would have sustained that policy.

There were, certainly, difficulties and prejudices in the way. Our domains were already so extensive, that good and wise men feared that it would break to pieces from its own weight and extension.

Then there was the objection from the difference of races, the prejudices naturally existing, and those that would likely spring up from a difference in language,

laws, religion, habits of life; and, in short, everything that mark the lines of distinction between two nations, in almost every respect so dissimilar.

In addition to all this, very serious objections would have been raised, particularly at the north, against enlarging our domains so much at the south, under an apprehension that slavery might be carried there, and thus create an overbearing influence in our national councils; while, as slavery had been abolished and proscribed in Mexico, our southern states might have objected to the acquisition under a belief that slavery would still be excluded, and thus the southern slave holding states would in a measure, be swallowed up by the free states at the north and the free Mexican states. With these different views and prejudices, it was probably best not to press the matter to extremities, and thus create prejudices at home, prolong the war with Mexico; and, perhaps, had a disposition manifested itself, for the final conquest, a war might have been provoked with England, if not with other European powers.

On the whole, Mr. Polk, in negotiating for a peace, and acquiring, as he did by purchase, California and New Mexico, probably better met the views of the American people, than he would by protracting the war, for the purpose of acquiring more, or even the whole.

Still I do not believe it possible to arrest our influence, our progress, or our acquisition of more southern territory; nor will Cuba cease to be regarded as a most desirable acquisition by a large proportion of our people, and I am by no means certain but that even the New Englanders as well as the south, may become reconciled to the acquisition. We have lost none of the

Anglo-Saxon propensity for good land ; and New England, shrewd, calculating, and money-loving, as well as money-getting, would be quite likely in the end, to be governed by what she should deem her interest ; and that interest, I have no doubt, would be promoted by the acquisition of Cuba.

That fine island with the whole of the Mexican states are within our reach, and within the track of our extended commerce.

The isthmus that divides the Atlantic from the Pacific, should belong to a people who would open that, as a thoroughfare for the commerce of the world.

To our country it would be invaluable, in reference to free communications between our eastern and western possessions, as well as to eastern Asia. We ought to have it, and it is probable that the sentiment will become so prevalent that pretexts, will be found for its acquisition.

Negotiations most likely will be resorted to, within a few years, to consummate peaceably what appears to be coming along by "manifest destiny." Whenever it can be done, and Cuba and Mexico can be acquired and absorbed, without disturbing the harmony of the present states of this great republic, and without war or ill will among other nations, I hope to see the whole accomplished.

THE END.



APPENDIX A.

IN my first chapter, speaking of the battle of Bennington, an intimation is given of an appendix, giving some further details. It is an old hacknied subject, but at this day almost any incident connected with the revolutionary struggle, when brought out in detail so as to present personal actions, is read with interest, particularly by the rising generation.

That battle had incidents, that I have heard talked over so often by my parents, that I have always felt a deep interest in them; and being so intimately connected with my birth-place, the reader must excuse me for briefly referring to them.

Burgoyne, as is well known, advanced from Canada with a powerful and well appointed force in the early part of June, 1777, intending to open a communication by the way of Lake Champlain, with Albany, and thence with New York.

In every respect, except cavalry, his equipment was perfect; but this arm was deficient for the want of horses, a portion of which he expected would be sent after him from Canada, and the residue he intended to procure as he advanced into the settled portions of New York.

The latter part of June he arrived before Ticonderoga, which from the extent of its works, and the inadequate force under General St. Clair, was incapable of sustaining a protracted siege.

Before it was fully invested, the American general under the advice of a council of war, evacuated the fort, and retreated towards the head of Lake Champlain; but his rear guard, under Col. Warner, was vigorously attacked at Hubbardton, and defeated with considerable loss after an obstinate defence.

Col. Warner retreated to Manchester, Vermont, while the main body of the Americans proceeded to Skenesborough,

and thence by the way of Wood Creek to the Hudson river. Burgoyne pursued, but his progress was greatly impeded from the want of provisions and munitions of war, and the means of transportation, as well as from the destruction of bridges, and obstructions by fallen trees across the road by the retreating Americans.

On reaching the Hudson, after waiting for provisions and stores to be brought from his rear, he advanced slowly and cautiously down the river; and on arriving at a suitable point, detached Cols. Breyman and Baum with a strong force of Hessians, in the direction of Bennington. They were accompanied by a large number of Indians, who were sent forward as scouts and rangers. Breyman encamped at Batten Kill, while Baum, with his Hessians and Indians, pushed on through Cambridge and White Creek, to Hoosic, within a few miles of Bennington.

The object of the expedition was to capture a large quantity of provisions and military stores collected for the American army; also to drive back the militia who were concentrating there in considerable force, and thus free the left flank of the royal army from their annoyance. A further object was to give countenance and support to those who were supposed to be well affected towards the English government, who were erroneously estimated by Col. Skene, a loyalist officer, as five to one; and a still further object was to provide horses, as it was intended to organize a corps of dragoons, a considerable portion of Baum's force having their dragoon swords with them, as well as muskets.

My grand-parents on my mother's side, resided in Cambridge, on the route that the enemy would take, and as they advanced, the country was filled with alarm and consternation. The cattle and live stock of all descriptions were driven off into Vermont, the iron ware and kitchen furniture buried and hid in the garden, while the wagon was placed before the door, where the horses were standing with their harness on, ready to start at a moment's warning. On the 13th or 14th of August, 1777, a man on horseback riding rapidly from

the rear, came to warn the family to flee; telling them to be off at once, as the Indians were approaching, and were within a mile of the dwelling. Beds and bedding were hastily thrown into the wagon, and the family on top of them drove off towards Bennington.

As they went forward, they found the inhabitants flying like themselves; and soon after met a detachment of Americans under Col. Gregg, who had been sent forward by Gen. Stark, to the number of two hundred, to oppose and harrass the Hessians and Indians. My mother, then about twelve years old, has often described the alarm that pervaded all classes. In the ranks of those who were advancing to check the enemy, were many so young that they appeared like boys, several of whom were crying.

Baum pressed on, and Gregg and his detachment fell back, when on arriving at the Wallomsack Creek, where the battle was subsequently fought, the Hessian commander alarmed at the numbers in his front, halted and intrenched himself on the heights, and sent back for reinforcements. This was the 14th of August, during which day there was much skirmishing, so that he lost thirty men killed and wounded, two being distinguished Indian chiefs; one of whom was shot from the field of grain, as related in the first chapter. Stark with his regiment lay in front of the Hessians, and he was aided by several small regiments.

Col. Warner was still at Manchester, but had been requested to march forward to co-operate with Stark. It rained nearly the whole day on the 15th, which rendered the roads almost impassable, so that Warner did not arrive in time for the principal action, as it was a long march and he had to halt to rest and refresh his men, to clean and prepare their arms, and to furnish them with fresh ammunition, their cartridges having become wet and unfit for use. The same rain equally retarded the advance of Breyman, who did not reach the scene of conflict until Baum had been attacked and defeated.

He had skilfully selected his ground where he had intrenched his party, consisting of upwards of five hundred well armed

and disciplined Hessians, with more than one hundred Indians; and he was aided by a strong force of Tories, who constructed and posted themselves behind a breastwork.

He had also two pieces of field artillery judiciously stationed to defend his intrenchment.

His object was to maintain his position till the re-inforcement should arrive, while the object of the Americans was to overwhelm him before that arrival.

Though Warner's regiment was not present, Stark determined to attack the enemy, and preparatory thereto Col. Nichols with two hundred men was sent to the rear of the left of the Hessians, and Col. Herrick with three hundred to the rear of the right, with orders to unite by a flank movement as they advanced to the attack, and thus enclose the Hessians and Indians, and cut off their retreat.

Cols. Hubbard and Stickney, with about two hundred, were still farther to the right, and were to attack from that quarter; while about one hundred were to advance and attack in front. Gen. Stark commanded the whole, and led one of the latter columns into action. The object in attacking the enemy from the rear was to drive him still farther from his expected re-inforcements, in case he could be forced from his intrenchments.

The Americans were undisciplined, nearly all direct from their farms; poorly armed, the most of them without bayonets, and many of them with fowling pieces only. But they were stern, resolute, reflecting men, who not only believed their cause just, but that it was a religious duty to fight stoutly in defence of their families and their homes, as well as to maintain their political rights.

In addition to these considerations they were incensed in the highest degree against the Hessians, who were regarded as mercenaries; while the barbarities of the Indians were such, that it needed no incentive to stimulate a desire to exterminate them, as well as the Tories.

To induce his men to act more vigorously however, Stark promised them the plunder and spoils of the enemy. The

action commenced about three o'clock in the afternoon, by a vigorous charge on all sides of the enemy's works. The firing was incessant, not in volleys or platoons by the Americans, but indiscriminately; each man loading and firing as fast as he could, and taking as deliberate aim as possible.

My father, who was very near the scene of action, and could hear every gun, used to compare the incessant reports with the constant snapping of hemlock brush when exposed to fire.

In the midst of all the din of small arms, the field pieces were admirably served, and kept booming away at the advancing Americans. They pushed forward cautiously towards the breastworks and intrenchments, sheltering themselves wherever a shelter intervened; but to render their attack successful it was necessary to advance and come to close work as soon as possible, for the Hessians and Tories were mainly protected.

The Indians finding themselves likely to be enclosed by the divisions of Nichols and Herrick, which were closing up, broke through between them, and scampered off at the early part of the action, running through the briar field as formerly mentioned. A battle probably excites and brings out the human passions with an intensity beyond any other incident in life. It is a struggle where human existence is at stake, besides other minor considerations that excite and stimulate to action.

Near the intrenchments was a field of standing flax, which having grown high and luxuriant afforded a covering, and slight protection to a party of Americans, who crept through it; when on emerging from it, they were within a few rods of the enemy. The commandant of the party immediately sprung on an adjoining stump, and swinging his hat round his head in a frantic manner, cried out with stentorian voice, "there they are boys, put it into them, put it into them," accompanied with the most horrid oaths and imprecations.

Being so near the enemy, and exposed to his fire, it was necessary to advance upon him at once or to retreat; and the former course was adopted; for the brown muskets soon cross-

sed the rampart and raked the intrenchments. The action lasted nearly three hours, and when the Hessians had exhausted their ammunition, they resolutely charged with their dragoon swords.

Their efforts however were vain, as they were driven from their works and retreated in disorder, followed by the Americans; who intent on the promised plunder had become broken and in confusion. At this critical moment, and not far from sundown, Breyman approached with a strong force, bringing with him two other field pieces.

It fortunately happened that about the same time Col. Warner arrived with his regiment, which being led against Breyman, the action was resumed, and the Americans who had broken in pursuit of Baum's party rallied, and were again brought into action. Breyman defended himself with bravery, but was forced to fall back with the loss of his artillery, and many of his men who were killed, wounded, or taken. The defeat was complete, and nothing saved his whole corps from absolute destruction but the darkness of the night.

Baum had been mortally wounded, and the result of the battle was to the Americans most auspicious. They took four brass field pieces, twelve brass drums, four ammunition wagons, two hundred and fifty dragoon swords, more than one thousand muskets, and seven hundred prisoners. The Americans lost in killed and wounded about one hundred. The Hessians, Tories and their Indian allies, between two and three hundred; of whom a large proportion of those killed at the breastwork and in the intrenchments were shot through the head. About three hundred of both parties were left on the field.

In this contest whole families were engaged. The father of the late Joshua Hathaway, of Rome, Oneida county, was there, with five or six of his sons; all of whom I believe escaped unhurt. A clergyman, with a large proportion of his congregation, from a western town in Massachusetts, was also in the hottest of the fight.

At Bunker Hill, a little more than one thousand raw troops

had defended their intrenchments against more than three thousand regulars, till their ammunition was expended ; while here, in the words of an English historian, “ about eight hundred undisciplined militia without bayonets, attacked and routed five hundred regular troops, advantageously posted behind intrenchments, furnished with the best arms, and defended by two pieces of artillery.” And he ought to have added, assisted by Indians and a large body of Tories.

This was the first check that Burgoyne had met with, and in its consequences was most fatal ; for his force was weakened by more than one thousand men ; his operations crippled and restricted to the immediate vicinity of his head quarters ; while the influence on the Americans was electrical. It gave them confidence ; they rallied as one man, and forming a network around, so entangled him in their meshes, that after two desperate and hard fought battles, he was compelled to surrender in less than two months after the affair at Bennington.

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