

A C T S

OF

James O. Smith

A S S E M B L Y,

PASSED in the

Province of *NEW-YORK*,

From 1691, to 1718.

G R



C. H. ... 1840

L O N D O N,

Printed by *John Baskett*, Printer to the Kings most Excellent Majesty, And by the Assigns of *Thomas Newcomb*, and *Henry Hills*, deceas'd. MDCCXIX.

I N D E X

T O

New-York Laws.



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- An Act for Reviving an Act of General Assembly of this Province, Intituled, An Act to prevent Damages by Swine in the County of Westchester, Queens-County, and the County of Richmond.* 160
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- An Act for the Paying and Discharging the severall Debts and Sums of Money claimed as Debts of this Colony, to the severall Persons therein named; and to make and enforce the Currency of Bills of Credit to the Value of Twenty seven thousand six hundred and eighty Pounds, for that Purpose; also to make void all Claims and Demands made or pretended to be due from this Colony before the First Day of June, One thousand seven hundred and fourteen; and to prevent this Colony from being in Debt for the future.* ibid.
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- An Act to enable Sarah Crego, the Widow of Richard Crego, late of New-York, Mariner, deceased, to sell a Lot of Land in the said City.* *ibid.*
- An Act for declaring John Sloss Free from the Duty of Tonnage.* 216
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- An Act for the Encouraging Navigation.* *ibid.*
- An Act for Reviving an Act, Intituled, An Act for the better Settling the Militia of this Province, and making it more Useful for the Security and Defence thereof; and for Repealing all former Acts heretofore made in this Province relating to the same.* *ibid.*
- An Act for the Treasurer's Paying several Persons therein named; and for Paying the Excise in Arrear to the Treasurer.* *ibid.*
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- An Act for Repairing the County-House and Prison in the County of Ulster.* *ibid.*
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- Pass'd
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- An Act for Continuing an Act, Intituled, An Act for the easier Partition of Lands in Joynt-Tenancy, or in Common.* ibid.
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- An Act for the better Repairing the Fortifications of the City of Albany, and Providing their Military Watches with Fire-wood.* ibid.
1717. *An Act to enable the Mayor, Aldermen, and Commonalty of the City of New-York, to raise the Sum of Five hundred Pounds, for altering the Course of the Common-Sewer at the End of the Broad-street; and for Cleansing and Scouring the Dock of this City.* 229
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An Act to clear a Sloop upon the Stocks in the Province of New-York, belonging to Colonel John Johnson, from the Duty of Tonnage. ibid.

An Act declaring a Sloop called the Good Intent, built at Newport in Rhode-Island, belonging to Messieurs Benjamin Faneuil, Thomas Bayeux, Andrew Frefneau, and David Minvielle, Free. ibid.

An Act to enable Mary, the Widow and Executrix of John Corbett deceas'd, to Convey and Assign a certain Dwelling-House and Tenement, and the Ground thereunto belonging, situate and being on the West-side of the Broad-street in the City of New-York. ibid.

An Act for Building a County-House and Prison in Dutchess-County. ibid.

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- An Act to invest the Property of a certain Dwelling-House, and Ground thereto belonging, in the City of New-York, in Daniel and Christopher the Sons of Daniel Robert decess'd.* ibid.
- An Act for the further Enabling Thomas Whitehead to sell and dispose of some part of the Lands, devised to him by his Father, under the Limitation of a general Entail.* ibid.
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An Act to enable the Treasurer of this Colony to remit Ambrose Philips Esq. the Sum of One hundred eighty seven Ounces and one half of Plate, for the Service of this Colony. Pass'd 1718, Page 291.

An Act for Paying the Quantity of Fifty three Ounces and one half of Plate unto Johannes Van Zant, and the Quantity of Twelve Ounces and one half of Plate unto Willempie Uyden Bogart, Widow. ibid.

An Act for Settling the Boundaries between the Lands granted by Patent unto Cornelius Coel, Adrian Gerritse, Matthias Ten Eyck, Jacobus Du Bois, Johannes Schipmoes, Roeloff Swartwont, Cornelius Lammerse, Peter Pieterse, Lawrence Oousterhout, and Jannetse Newkirk, situate, lying and being in the County of Ulster, commonly called the Town of Hurley, and the Lands granted by Patent unto Colonel Henry Beekman, Captain Thomas Garton, and Captain Charles Broadhead, Trustees for and on the behalf of the Inhabitants of the Town of Marble-Town in the County of Ulster aforesaid. ibid.



STATE OF NEW YORK.
OFFICE OF THE
COMMISSION OF STATUTORY REVISION.

Albany, October 14, 1897.

Release,
Bureau of the
Commission

Dear Sir:

In 1891 the Legislature directed the Commissioners of Statutory Revision to republish the Laws of the Colony of New York. Many of the colonial laws had been previously published by private enterprise, and in a fragmentary way, but this was the first attempt at a complete publication of colonial legislation. The commissioners began the work at once and prosecuted it as diligently as circumstances would permit, taking into consideration the character of the work and their duties in connection with the general revision of the laws of the State. The task of copying and compiling the colonial laws was a slow and difficult one, involving a careful examination of early manuscripts, and requiring most exact attention. The original law provided for a limited distribution, but as the work progressed, and its importance and value became more manifest, it seemed to the commissioners that the range of distribution should be extended. A bill was accordingly prepared, amending the original law, and providing for a wider distribution. This bill was passed, and became chapter 400 of the Laws of 1897. It charged this commission with the duty of distributing copies of the laws to various libraries, educational institutions, the members of the legislature, and to State, department and other officers. We have also made a further distribution, including historical and colonial societies, and public libraries, where the people generally may have access to the work. These books contain invaluable historical records of the earliest period in our history, and present an interesting field for the study of the political and judicial development of the colony, and also the social conditions incident to pioneer life. We have sent sets of the laws to several prominent educational institutions outside the State, and through the medium of the State Library a further distribution will be made to each State in the Union, and to several foreign countries.

A set of the laws has been sent to your address. For the purpose of preserving a record of the distribution, and of aiding us in presenting to the legislature a proper report concerning the trust committed to us, we hope you will do us the favor to sign and return to this office the inclosed receipt.

Very truly yours,

CHARLES Z. LINCOLN,
WILLIAM H. JOHNSON,
A. JUDD NORTHRUP,

Commissioners.

THE
COLONIAL LAWS

OF
NEW YORK

FROM THE
YEAR 1664 TO THE REVOLUTION,

INCLUDING THE
CHARTERS TO THE DUKE OF YORK, THE COMMISSIONS AND IN-
STRUCTIONS TO COLONIAL GOVERNORS, THE DUKE'S LAWS,
THE LAWS OF THE DONGAN AND LEISLER ASSEM-
BLIES, THE CHARTERS OF ALBANY AND NEW
YORK AND THE ACTS OF THE COLO-
NIAL LEGISLATURES FROM 1691
TO 1775 INCLUSIVE.

VOLUME I.

TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIONERS OF STATUTORY
REVISION, PURSUANT TO CHAPTER 125 OF THE LAWS OF 1891.

ALBANY:
JAMES B. LYON, STATE PRINTER.
1893.

THE FOLLOWING TITLE WAS
MICROFILMED FROM THE HOLDINGS OF
BROWN UNIVERSITY

STATE OF NEW YORK.

No. 107.

IN ASSEMBLY.

REPORT

OF THE

COMMISSIONERS OF STATUTORY REVISION.

STATE OF NEW YORK:

To the Legislature:

In accordance with chapter 125 of the Laws of 1891, we have the honor to present herewith the Report of the Commissioners of Statutory Revision, relating to the publication of the Colonial Laws.

Respectfully yours,

CHARLES Z. LINCOLN,
WILLIAM H. JOHNSON,
A. JUDD NORTHRUP,

Commissioners of Statutory Revision.

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EXPLANATORY NOTE.

The Statutory Revision Commission was directed by chapter 125 of the Laws of 1891 to republish verbatim, preserving the original spelling and punctuation, the statutes of the Colony of New York, from the foundation thereof to the adoption of the first Constitution.

There has never been a complete publication of the colonial laws of New York. In the year 1694, William Bradford, who was then public printer of the colony, published the laws enacted by the colonial legislature since its first session in 1691. There are but seven copies of this edition known to be in existence, one in the library of the Historical Society of Pennsylvania, one in the library of the New York Society, one in the Lenox library, one in the State library at Albany, one in the office of the Secretary of State at Albany, one in the possession of Mr. Bernheim of New York, and one owned by Mr. John Boyd Thacher of Albany. The copy owned by Mr. Bernheim has been reprinted in fac simile by the Grolier Club of New York, under the supervision and editorship of Mr. Robert Ludlow Fowler. This reprint is referred to in the notes preceding the chapters as "Fowler's Bradford." The copy in the State library was purchased by the State at the sale of the library of Mr. Brinley of Hartford, Conn., its former owner, and is referred to in the notes as "Brinley's Bradford." It contains most of the session laws down to the year 1710, bound in with the original publication of 1694. Other editions of the session laws were published from time to time by William Bradford, and references in the notes are to editions contained in the State library, Albany.

Another publication of the colonial laws, known as Baskett's edition, was made in London in 1718.

In the year 1752, Livingston and Smith, under the direction of the colonial legislature, published the colonial laws then in force, enacted by the colony from 1691 to 1751, inclusive. In the year 1762, the same editors published the colonial laws enacted since 1751 down to and including the 22d day of May, 1762. In the year 1772, Peter Van Schaack was directed by the legislature to

publish all the colonial laws then in force, and in the following year such publication was made by him, including the laws enacted from 1691 down to and including March 8, 1773.

The subsequent laws of 1774 and 1775 were published by Hugh Gaines, the public printer, a copy of which publication is in the State library at Albany.

All of the foregoing editions contain the full text of the laws in force at the date of publication, acts that had then expired being referred to by title only. As it was the custom to enact laws for a limited period, many important acts expired before any publication of the laws was made; and as a result any publication or all publications of the colonial laws heretofore made contain but a comparatively small proportion of colonial legislation.

The Revision Commission has taken the edition of Van Schaack as a basis of this publication, so far as the arrangement and chapter numbering are concerned. Every act, however, of which the original or a copy is known to be in existence has been printed in full.

The Commission has also deemed it to be within the scope of its authority to publish the laws of the government of the colony from the first English occupation in 1664 to the General Assembly of 1691. These include the charters to the Duke of York, the commissions and instructions to the colonial governors, the Duke's laws for the government of the colony, the laws passed by the Assemblies of 1683, 1684 and 1685, sometimes known as the "Dongan laws," and the laws of the Leisler Assembly of 1689 and 1690. The Dongan charters of the cities of New York and Albany, and the Montgomery charter for the city of New York are also printed as laws of the dates when granted or confirmed.

It will be observed that the note preceding each chapter indicates former publications of the chapter, so that comparison can be made if desired.

The first sixty-three chapters of the laws, beginning with the year 1691, except when otherwise stated in the note preceding a chapter, have been copied from the parchment-rolls in the State library. The Commissioners have been unable to obtain any trace of the originals of these laws. They were probably transmitted to England for royal approval, and these parchment copies preserved for the use of the colony. At any rate the parchment-rolls now in the State library, but formerly in the office of the Secretary of State, appear to be the official and best evidence of the text of the originals.

EXPLANATORY NOTE.

The laws subsequent to chapter 63, except where otherwise stated in the note at the beginning of the chapter, have been copied from the original manuscripts in the office of the Secretary of State.

It will be observed from the notes that in a few instances the original has been lost. In such case a copy has been made from whatever source the Commissioners deemed most authentic. The note at the beginning of each chapter also indicates whether the chapter is a continuation or a revival of a former act, and generally anything of interest in reference to the chapter that may have come to the observation of the Commissioners. Under the subject title in the index, every revival, continuation, explanation, amendment or repeal of an act has been indicated, and it is believed that the history of a particular subject of legislation may be readily and thoroughly traced by the use of the notes and index. The index also contains the name of each person referred to in the legislation of the colony. It is believed that this will add greatly to the historical and genealogical value of the publication.

The acts of the colonial legislature, except as affected by amendment or subsequent repeal, continued in force until 1828, when it was enacted by chapter 21 of the laws of that year, that "no statutes passed by the government of the late Colony of New York, shall be considered as a law of this state." As affecting titles to real estate or as constituting irrepealable contracts, some of the laws may, however, still be in force; but for the most part this publication is of a greater value from a historical than from a legal standpoint.

The following note contains a sketch of the history and development of representative government in the colony.

HISTORICAL NOTE.

[By ROBERT C. CUMMING.]

Verrazano, a French explorer, cruised up the American coast in 1524, and from a report describing his voyage to the French King, it is inferred that he entered New York bay. No attempt was made, however, by the French government, to occupy the territory nor to claim sovereignty over it, and whatever rights may have been initiated by discovery, lapsed by nonuser.

Hendrick Hudson, an Englishman in the employ of the Dutch East India Company, sailed from Amsterdam in the Half Moon on April 4, 1609. On the third of September, he entered New York bay, and from thence sailed up the Hudson to a point near Albany. After the discovery by Hudson, no immediate attempt was made by the States General to appropriate the territory. For several years trading vessels were fitted up by individuals, and as early as 1613 a trading post was established on Manhattan Island: In 1614 the States General granted to an Amsterdam Company the exclusive privilege from the first of January, 1615, to frequent the newly-discovered lands "situated in America between New France and Virginia whereof the sea-coasts lie between the fortieth and forty-fifth degrees of latitude." The charter expired in 1618. On the third of June, 1621, the States General granted a charter to the West India Company, providing, "That for the term of four and twenty years, none of the natives or inhabitants of these countries shall be permitted to sail to or from the said lands or to traffic * * * in the countries of America, or the West Indies * * * but in the name of this United Company of these United Netherlands."

The charter further provided that "the aforesaid company may in our name and authority, within the limits hereinbefore prescribed, make contracts, engagements, and alliances, with the princes and natives of the countries comprehended therein, and also build any forts and fortifications there, to appoint and discharge governors, people for war, and officers of justice, and other public officers, for the preservation of the places, keeping good order, police, and justice, and in like manner for the promotion

HISTORICAL NOTE.

of trade; and again, others in their place to put, as they, from the situation of their affairs, shall see fit: moreover, they must advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require: and the company shall successively communicate and transmit to Us such contracts and alliances as they shall have made with the aforesaid princes and nations; and likewise the situations of the fortresses, fortifications, and settlement by them taken."

"Saving, that they have chosen a governor-in-chief, and prepared instructions for him, they shall be approved, as a commission given by Us: And that further, such governor-in-chief, as well as other deputy governors, commanders, and officers, shall be held to take an oath of allegiance to Us and also to the Company."

It thus conferred upon the West India Company powers of local sovereignty over the territory of New Netherlands, subordinate only to the authority of the States General. For many years thereafter or until the occupation of New York in 1664 by the English, New Netherlands was governed by the directors and agents of the West India Company, in pursuance of its charter. The laws and ordinances for the government of the province conformed generally to the jurisprudence of Holland. Many of these have been lost, but a large number have been translated by Dr. O'Callaghan, and printed in a volume entitled "Laws and Ordinances of New Netherlands."

No attempt will be here made to describe the government of the province under the Dutch. [For a thorough discussion of the subject, see note by Robert Ludlow Fowler, introductory to a "Fac simile of the Laws and Acts of the General Assembly &c of New York, as printed and sold by Wm. Bradford, 1694," published by the Grolier Club of New York.]

Although at the time of the grant to the West India Company, no actual occupation of the territory embraced within its terms had been made by any other nation, the Dutch never held undisputed sovereignty over New Netherlands. Occupying the territory lying to the north and south, the English could not but view with jealousy and distrust, the possession of the intervening lands by a foreign power. In fact, it was always assumed by the English, that the title to New Netherlands was vested in the Crown of England and that the Dutch occupation was a mere usurpation. The subject is of considerable interest in determining whether the Dutch laws continued of force within the province after the occupation by the English in 1664. If the sovereignty of the territory had been theretofore vested in the Dutch, their laws would obtain within the territory until abrogated by the conqueror, in accordance with the familiar principle of

HISTORICAL NOTE.

international law. On the other hand if the Dutch were mere trespassers on a territory the sovereignty of which was in the Crown of England, their whole system of government and law became null and void when the English possessed the territory. [For a discussion of the subject, see introductory note by Robert Ludlow Fowler, in a "Fac simile of the laws and Acts of the Assembly &c," published by the Grolier Club of New York.]

Upon the assumption that the sovereignty to the New Netherlands was vested in the crown of England, Charles II, on the 12th of March, 1664, granted to his brother, the Duke of York, the territory embracing Long Island and New York. [For charter in full, see p. 1.] By the terms of the charter the Duke of York, his heirs, deputies, agents, commissioners and assigns, were empowered "to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves into any the part or places aforesaid * * * according to such laws, orders, ordinances, directions and instructions as by our said dearest brother or his assigns shall be established * * * so always as the said statutes, ordinances and proceedings be not contrary to but as near as conveniently may be agreeable to the laws, statutes and government of this our realm of England." The charter further empowered the Duke of York to appoint governors and other officers, and generally to establish a local government within the territory embraced in the terms of the charter.

During the year 1664 Richard Nicolls was appointed governor of New York by a commission from the Duke of York, the original of which seems to have been lost, but which undoubtedly conferred upon him in substantially the same terms, the powers of local government within the province, which by the terms of the charter were conferred on the Duke of York, his deputies and assigns.

Governor Nicolls sailed from England and arrived at New York in August, 1664. On the 27th of August, articles of capitulation were agreed upon, by which the Dutch were guaranteed certain permanent rights; liberty of conscience in divine worship and church discipline; the enjoyment of their own customs concerning inheritances; the confirmation of judgments rendered and the right to appeal therefrom to the States General; the continuance of the present officers until the election of new ones; the determination according to the manner of the Dutch of differences of contracts and bargains made before the capitulation; the enjoyment of property and the disposal of the same at pleasure. [For full text of treaty, see Revised Laws, 1813, appendix I.]

Almost the first step taken by Nicolls after his arrival was to create from the English portion of the province, consisting of Long Island, Staten

Island, and Westchester county, the shire of Yorkshire, dividing it into three districts or "ridings." The government of the shire consisted of a high sheriff, appointed by the governor and council, a deputy sheriff for each riding, and justices of the peace, to hold office during the governor's pleasure. Courts of sessions were to be held three times each year by the justices in each riding, presided over by the governor or any of his council, or in their absence, by the senior justice. [See Duke's Laws, p. 27.] Annually the justices and the high sheriff were to meet with the governor and his council in the court of Assizes at New York, which afterwards became the general court of the province.

Two days after the surrender of New York, Governor Nicolls in a letter to Captain Young promised that "Deputys shall in convenient time and place, be summoned to propose and give their advice in all matters tending to ye peace and benefit of Long Island." And shortly afterwards, a circular was addressed to the inhabitants of Long Island requesting them to send two delegates from each town to a convention to be held at Hempstead on the last day of February, 1665. In accordance with this call, delegates from each town met at Hempstead on March 1, 1665. The most important action of the meeting was to prepare, or more properly to confirm, a body of laws, which afterwards came to be known as the "Duke's Laws." [See Duke's Laws, p. 6.] A number of additions and amendments were made by the court of Assizes, and afterwards the Code was transmitted to England for confirmation. [See preliminary note to Duke's Laws, p. 6.]

The "Duke's Laws" originally obtained in the shire of Yorkshire only, and did not go into effect in New York until after the second occupation by the Dutch in 1674, nor on the Delaware River, until 1676. From that time they continued in effect throughout the province, except as modified by later enactments of the assizes, the governor and council, or the governor, council and assembly, probably, until 1691;—certainly as late as 1687, for in that year Governor Dongan, answering certain charges against him, in response to the question of what laws are in force in the colony, replied: "The Laws in force are ye Laws called his Royal Highnesses Laws and the Acts of the General Assembly." [See Col. of N. Y. Colonial Documents, III, p. 390.]

Until the "Duke's Laws" became of general effect throughout the province, the Dutch laws probably continued of force in accordance with the principle that the laws of a conquered country continue in force until expressly abrogated by the conqueror. [For discussion of this subject, see introductory note by Robert Ludlow Fowler, in "Fac simile of the Laws and Acts of the General Assembly &c," published by the Groller Club of New York.]

Governor Nicolls took independent action as to the city of New York, however, and, by proclamation dated June 12, 1665, revoked the Dutch and established the English form of government by the appointment of officers to "be knowne and called by the Name & Style of Mayor, Aldermen and Sheriffe, according to the Custome of England in other his Maties corporacons."

The meeting at Hempstead can hardly be called a legislative assembly. After the promulgation of the Duke's Laws, the Court of Assizes, in a limited sense, acted as a legislative body. However, it was little more than the mouthpiece of the Duke or the Governor in the promulgation of edicts, which it had no share in framing. The people were dissatisfied and petitioned for the assembly which had been promised by Nicolls. The petition was insolently rejected by the Assizes: "It doth not appeare that Col. Nicolls made any such promise & ye Governors instructions directing him to make no alterations in ye lawes of ye Governmt settled before his arrivall, they cannot expect his Honor can comply wth them therein, & for their desire to know what is required of them. There is nothing required of them but obedience and submission to ye Lawes of ye governmt as appeares by his R. Hss. Commission wch hath often bene read unto them."

In 1667 Nicolls was recalled, and Col. Francis Lovelace was appointed to succeed him. His commission directed him to make no alteration in the laws of the government settled before his arrival.

New York was re-taken by the Dutch on July 30, 1673, and the commanders of the fleet re-established the Dutch form of government by the appointment of Schout, burgomasters and schepens, on August 17, 1673. [See p. 101.] On January 17, 1674, Colve, acting as governor general of the province issued instructions to the schout, burgomasters and schepens of the city of New Orange, for their guidance in the government of the city. This document is sometimes known as Colve's charter. [See p. 102 for document in full.] The Dutch were in possession of New York for too brief a period to re-establish a permanent or stable form of government, and their rule amounted to little more than a military occupation of the city. By the treaty of Westminster, signed February 19, 1674, the Dutch relinquished New York, although they were in actual possession of the city for some months thereafter. Whatever doubt may have existed theretofore as to the title of the English was conclusively set at rest by the terms of the treaty.

A new charter was granted to the Duke of York on the 29th of June, 1674, in substantially the same terms as the former charter, embracing the same territory. [For copy of charter, see p. 104.]

By commission, dated July 1, 1674, Edmund Andros was appointed governor of the province, and was empowered by his commission "to performe and execute all and every ye powers wch. are by ye said letters patents graunted unto Mee to be excuted by Me my Deputy Agent or Assignes." [For copy of commission, see p. 106.]

The Duke of York, on July 1, 1674, among other matters instructed the new governor as follows:

"As to ye formes of justice, I thinke it best for you to put in execution such laws, rules and ordrs as you find have been established by Coll. Nicolls and Col. Lovelace, and not to vary from them but upon emergent necessities, and ye advice of your Councill and the gravest & experienced persons there; and if any such alteration be made, that it be only temporary for a yeare, and if it be not confirmed by me within that time, then to be utterly voyd at ye end of that yeare and of noe force at all, As if such alteracon or new law never had been prmitted." [Doc. Rel. to Col. Hist. of New York, III, p. 218.]

On August 6, 1674, the Duke of York instructed the new governor to put in execution the "Duke's Laws," except those requiring amendment or alteration. [For copy of order, see p. 107]; and on November 9, 1674, shortly after his arrival at New York, Governor Andros by proclamation conforming to the instructions declared "that the same Book of Laws formerly establishd and in force under his royal highnesse government is now again confirmed by his Royal Highnesse the which are to be observed and practiced together with the manner and time of holding Courts therein menconed as heretofore." [For copy of proclamation, see p. 107.] Thus the province continued to be governed by the Duke's Laws, with such amendments as the governor and council, with the approbation of the Duke of York, saw fit to adopt. During the years prior to the second occupation by the Dutch, the people of the colony were restless and discontented, demanding by petition and otherwise, some form of representative assembly. As free born Englishmen the principle of no taxation without representation, had been inculcated in their minds, and already the mode of government of the colony by the edict and decree of royal officers, was sowing the seeds of the Revolution. That the demand of the people for a representative assembly had reached the ears of the Duke of York, is evident from a letter written to Governor Andros on April 6, 1675, in which the Duke said:

"First yn, touching Generall Assemblies wch ye people there seems desirous of in Imitacon of their neighbour Colonies, I thinke you have done well to discourage any mocon of yt kind, both as being not at all comprehended in yr Instructions nor indeed consistent with ye forme of government already established, not necessary for ye ease or redresse of

any greivance yt may happen, since yt may be easily obtained, by any peticion or othr addresse to you at the Generall Assizes (wch is once a yeare) where the same persons (as justices) are usually present, who in all probability would be their Representatives if another constitucon were allowed." [See Doc. Rel. to Col. Hist. of N. Y., III, p. 230.] And later, on the 28th of January, 1676, the Duke wrote to Governor Andros as follows:

"I have formerly writt to you touching Assemblies in those countreys and have since observed what severall of your lattest letters hint about that matter. But unless you had offered what quallicacons are usuall and proper to such Assemblies I cannot but suspect they would be of dangerous consequence, nothing being more knowne than the aptnes of such bodyes to assume to themselves many priviledges wch prove destructive to, or very oft disturbe the peace of ye governmt wherein they are allowed. Neither doe I see any use of them wch is not as well provided for, whilst you and your councell governe according to ye laws established (thereby preserving every man's property inviolate) and whilst all things that need redresse may be sure of finding it, either at ye Quarter Sessions or by other legall and ordinary wayes, or lastly by appeale to myselfe. But howsoever if you continue of ye same opinion, I shall be ready to consider of any proposalls you shall send to yt purpose." [See Doc. Rel. to Col. Hist. of New York, III, p. 235.]

Whether Andros continued of the "same opinion" does not appear, but at any rate, no form of representative assembly was established under his administration.

Col. Thomas Dongan was commissioned governor of New York, September 30, 1682. With his commission he received instructions directing him "to issue of Writts or warrts. of Sumons to ye sev'all Sheriffes or other proper officers in every part of yor said government wherein you shall expresse that I have thought fitt that there shall be a genll Assembly of all the Freeholders, by the prsons who they shall choose to represent ym in ordr to consulting wth yourselfe and the said councill what laws are fitt and necessary to be made and established for the good weale and governmt of the said Colony and its Dependencyes." [See copy of Instructions, p. 108.]

Governor Dongan arrived in New York in August, 1683, and at a meeting of the Council held at Fort James on the 13th of September following, it was determined to summon an assembly in accordance with the instructions to the Governor, to be held at the city of New York on October 17, 1683. Writs or orders were issued directing the inhabitants to choose their representatives "in the Generall Assembly to be held at New York October ye 17th, 1683." Each riding on Long Island was entitled to two

representatives; Staten Island, one; Esopus, two; Albany and Rensselaerswyck, two; Schenectady, one; Pemaquid, one; The Islands about New York, one; and New York, four.

On the 17th of October, 1683, the representatives thus elected met in General Assembly, and constituted the first representative legislative body in the colony of New York. By the terms of his instructions Governor Dongan was directed to let the Assembly know that it was to be entitled to free debate. All bills were to receive the assent of the governor and council, and were to be transmitted to the Duke of York for confirmation or rejection. Laws assented to by the governor were to be good and binding until rejected by the Duke of York, from which time they were to be null and void. The governor was given power to cause the General Assembly to be summoned and to adjourn and dissolve the same, as he saw fit. [See copy of Instructions relating to Assembly, pp. 108-9.]

At this session fifteen Acts were passed which received the signature of the Governor. Of the acts passed at this session of the Assembly fourteen, or all except "A continued bill for defraying the requisite charges of the government," were received by the Board of Trade for confirmation, February 17, 1684. It does not appear that any were disapproved except the charter of liberties. [See p. 111.] After a session of nearly three weeks, the legislature adjourned, enacting

"That according to the usage, custome and practice of the Realme of England, a Sessions of a General Assembly be held in this province once in three years att least."

The second meeting of the legislature commenced in October, 1684, at which thirty-one acts were passed, which received the assent of the Governor. [See p. 142.]

Before another meeting news of the King's death was received, and it was deemed expedient to dissolve the present assembly, which was done by proclamation, dated August 13, 1685, [N. Y. Col. Mss. XXXIII, p. 152], and writs were issued by the governor directing the elections of representatives to a General Assembly to be held in October, 1685. This Assembly passed six acts which received the assent of the governor [see p. 173], and then adjourned to September, 1686. It was further prorogued until March, 1687, and finally, in view of a new commission and instruction received by the governor, reposing the power of legislation in the governor and council, the Assembly was dissolved on January 20, 1687.

The first act of the Assembly of 1683 was to pass "the charter of Liberties and priviledges granted by his Royall Highnesse to the inhabitants of New Yorke, and its dependansyes," whereby the representatives attempted to confirm by legislation, the liberties and privileges,

which they conceived were granted to them by the Duke of York in his commission to Governor Dongan. [For copy of charter, see p. 111.] This assumption of the representatives, although receiving the assent of the governor, did not meet with favor from the Duke of York, and was vetoed March 3, 1684.

It was with great reluctance, that the Duke of York ever granted to the colony of New York a legislative Assembly, and it is probable that the action of the assembly in passing the Charter of Liberties and privileges only tended to increase his prejudice against representative bodies. At any rate, in June, 1686, the former Duke of York, now James II, King of England, issued a new commission, with instructions to Governor Dongan, whereby he empowered him, with the advice and consent of the Council, or major part of them, "to make constitute, and ordain Laws, Statutes, and Ordinances for the publick peace, welfare & good Government of our said Province and of the people and inhabitants thereof." [For commission and Instructions, see pp. 177-8.] In the instructions accompanying the commission, the governor was directed "to Declare Our Will & pleasure that ye said Bill or charter of Franchises bee forthwith repealed & disallowed." (This was the charter of Liberties and privileges, which had already been vetoed.) The instructions further provided that all other Laws, Statutes & Ordinances already made, continue in force until new laws were enacted; that copies of new laws be transmitted to the King within three months for approval or disapproval; that laws disapproved were to be void from thenceforth; and that in enacting laws the style of enacting the same be by the Governor and Council. [See Instructions, p. 178.]

The governor and council met December 9, 1686. His Excellys Instructions being read and considered it is "Ordered, that all the branches of the revenue & all other laws that have been passed since the yeare 1683 except such as his Matie has repealed remaine & continue as they now are till further consideracon."

At a council held February 24, 1687, were passed "An act for ye defraying ye necessary charge of the Government." and "An act about privateers." At a council held March 17, 1687, was passed a "Bill to prevent frauds." At a council held June 14, 1687, were passed "Bill for raising of 1 pence pr pound of every mans estate for the defraying ye expences for the good of the province in England," "Act about settlement;" "Act about mortgages;" "Bill for pleadings &c. to be in English;" and "Bill concerneing Excise of Rum." At a council held August 20, 1687, was passed "The Bill for Raiseing a penny in ye pound out of ye Estates of ye freeholders & Inhabitants of ye Kings, Queens, Dukes & Dutcheses Countys the Countys of Richmond, Orange, West-

chester & Suffolk." At a council held September 2, 1687, was passed "Bill to Raise one halfe penny per pound off all persons Estates in the Citys and Countys of New York and in ye County of Ulster." At a council held September 22, 1687, was passed "Bill for Naturalizing Daniel Duchemin and other french persons." At a council held October 11, 1687, was passed "Bill to prevent frauds and abuses in his Majties Excise by Ordinary Keepers." At a council held October 25, 1687, the tax on Rumm was continued for three years. At a council held May 17, 1688, were passed "An act for raising the sume of two thousand five hundred and fifty-five pounds six shillings by or before the first day of November next." and "An act for continuance of ye judges (Sallary) of the Court of Oyer and terminer." At a council held July 30, 1688, it was ordered that further proceedings towards collecting the levy of 2555 L. 6s be suspended until further order. At a council held August 2, 1688, was passed "An act to prohibit shewmakers ffrom using ye mystery of tanning Hides." This was the last act passed during the administration of Governor Dongan. [For full report of proceedings of council during this period, see introductory note by E. B. O'Callaghan to journals of legislative Council of New York, pp. 17-23.]

A change in the government of the Colony had been determined on in England. The entire country from the St. Croix to the Delaware was consolidated under one government, and Sir Edmund Andros was appointed governor. [See Commission and Instructions, pp. 216, 217.] So far as the making of laws was concerned, the powers conferred on Andros were substantially the same as those possessed by Governor Dongan. The governor and council were continued as the law making power, and laws so passed were to continue in force until disapproved by his majesty. Andros arrived in New York early in August, and on August 11th, New York was annexed to New England. At a council held August 29, 1688, the bill for levying 2555 L. 6s, which had been suspended by the Dongan Council, was ordered to be fully executed. Thus things continued until the accession of William of Orange to the English throne, when Jacob Leisler usurped control of the colonial government, and on February 20, 1690, issued writs for a new assembly. All the counties except Suffolk chose representatives. The Assembly met in April and passed the following bill: "An act to raise throughout the government three pence in every pound, real and personal, to be paid the first of June." [See p. 218.] The Assembly adjourned until September. On October 2 was passed "An act for raising three pence in the pound of all Real and personal visible estate of all and singular the inhabitants of this province to be levied in January and March next." [See p. 219.] October fourth was passed "A bill for Amercing and fining all persons within this province

of New York refusing to serve in Commission of Civill or Military power within sd Province under his Majties Lieut Governor of the province aforesaid & that none Inhabitants of ye City & County of Albany & Ulster leave or Depart the city or Countys aforesaid without spetiall Lycense of the said Authority or Carry out of or transport from said places any Wares or Merchandises except such hereafter exprest." [See p. 219.]

In the meantime Henry Sloughter was appointed governor of New York by commission, dated January 4, 1690. [For copy of portion of Com., see p. 221], and on his arrival in New York Leisler was tried, condemned and executed for treason.

The commission of Governor Sloughter authorized the calling of a Legislative assembly, and on March 20, the day after his arrival in New York, writs for the election of representatives to the new Assembly were issued. Pursuant to this call the new Assembly met April 9, 1691, and from that date until the Revolution, the representatives of the people in General Assembly participated in the making of laws for the government of the Colony.

There has been considerable discussion as to whether the laws and statutes passed before 1691 continued of force within the colony. [See note by Robert Ludlow Fowler, to "Fac Simile of the Laws and Acts of the General Assembly &c of New York, as printed and sold by William Bradford, 1694," published by the Grolier Club of New York, at p. 78ff.] The discussion was provoked by the following resolution of the General Assembly, passed April 24, 1691: "Upon an information brought into the House, by Several Members of the House, declaring, That the several Laws made formerly by the Geueal Assembly, and his late Royal Highness, James Duke of York, &c.

"And also the several Ordinances or reputed Laws made by the preceding Governors and Councils, for the Rule of their Majesties Subjects within this Province, are reported amongst the people, to be still in force. Resolved, Nemine Contradicente. That all the Laws consented to by the General Assembly, under James, Duke of York, and the Liberties and Privileges therein contained, granted to the people, and declared to be their Rights, not being observed, and not ratified and approved by his Royal Highness, nor the late King, are null, void, and of none effect. And also the several Ordinances made by the late Governors and councils, being contrary to the constitution of England, and the practice of the government of their Majesties other plantations in America, are likewise null, void, and of none Effect nor Force within this province."

It does not seem reasonable, however, that any resolution of the General Assembly, without the concurrence of the council and Governor,

could operate to repeal former legislation. In fact the laws and statutes theretofore passed are expressly recognized as of force by the commission to Governor Sloughter, which directs him to execute his trust "according to such reasonable Laws and Statutes as now are in force."

As to the acts adopted by the Leisler Assembly, a different construction may apply. The Assembly was called without a semblance of royal authority, the former authority to Governor Dongan having been revoked and the law making power reposed in the Governor and council. Without the sanction or confirmation of the King, it seems probable that such acts, adopted by an irregular assembly and approved by a rebel Governor, were without the force of law.

By his commission from the king, Governor Sloughter, with the consent of the council and Assembly, was invested with "full power and authority to make, constitute and ordaine Laws, Statutes and ordinances for ye publique Peace, welfare and good Government" of the province, but such laws, statutes and ordinances were to be "agreeable unto the Laws and Statutes of this our Kingdome of England." Copies were to be transmitted within three months for royal approbation or disallowance and duplicates by the next conveyance. If disapproved they were to be void; but until disapproved, they were to have full force and effect. The governor was given a negative voice in the making and passing of all Laws, statutes and ordinances. [See copy of commission, p. 221.] The King acted on laws transmitted to him through the privy council until 1696 and after that date, through the Board of Trade.

This was substantially the method of enacting laws until the Revolution.

Theoretically the government of the colony consisted of three departments: the Governor, or in case of his death, the lieutenant governor, the council and the general Assembly. The governor and lieutenant governor were appointed by the crown. The members of assembly were elected by the people of the several counties pursuant to writs issued by the governor. The council originally consisted of not to exceed ten "prudent persons" inhabiting the colony and were appointed by the royal governors in pursuance of their commissions. [See instructions of Governor Andros, July 1, 1674, Doc. Rel. to Col. Hist. of N. Y., III, p. 218; instructions to Governor Dongan, Jan. 27, 1683, Doc. Rel. to Col. Hist. of N. Y., III, p. 331.] May 29, 1686, Governor Dongan was instructed to call together the council, and the members, consisting of seven, were named therein. [See Doc. Rel. to Col. Hist. of N. Y., III, p. 369.] By commission to Governor Dongan, dated June 10, 1686, the Governor was authorized to suspend members of the council. Vacancies were to be notified to the crown and filled by the Crown. Three members were made a quorum, and the commission states that a council shall have seven members in it.

Vacancies were to be filled temporarily by the governor. [See commission to Governor Dongan, Doc. Rel. to Col. Hist. of N. Y., III, p. 377.] In instructions to Governor Andros, April 16, 1688, forty-two councillors were named. Seven members were made a quorum except upon extraordinary emergencies, when five were sufficient. Vacancies were to be filled by the crown, from twelve persons nominated by the governor. The governor was given the power of suspension, but all cases of suspension were to be reported to the crown, with answers to the charges. [See Doc. Rel. to Col. Hist. of N. Y., pp. 543-4.] The instructions to Governor Sloughter, named twelve councillors. Five members were made a quorum except upon extraordinary emergencies. Vacancies were to be filled by the crown from six persons "men of ability and not necessitous people or much in Debt," nominated by the Governor. [See Doc. Rel. to Col. Hist. of N. Y., III, p. 685.] The instructions to Governor Fletcher, dated March 7, 1692, are substantially the same as those given to Governor Sloughter, except that fifteen councillors are named [Doc. Rel. to Col. Hist. of N. Y., III, p. 818], while his commission directed that the council shall consist of seven persons. [See Doc. Rel. to Col. Hist. of N. Y., III, p. 828.] As a matter of fact, the council under Governor Fletcher consisted of more than seven members. It will be thus seen that during the early history of the colony, the number of members of the council varied under different governors and in accordance with different commissions and instructions from the Crown.

The Governor presided at the early sittings of the council, voted as a member of the body, and in case of a tie gave the casting vote, thus possessing upon legislative questions two and sometimes three votes. This continued until 1735, when the matter was brought to the attention of the Board of Trade in England, by which it was decided that this action of the governor was inconsistent with his commission. The governor was accordingly notified that the council sat in two capacities, as council to advise his excellency, in which case he was to sit with it,— and also as a third part of the Legislature, in which case he was to neither sit nor vote with the council. From 1735 the council was presided over by a speaker who in accordance with a standing rule of the council adopted October 20, 1736, was to be the eldest councillor present.

Confusion has sometimes arisen in the use of the terms "Assembly" and "session of the Assembly." An Assembly continued until dissolved by the governor. A session continued until prorogued by the governor to a date fixed, the same members meeting at the next session of the same Assembly. A session of the Assembly might be adjourned without constituting the next meeting a new session.

NOTE BY THE COMMISSIONERS.

Messrs. Charles A. Collin, Isaac H. Maynard, and Eli C. Belknap were Commissioners of Statutory Revision when the act of 1891 was passed, providing for the republication of the colonial statutes, and the work now nearly completed was begun under their general supervision. Messrs. Maynard and Belknap were succeeded by Daniel Magone and John J. Linson. When the present commissioners assumed the duties of their office early in the year 1895, they found that the work of copying the colonial laws was completed and some of the earlier portions were already printed. Great care has been taken to obtain an accurate copy of the laws, as required by the statute. All of the work was compared twice with the original before being printed, and has been thoroughly compared and verified since. Almost the entire labor of comparing, verifying and reading proof, as well as a large part of the copying, has been done by Elizabeth A. Carroll, Carrie M. Clancey, Katharine A. Lewis and Grace Dorn, who became experts in the difficult work of preparing a verbatim copy of the early manuscripts. William C. Birmingham, Michael Danaher, Charles C. Dickinson, Owen L. Potter, Frank B. Gilbert, William O'Connor, Mary L. Waite and Mabel Dorn have also rendered valuable assistance at different stages of the work. Robert C. Cumming, Esq., of Albany, N. Y., chief clerk of the Commission, an experienced lawyer and a thorough student, was given special charge of the work. He examined every available source of information, in an effort to furnish an accurate reprint of the early legislation, and also used great care in the preparation of the notes to the laws, as well as the foregoing general notes and the index. These volumes, prepared under his supervision, and embodying the results of his exhaustive research, contain a substantially complete history of colonial legislation in New York, and are an invaluable addition to the legal literature of the State.

CHARLES Z. LINCOLN,
WILLIAM H. JOHNSON,
A. JUDD NORTHRUP,

Commissioners.

ALBANY, *October*, 1896.

THE
COLONIAL LAWS

OF

NEW YORK

FROM THE

YEAR 1664 TO THE REVOLUTION,

INCLUDING THE

CHARTERS TO THE DUKE OF YORK, THE COMMISSIONS AND IN-
STRUCTIONS TO COLONIAL GOVERNORS, THE DUKE'S LAWS,
THE LAWS OF THE DONGAN AND LEISLER ASSEM-
BLIES, THE CHARTERS OF ALBANY AND NEW
YORK AND THE ACTS OF THE COLO-
NIAL LEGISLATURES FROM 1691
TO 1775 INCLUSIVE.

VOLUME II.

TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIONERS OF STATUTORY
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DOCUMENTS
RELATIVE TO THE
COLONIAL HISTORY

OF THE
STATE OF NEW-YORK;

PROCURED IN
HOLLAND, ENGLAND AND FRANCE,

BY
JOHN ROMEYN BRODHEAD, ESQ.,
AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE, ENTITLED "AN ACT TO APPOINT AN AGENT TO
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY
OF THE STATE," PASSED MAY 2, 1839.



PUBLISHED UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE, ENTITLED "AN ACT TO PROVIDE FOR THE PUBLISHING OF
CERTAIN DOCUMENTS RELATING TO THE COLONIAL HISTORY OF THE STATE," PASSED MARCH 30, 1849, AND AN ACT EN-
TITLED "AN ACT IN RELATION TO THE COLONIAL HISTORY OF THE STATE, AND THE PUBLICATION AND DISTRIBUTION
THEREOF," PASSED APRIL 12, 1856.

EDITED BY
E. B. O'CALLAGHAN, M. D., LL. D.

WITH A GENERAL INTRODUCTION BY THE AGENT.

VOL. I.

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1856.

UNIVERSITY

CR37 Vol 1

GENERAL INTRODUCTION.

THE Public Records of the State of New-York are, chiefly, in the office of the Secretary of State at Albany. They are as various in their character as they are voluminous in their extent. Most of them relate to and illustrate the History of the State; and without them no accurate or detailed knowledge of that history can be gained.

Previous to the American Revolution the seat of the Colonial Government was the city of New-York, and the public records of the Province were kept there. They extended back to a very early period after the first settlement of the country. The most ancient of them were in the Dutch language; and they related to the affairs of New Netherland, as New-York was called while it was a Colony and Province of the United Provinces, from soon after its discovery, in 1609, to its surrender to the English in 1664. These Dutch records, however, are incomplete. It is known that the early Provincial authorities recorded their transactions with care; but, unfortunately, with the exception of some entries of lands, the oldest of which is in 1630, none of the records of Director Minuit's administration, from 1626 to 1632, nor of Director Van Twiller's, from 1633 to 1638, have been preserved. The series of papers, however, is tolerably complete during the time of Director Kieft, from 1638 to 1647, and of Director Stuyvesant, from 1647 to 1664.

After the surrender of New Netherland, in 1664, the records of the Province of New-York were kept in English, and were preserved in much better condition than the fragmentary archives of the Dutch period. Those relating to lands and local transactions, however, are generally far more perfect than those affecting the political history of the Province. This was, no doubt, owing to the practice which prevailed, to a great extent, with the British Colonial Governors, of retaining in their own personal custody the correspondence between themselves and their superiors in

England. But the chief cause of the deficiencies in the public records of New-York may be traced to the vicissitudes which marked its annals in the transfer of sovereignty from Holland to England, and in the assumption of sovereignty by the Colonists in the Revolution.

Upon the full organization of the State government the city of Albany became the capital, and the Colonial and Provincial records—other than those relating to the municipality of the metropolis—which had formerly been kept in New-York, were removed thither. The pressing concerns of a new and impoverished Commonwealth for a long time prevented much thought being given to those silent and fading memorials which recorded the events of the earlier days of the State.

Yet, there were many who looked upon historical inquiry in its true light, as an incentive to progress and an aid to patriotism. They felt that too little was known of the olden times of New-York, and that especially the half century during which it was a distant dependency of Holland was the "dark period" in its history.

A few prominent citizens accordingly assembled, on the 20th of November, 1804, in the city of New-York, and agreed to form themselves into a Society, "the principal design of which should be to collect and preserve whatever may relate to the natural, civil, or ecclesiastical history of the United States, in general, and of this State in particular." This was the origin of the NEW-YORK HISTORICAL SOCIETY, which, on the 10th day of February, 1809, received a special Act of Incorporation from the Legislature. The members of the Society immediately took steps to accomplish the high purposes of their association, and soon collected a valuable library of printed books and manuscripts. At length the time came when it was thought that the attention of the State authorities might judiciously be drawn to the importance of the objects for which, especially, the Society had been organized. At its request, DE WITT CLINTON, then its Vice-President, accordingly prepared the following memorial, which was presented to the Legislature at its session in 1814:

" TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

" *The Memorial of the New-York Historical Society most respectfully represents :*

" That this Institution was established for the purpose of acquiring and promoting a knowledge of the natural, civil, literary and ecclesiastical history of America, and more particularly of this State. The attainment of objects so various, comprehensive and important, requiring such extensiveness of information, such profundity of research, such exertion of industry and such liberality of expense, is unquestionably beyond the means and the faculties of any individual, however he may be endowed with the gifts of fortune and genius, and whatever may be the extent of his enterprise, activity and influence. Associations, comprehending a mass

of information and talent, and embracing not only the disposition but the ability to promote knowledge, are essentially necessary to crown with success any important undertaking of this nature. With these motives, and for these objects, this society was formed. A liberal and enlightened Legislature, justly appreciating its importance, granted it a charter of incorporation; and it now only remains for them to complete the important work which has received their approving voice, by an extension to this society of a portion of that munificence which, we are proud to say, characterizes the legislation of this State.

"During the short period of the existence of this society, we have devoted no inconsiderable portion of time, attention and money to collect books, pamphlets, manuscripts, maps, medals, and other materials, which may tend to illustrate and complete the great outlines of our history. This collection, on account of the number, the variety and the rarity of its objects, may be safely valued at ten thousand dollars. If, in the infant state of the society, without public patronage, and without any other excitement than a desire to be useful, as humble contributors to the great stock of human knowledge, we have been able to accomplish so much, what might we not effect if public bounty should be united with individual contribution, and if the countenance of the Legislature should stamp a value upon our researches, and enable us to dispel the clouds which envelope the history of our country?

"It is well known to your honorable body that America has been settled principally by the English, the Dutch, the French, the Spaniards, and the Portuguese. The Swedes at one period planted a Colony on the Delaware. The Danes also have occupied islands in the West Indies; and several islands between Asia and America derive their population from Russia and its dependencies. How important and how necessary is it to procure books which have been written in those countries, illustrative of the affairs of America. It is well known that many manuscripts are buried in the archives of State, or in the libraries of public bodies, which might be transcribed, and which would shed new light on our history. The Bibliotheca Americana, published in England, imperfect as it is, indicates what invaluable and unexplored treasures for our historians may be obtained in that country.

"But we would beg leave to solicit the attention of the Legislature more particularly to the history of this State. It is unnecessary to descant upon the imperfections of its natural history. Whole departments of this science have been almost entirely neglected; the powers of observation and investigation have not been applied to elucidate and explore them; the destructive hand of time is rapidly sweeping into oblivion many important objects of inquiry; and what might now with facility be rescued from oblivion, the flight of a few years will place beyond the reach of human power.

"The civil history of this State may be divided into four parts:

"I. When occupied by the aborigines.

"II. When under the government of the Dutch, which was about half a century.

"III. Its state under England, which continued about one hundred and twelve years, and which includes the proprietary government of the Duke of York, and its government under the Kings of Great Britain, excepting about sixteen months, when it was repossessed by the Dutch.

"IV. And, lastly, its political existence as a member of an independent government.

"Before the lapse of many years, the remnant of the Indian nations which now inhabit the State will experience the fate of all sublunary things. The few antiquities of the country, the forts and the tumuli, which may now be easily explored, will be effaced by the extension of

cultivation. The natural history of the man of America, disfigured and perverted as he has been by European intercourse, may still be obtained to a considerable extent; his language may be put on record, and his traditions may be perpetuated.

"As, before the Revolution, the Colonies of France and Great Britain were connected by vicinity, by treaty, by trade, and by continual and habitual intercourse with the Five Nations and other Indians which occupied this State, we can obtain valuable materials to illustrate this important period from the libraries and public collections of those countries. Many learned, elaborate and interesting works have never been seen in America; some are so scarce that they cannot be procured without the expense of transcribing; and papers of great moment have never been printed.

"The regular minutes of the transactions of the Indian Commissioners for this Colony, from 1675 to 1761, as kept by a secretary employed for the purpose, were bound up in four large folio volumes. This invaluable collection, and the subsequent Colonial records relative to Indian affairs, are not now to be found in this State; and they were probably conveyed away by Sir John Johnson, or his agents, at the commencement of the Revolution. The loss of these documents would produce a chasm in our history that could not be supplied; and we hope that they may still be retrieved. Our concerns and negotiations with the Indians, since our existence as a State, have not been preserved in regular and complete order. They are scattered among the bureaus of our chief magistrates or are buried in the voluminous files of the Legislature.

"To obtain materials for the Dutch portion of our history, comprising an interesting period of half a century, we must have recourse to the papers of the Dutch West India Company, and to the archives of the then government of that nation; to the Dutch records of some of our counties, and in the office of the Secretary of State; to the public offices in the neighboring Colonies, with whose governments the Dutch had negotiations; and to several books published in the Dutch and Latin languages, relative to this country, and which are scarcely known to us. The darkness which hangs over this branch may be perceived in the History of New-York, written by William Smith, a work which skins lightly over this interesting period, leaving it almost entirely unnoticed.

"To supply that part of our history when we were subject to Great Britain, the most valuable materials may be obtained from various sources. From Chalmers' Political Annals it appears that there are many manuscripts in the Plantation Office, entitled 'New-York Entries' and 'New-York Papers.' We find in the catalogue of manuscripts preserved in the British Museum, some writings that refer particularly to this State; and in the catalogue of books belonging to that institution are preserved many works concerning America, in the Dutch, English, French, Spanish and Latin languages, affording a fund of information important and inestimable. We also know that there are many interesting books and manuscripts, relative to this country, in the library of the Society for the Propagation of the Gospel in America; and, perhaps, much important information may be obtained from the public offices in Canada.

"The history of our country, since the commencement of the Revolutionary war, is in a better state of preservation; but even here, how many interesting events are passing into oblivion, how many important facts are distorted and misrepresented, how many illustrious achievements are forgotten or neglected. Documents that may illuminate the obscure, explain the doubtful, and embalm the memories of the good and the great, may now be drawn from their dark abodes, where in a few years they will be forgotten or lost. Letters of distinguished

Individuals, fugitive pamphlets, perishable manuscripts, ought now to be obtained and preserved. The time is precious, and not a moment should be lost.

"The only history of this member of the Confederacy is that of William Smith, which is brought down to the year 1732. Is it too much to say that the most important is the worst or least described part of the Union?"

"Anxious, as we are, to explore these sources of intelligence, and to collect these ample materials; yet we feel that the want of funds presents an obstacle that can only be surmounted by the liberality and public spirit of the Legislature. We have done much, and we are willing to do more, in order to preserve the history of the State from oblivion. We are influenced by no other motive than that of elevating the character and promoting the prosperity of a community to which we are bound by every tie that is deemed precious and sacred among men. And let it not be said that the exigencies of the times and the pressure of a foreign war render it inexpedient to apply the public bounty to this object. The State is rich in funds, rich in credit and rich in resources; and she ought to be rich in liberality and public spirit. Genuine greatness never appears in a more resplendent light, or in a more sublime attitude, than in that buoyancy of character which rises superior to danger and difficulty; in that magnanimity of soul which cultivates the arts and sciences amidst the horrors of war; and in that comprehension of mind which cherishes all the cardinal interests of a country, without being distracted or diverted by the most appalling considerations.

"We, therefore, most respectfully solicit the favorable notice of the Legislature, and we confidently hope that the result will be auspicious to the interests of literature and to the honor of our country.

"NEW-YORK, *January, 1814.*"

This memorial of the Historical Society was received with great favor by the Legislature, which, with a liberality that has always belonged to the State of New-York, passed two acts on the 13th and the 15th of April, 1814, recognizing, in the most gratifying manner, the claims of the Institution to the regard of the representatives of the people. Public attention was now drawn more distinctly to the condition of the archives of the State. They were found to be in great disorder, and the necessity of some arrangement and classification of them was conceded. The Dutch records, especially, being in a generally unfamiliar language, provision was made for their translation, and Dr. FRANCIS ADRIAEN VAN DER KEMP, a learned Hollander, was appointed by Governor CLINTON to perform this service, which he accordingly did. His translations, forming twenty-six volumes, are now known and generally quoted as the "Albany Records." A concurrent resolution was also passed by the Legislature at their session in 1819, authorizing the Secretary of State, under the direction of the Governor, to cause to be bound and arranged such of the records as he might think expedient. On the 4th of January, 1820, Mr. JOHN VAN NESS YATES, then Secretary of State, submitted a Report to the Legislature, detailing the steps he had taken in

carrying their resolution into effect, and containing an interesting and elaborate synopsis of the several divisions and the specific character of the public records in his custody. To this Report was appended a general Catalogue, I., of the Dutch Colonial Records; II., of the English Colonial Records; and III., of the State Records; and from this statement it appeared that there were at that time in the Secretary's office, altogether, 661 books, 324 maps, and 900 bundles of papers.

But though the Report of Mr. Secretary YATES and the translations made by Mr. VAN DER KEMP had undoubtedly served to enlighten the public mind as to the historical value and importance of the archives of the State, there was still great misapprehension in regard to their actual extent and character. Apparently unheeded, and allowed to moulder in neglect, a very large proportion of these records yet remained in bundles, which were deposited in boxes or hidden in almost inaccessible corners in the old State Hall, without any proper arrangement or means for their convenient examination. It is not surprising, under these circumstances, that while, on the one hand, the public archives were known to be defective in many important respects, on the other hand the State should have been supposed to be less rich in historical records than it really was; and that the attention of those whose minds had long been given to the subject should have been earnestly directed towards the best means of securing and increasing the literary property of the people by adding to it those materials for the illustration of their history which were preserved in the offices of European governments. The income of the deposit with the State of certain surplus moneys of the Federal government having then recently been set apart for the promotion of public education, it was thought by many that a portion of this revenue might be properly applied towards the accomplishment of the object which had been originally suggested to the Legislature in 1814, in the memorial of the New-York Historical Society.

Accordingly, at a meeting of that Society on the 10th of April, 1838, a committee was appointed to solicit from the Legislature an annual grant, out of the income of the United States' Deposit Fund, to defray the expenses of procuring materials in Europe for the illustration of the history of the State. In pursuance of this action, a memorial was presented to the Legislature in behalf of the Historical Society; but owing to the lateness of the period of the session, it was not judged expedient to press the application at that time. In the following December the Society again appointed a committee to present the subject at Albany, with a view of procuring an adequate appropriation for the purpose of obtaining copies of all the documents in the public offices of Holland

and England relating to the Colonial history of New-York. On the 8th of January, 1839, Mr. JOHN L. STEPHENS, from this committee, accordingly reported the draft of the following memorial, which was adopted by the Society and ordered to be attested and delivered to the committee to be by them presented to the Legislature.

“TO THE SENATE AND ASSEMBLY OF THE STATE OF NEW-YORK.

“*The Memorial of the New-York Historical Society respectfully represents:*

“That, by the charter received from your honorable body, your memorialists were entrusted with the performance of certain duties, and particularly were bound to collect and preserve documents, papers and evidences, and generally all materials relating to or in any way affecting the history of this State; that, in the prosecution of this object, they have collected, and now hold in safe keeping, many interesting and important documents and papers, which, but for your memorialists, would have been destroyed or lost.

“And your memorialists represent that they have been advised by those who from official station had unusual opportunities and facilities for making researches, and have learned from other sources on which they can rely, that there are now in the archives and public offices of Holland and England many documents, letters, correspondences and papers, relating to and bearing upon and directly connected with the events and prominent persons of our Colonial history and of our War of Revolution; which said documents, letters, correspondences and papers contain matters in relation to the views and purposes of those governments in the treatment of their Colony; the reports, opinions and advices of their Governors, Military Commanders, and other officers then resident here; the population, resources and general condition of the country, and the character, temper and feeling of the people; all of which were studiously concealed from the colonists, and to a great extent are still unknown in this country.

“And your memorialists represent that the said documents, letters, correspondences and papers illustrate and explain many uncertain passages in our Colonial history and our War of Revolution; and that without them, or copies thereof, or access thereto, no true and perfect history of this State can ever be written.

“And your memorialists represent that, under a sense of the importance of the trust reposed in them, and deeply solicitous to procure this valuable addition to the materials now under their control, they consider it their duty to make known to your honorable body that their means are inadequate to undertake the expense attendant thereon. And they represent further that, even if they did possess the means, they do not believe they could, in their own name, accomplish this object. The inspection of the archives of governments and the documents in public offices is not granted on the application of individuals, or even of private associations, but only on the request of a high power.

“And your memorialists represent that an inspection of the said documents, letters, correspondences and papers would be permitted, and copies thereof granted, upon formal application for that purpose, made in the name and by the authority of this State. Your memorialists entertain the belief, from the fact that such permission has been granted on the application of other States of our Confederacy; and that an Agent appointed for that purpose by the State of Georgia is now in London, receiving every facility from the Departments of the English government.

"And your memorialists represent that the present is a most favorable moment for such an application. It is a season of general peace, and great good feeling between our respective governments; and opportunities and facilities are now afforded, in a spirit of the most friendly courtesy, which, in time of war, or even of a troubled political horizon, would be peremptorily refused.

"And your memorialists represent that, in all probability, this is the only moment in which your honorable body will be called upon to give its aid in this matter, for it is only because of the special trust reposed in your memorialists that they have deemed it their duty to ask the interposition of your honorable body; and, though all might consider it a proper subject for the action of this State, its interest is too general and the prospect of success too remote to occupy the minds of individuals. Your memorialists do not believe that there will ever be a more favorable opportunity for renewing their request, and in all probability no such attempt will ever be made by others.

"And your memorialists believe that it is worthy the ambition of the Empire State to have under its own control the materials for writing its history. Already, in its rapid increase of population and resources, it stands as a wonder in the history of the world: in a few years its changes will almost surpass human belief, and then, the smallest scrap which illustrates its former condition will be regarded as a precious memorial. Indeed, even now it is precious; for—with a full knowledge of all that has been attempted upon this subject—your memorialists represent that the History of the State of New-York remains yet to be written.

"To the end that the Historian may come to this work with all the advantages which its importance demands, your memorialists pray

"That an appropriation be made by your honorable body, at its present session, for the purpose of defraying the expenses of an Agent, to be sent, under the direction of this Society, in the name and by the authority of this State, to ask for and procure from the governments of England and Holland, if possible, the originals, and if not, copies, of all documents, letters, correspondences and papers in their archives and public offices, which relate to or in any way affect our Colonial history and our War of Revolution; and that the same, when procured, be deposited for safe keeping with your memorialists.

"P. G. STUYVESANT,

"President of the New-York Historical Society."

"JOHN C. JAY,

"Rec. Secretary of the New-York Historical Society."

[L. S.]

This memorial was communicated to the Legislature, in the following message from the Governor to the Assembly, on the 5th of February, 1839:

"I have the honor to transmit a memorial from the New-York Historical Society, praying for the passage of a law authorizing the appointment of an Agent to visit Europe, to transcribe documents remaining in the public offices of the governments of England and Holland, illustrating the Colonial history of this State.

"It would advance the cause of free government throughout the world, and it is due to ourselves, to the memory of our predecessors, and to a just regard for the respect of posterity, that every important circumstance connected with the rise and progress of our free institutions should be recorded and illustrated.

"It is believed that we have, hitherto, manifested a singular indifference in regard to this object. The English government has made a munificent gift to our State Library of records illustrating the early history of that nation. Massachusetts has taken care to preserve the resources for her history, during the Revolutionary contest, by causing to be published the Journals of her Colonial Congress. The State of Georgia has now an Agent in London, engaged in obtaining copies of the records belonging to that State. This State has certainly not less interest in rescuing and preserving the memorials of her Colonial condition.

"I respectfully commend the petition of 'The New-York Historical Society' to the favorable consideration of the Legislature.

"WILLIAM H. SEWARD."

This message of the Governor and the accompanying memorial of the Historical Society were referred by the House of Assembly to a select committee, who, on the 19th of February, 1839, made the following report, by their Chairman, Mr. CHAPIN:

"That the subject of the communication and memorial has received from the committee the attention to which the opinion of the Executive is entitled, and which the objects of the memorialists seem to claim.

"The committee are agreed in believing with his Excellency that upon this subject 'we have hitherto manifested a singular indifference,' and that 'it is due to ourselves, to the memory of our predecessors, and to a just regard for the respect of posterity, that every important circumstance connected with the rise and progress of our free institutions should be recorded.' Nor are they less united in believing that the annals of our Colonial history, now secured in the archives of foreign governments, would, if transcribed and made public, reveal facts of the greatest interest to the State.

"The memorialists constitute the Historical Society of the State of New-York, and were chartered for the important purpose of collecting and preserving documents, papers, evidences, and generally all materials relating to or in any way connected with the history of this State. In discharge of the duties thus imposed upon them, and in pursuance of the objects thus intrusted by the Legislature to their care, they have been for many years ardently and faithfully engaged in securing from the wreck of time numerous and valuable memorials of our early history, which, but for their laudable efforts, would have been consigned to oblivion. In the prosecution of purposes so important and ennobling, the memorialists, it should be observed, have been limited in their researches to our own country, while it is equally remarkable that a great mass of materials relative to our Colonial history are hid from view and secured within the offices of transatlantic governments. Separated thus far distant from the most fruitful sources of information on this subject, it is but reasonable to suppose that their efforts have been materially restricted and their usefulness abridged. Superadded to this, there has ever existed a great difficulty, if not an impossibility, in obtaining access to the documents, papers, &c., so valuable in illustrating our history, and which, if sought for, have eluded research from the want of that legislative sanction and authority now desired by your memorialists.

"Impressed with these considerations, and encouraged by the counsel and influence of the most distinguished of our citizens, the petitioners represent that they are desirous to obtain

the passage of a law by this Legislature, authorizing the appointment of an Agent to visit Europe, and, under the sanction of legislative enactment, to transcribe the documentary papers there to be found, having reference to the history of this State. They further represent that they have been advised by many, high in official stations, that there are great numbers of letters, records and official documents in England, Holland and France, detailing the particulars of our primitive and Revolutionary history, and those relating to public and private negotiations, to distinguished individuals and influential associations, to the plans of foreign governments in their treatment of the Colonies, to the character of our people, and to the nature and resources of our arts and arms. And it is also represented, with like truth and force, as your committee believe, that at no period of our history have circumstances been so auspicious for the prosecution and successful issue of their purposes as those presented at this time. Not only are the relations between the governments referred to and our own more intimate and better understood than heretofore, but the increased facilities of intercommunication, and the mutual dependencies of trade, and reciprocity of public and private favors are such as to render the present truly propitious for the execution of the designs contemplated by the memorialists.

“The importance of these facts has induced other States and associated bodies to become enlisted in the extension of similar objects; and it is reasonably inferred, the committee think, that the State of New-York—behind none in her extent and population, her arts and her commerce, the productions of her soil, the interest and variety of her historical reminiscences, and the intelligence and public spirit of her citizens—will not, on this subject, remain unfaithful to her honor, her interests and her fame.

“Among the early Colonies and the people composing the inhabitants of our newly discovered country, none were more distinguished than New-York and its enterprising citizens; and up to the present moment it has continued to develop the elements of its greatness, thus characteristic of the Empire State. In the drama of our Colonial and National history, she was, and continues to be, proudly eminent. Her soil, her streams and her people are known to fame. History, faint as it is, reveals her crimsoned plains, her bulwarks of military and naval art, and the chivalry of her sons. The virtues, the heroism and the councils of her citizens were felt and appreciated during the primitive condition of our common country, and while our united energies were called forth in the cause of freedom. But, though History has not denied us the evidences of these truths, yet how much more may she not do for the honor of our State and the glory of our ancestors, when our own historians are admitted to all the sources of her historic treasures!

“It is worthy of remark that the only ostensive history of the State of New-York was written by an Englishman, and dedicated to the Right Honorable George, Earl of Stanhope, Commissioner of Trade and Plantations, &c. The extent and character of this history may be estimated from the confession and announcement of the author, in his declaration that it was ‘but a narrative,’ and that ‘it deserves not the name of history.’ And further, in his dedication, that ‘it was not presented for his Lordship’s *information*,’ as ‘all the world knows that the affairs of the British Colonies have been for several years past under his principal direction, and the *wisdom* of the measures pursued for their prosperity and defence are indisputable arguments of his acquaintance with their condition.’

“Thus were the details of our Colonial history, and all the ‘wisdom’ displayed in the government of the Colonies, presumed to have been condensed within the cranium of his right honorable lordship.

"The further usefulness of the author to this Province and to posterity, it might be added, was prematurely arrested by his refusal to renounce his allegiance to the Crown at the most critical juncture of our history—his confinement at the 'Livingston Manor'—his transportation to New-York by General Washington, and his subsequent shipment to the land of his birth and of his choice.

"From the Dutch history of 'New Netherland,' a pamphlet published at Amsterdam, may, in like manner, be gathered the fruitful events of our Provincial history up to the time of that elaborate work, eschewing, always, the veritable *Knickerbocker*.

"From a notice of these particulars, it is submitted, by your committee, whether the history of the State of New-York ought not to rest on higher and safer authority than that referred to, and whether it should not be written by one of her own citizens possessed of the materials, to be derived from the sources before mentioned, and from the researches and under the supervision of the State Historical Society.

"During the period from 1609, when our shores were first discovered and our noble river ascended by Henry Hudson, to 1614, and while as a Dutch Colony, up to 1664, and subsequently as an English Colony, from that date to 1776, it was well known that the most intimate relations existed between the colonists and the mother countries, and that the numerous records, documents and continuous correspondence of the governmental agents and others were, as they duly should have been, filed and preserved in the various offices of the respective governments. These related to the occurrence and cause of successive events, to public officers and prominent persons among the colonists, to the character and productions of our new country, and to the feelings and sufferings of our virtuous and heroic ancestors. In addition to these, they related, at a later and still more interesting period of our history, to the events that brought about the War of Revolution, to the political views and acts of our people, to our condition and resources, to our councils, and to the policy of the parent government in connection with the reports and advices of military and naval commanders and civil and judicial officers.

"Nor are the particulars here noticed to be obtained alone from the archives of England and Holland. The government of France is presumed to be in possession of documentary papers having reference to the part she took in our Revolutionary struggle, to her subsequent relations to this country, and to 'the French and Indian wars,' which by no means form the least affecting and important portion of our Colonial history.

"The military operations of the French in our State, their erection of fortifications at various points, and the events which transpired—often tragical in their character—should be subjects of lively interest with the descendants from those who braved the toils and dangers incident to their defenceless condition and the merciless warfare of their enemies.

"While, then, our Colonial history has been unequalled by that of any other Province in its fruitfulness of incidents and in its relative importance to the Colonies, your committee are of opinion that it claims to be faithfully recorded; and that the efforts of the memorialists, to accomplish a work so desirable and useful, justly merit the sanction and patronage of the Legislature.

"It may not be unimportant to add that, while the Colonial history of this State is seen to be thus fraught with local and general interest, it is characterized by the existence of the most singular relics of art, the origin of which has hitherto baffled the inquiries of the philosophic and curious, but which reveal the startling fact that, at a period long antecedent to all knowledge of our ancestors, it was signalized as the theatre of great and strange events.

"Many of these, like the chronicles of our own times now sought to be saved from the same oblivious fate, are fast disappearing before the modern 'march of improvement' and the destructive influence of time, while others, if known to the early colonists, have sunk into ruin and forgetfulness.

"It appears to the committee, from a review of the subject submitted to their examination and opinion, that it would be worthy of the pride and ambition of our citizens to encourage the enterprise of the memorialists, and to secure for the State the materials for its enlarged history. And your committee believe that no subject is calculated to inspire us with a stronger love of freedom and of country than the records of the times and the chivalric deeds of our fathers—those who gave us life, liberty, and a country made sacred by their blood. Ingratitude alone must be our apology in failing to cherish the memory and the annals of their history. Nor is it less an obligation to our predecessors, than a duty to posterity, that we encourage the perpetuity of their examples of virtue and of patriotism.

"In the execution of the purposes set forth by the memorialists, and commended by the Governor, it is represented that two years should be employed, and that an expenditure of \$4000 may accomplish the work.

"This amount, though less than that suggested by the inclination of the committee, has been deemed to be an adequate appropriation, which, while it may insure the successful issue of the enterprise, will not be thought unworthy the Empire State for the accomplishment of an object which cannot fail to prove honorable to her fame.

"With these views of the subject, the committee submit the accompanying bill."

The bill reported by the select committee, having duly passed both Houses of the Legislature, was signed by the Governor on the 2d of May, 1839, and is as follows:

"AN ACT TO APPOINT AN AGENT TO PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE
RELATIVE TO THE COLONIAL HISTORY OF THIS STATE.

"PASSED MAY 2, 1839."

"The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

"SECTION 1. An Agent shall be appointed by the Governor of this State, by and with the advice and consent of the Senate, to visit England, Holland and France, for the purpose of procuring, if possible, the originals, and if not, copies, of all such documents and papers, in the archives and offices of those governments relating to or in any way affecting the Colonial or other history of this State, as he may deem important to illustrate that history.

"§ 2. The said documents and papers, when procured, shall be deposited in the office of the Secretary of this State, subject to the use of the State Historical Society.

"§ 3. A sum not exceeding four thousand dollars is hereby appropriated for defraying the expenses of said Agent."

The words of this act are very broad and indefinite, and they seem to have been purposely made so. What was evidently intended was, that the Agent should select

and obtain, in Europe, historical documents and papers, which, when procured, were to be added to and form a part of the existing records of the State, at Albany. He was necessarily invested with a large discretion; he was to procure as much additional material as he could; and his scope of selection was limited only by the comprehensive restriction to such documents "relating to or in any way affecting the Colonial or other history" of New-York, as, in his own judgment, he might "deem important to illustrate" that history.

Under this law, the names of several gentlemen connected with antiquarian investigations were suggested as fit and proper to execute its duties; and in March, 1840, the Historical Society, through its President, Mr. PETER A. JAY, addressed an official letter to the Governor, reminding him that two distinguished citizens of the State were then representing the United States government abroad — Mr. HENRY WHEATON, at Berlin, and Mr. HARMANUS BLEECKER, at the Hague — whose public position would give them superior facilities for research, and who would no doubt cheerfully superintend the execution of the contemplated work; and the Society accordingly recommended that one or the other of these gentlemen should be appointed Agent of the State. Various circumstances, however, delayed the execution of the act. At length, on the 15th of January, 1841, nearly two years after the passage of the law, Mr. JOHN ROMEYN BRODHEAD was commissioned as Agent. He had resided during the previous year in Holland, with Mr. BLEECKER, attached to the American Legation at the Hague, and was to some extent familiar with the peculiar duty he was expected to perform. In order, however, to avoid what was felt to be the chief inconvenience in the execution of his mission, namely, the procuring of duplicates of documents already in the possession of the State, the Agent spent several weeks in a careful examination of the principal historical records in the Secretary's office at Albany. They were at that time, to a great degree, in the comparatively unarranged and confused condition already described; and the investigation of them was necessarily imperfect and unsatisfactory. There was no catalogue or abstract sufficient to indicate their dates or contents. Notwithstanding these unfavorable circumstances, copious notes and memoranda were made by the Agent, and every precaution was taken to secure the means to assist and guide his judgment as far as possible, when he should be engaged in his investigations in the foreign archives.

Previous to his departure for Europe, the Agent received the following instructions from the Governor:

GENERAL INTRODUCTION.

" STATE OF NEW-YORK,
 " EXECUTIVE DEPARTMENT, }
 " ALBANY, *March 27th*, 1841.

" To JOHN ROMEYN BRODHEAD, Esquire :

" The Legislature of this State having on the 2d day of May, 1839, passed an act for the appointment of an Agent to visit England, Holland and France for the purpose of procuring the originals or copies of such documents and papers, in the archives of those governments, relating to the Colonial and other history of this State as are important to illustrate that history, and you having been duly appointed such Agent, and being about to proceed in the execution of your duties, it seems to be proper that I should communicate to you the views entertained by the Executive in relation thereto.

" This communication is to be regarded as advisory only. The language of the acts is quite indefinite, and was undoubtedly designedly made so, in order to leave the Agent at liberty to exercise a sound and wise discretion, according to the circumstances affecting the object of his mission. In recommending those objects to the Legislature, I observed that their successful accomplishment would advance the cause of free government throughout the world, and that it was due to ourselves and to the memory of our predecessors, and to a just regard for the respect of posterity, that every important circumstance connected with the rise and progress of our free institutions should be recorded and illustrated.

" The general policy of the European governments towards their transatlantic possessions has been heretofore studied by us chiefly in the acts of their agents here, while its comparative unimportance in the domestic history of those States has caused it to be often overlooked or superficially treated by European historians. It is represented to us that there are now, in the archives and public offices of Holland and England, many papers relating to the events and persons prominent in our local history anterior to and through the Revolution. Among such papers may be expected to be found reports, advices, and other communications from the Colonial Governors, Military Commanders, the early colonists, and other individuals resident here.

" The policy of France, in establishing her military positions upon this continent, is regarded among the most important and interesting particulars of our history ; and her long struggle to retain those positions exercised a great influence for a long period upon the condition, disposition and purposes of the people of New-York. It is, I presume, chiefly with a view to obtaining authentic evidence concerning this part of our history that you are expected to visit that country.

" It would be highly interesting to obtain the originals or copies of the instructions forwarded to the French and English Governors of Canada ; to learn the views which possessed them, of a commercial, military or colonizing character ; their expectations of the future growth of their settlements bordering upon the colony of New-York ; their expenditures and receipts ; the nature and extent of their alliance with the Indian tribes ; and the history of their expeditions across the St. Lawrence, and of their posts upon Lake Ontario and the River Niagara, so far as developed by official reports, or memorials from the foreign departments under whose administration these various operations took place.

" It will be equally important to obtain in England the copies of those papers relating to the occupation of the Colony, which are said to have been removed to the mother country,

together with such official documents, memoirs and statistical details as were doubtless communicated from time to time to the British government by its agents here. Among these transactions, the conduct of Sir William Johnson, his agency with the Indians, his communications to his government, and his views as to the extension of the British power, would be particularly valuable. The expedition of Colonel Nicolls has never yet been known to us in all its details. The capture of the city of Albany, under his orders, has found as yet but a few lines on the pages of the historian.

"The Dutch records have furnished us with a vast amount of information relating to the Colony while in subordination to the West India Company; but the official reports of Governors Van Twiller, Stuyvesant, Kjeft, &c., to the father-land, and the documents which must necessarily have been communicated from time to time by those zealous agents, are yet to become a part of the materials of our history.

"Many details in relation to the patents, manorial rights, &c., and much information relating to the Indian trade, will no doubt be gleaned from the archives which may become accessible.

"All these, as far as the appropriation will permit, after defraying your necessary expenses and the private charges which will attend you in your various journeys, will become matter of interest to you in your general investigations.

"You are advised to proceed first to Holland, to ascertain what documents and papers require your attention there; then to proceed to England, and institute a similar examination there. Having thus ascertained what will be most important in those countries, you will proceed to solicit the originals, or cause transcripts to be made, as circumstances shall indicate. While this is going forward in those countries, you will have leisure to proceed to Paris, in performance of your duties at that capital.

"You will from time to time report to the Executive of this State, and will be at liberty at all times to seek advice from him in regard to the discharge of the duties of your mission. You will ship to the address of the Secretary of State any books or parcels you deem it important to be sent to this country.

"You will be allowed at the rate of two thousand dollars per annum, payable quarterly, for your compensation, besides your traveling expenses and disbursements for the purposes of your mission. You have already received an advance of fifteen hundred dollars. On rendering accounts for one thousand dollars of that sum, you may draw upon the Comptroller for another sum of one thousand dollars in advance, in like manner, and so on, accounting and drawing the extent of the amount appropriated in the bill.

[L. S.] "In testimony whereof, I have hereunto subscribed my name, and caused the great seal of the State to be affixed, this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and forty-one, and of the Independence of the United States of America the sixty-fifth.

"WILLIAM H. SEWARD."

In pursuance of his commission and instructions, Mr. BRODHEAD embarked for Europe on the first of May, 1841. He commenced his investigations in the archives at the Hague in the following summer; and for nearly three years was diligently engaged in prosecuting his labors in the several Record offices of Holland, England and

France. It was necessary, in the first place, to procure the official authority from the proper departments of government, without which the documents the Agent was instructed to procure could neither be inspected nor copied. In Holland and in France, the requisite permission was readily and liberally granted. But in England the official regulations were much more embarrassing.

When, at length, fairly engaged in his researches, the Agent found himself surrounded with difficulties, which, though to some extent he had anticipated, he had no means of entirely overcoming. Among much that was altogether new and of invaluable importance to the American historian, there was also found in the archives, especially of England, much that was more or less familiar. With the imperfect memoranda which he had been able to make of papers already in possession of the State, the Agent was constantly exposed to the chance of copying duplicates; and the more so, as he was obliged to make his selections upon a prompt exercise of judgment, and without proper opportunities for comparison. All documents about which there was no doubt were at once selected for transcription; and, on the other hand, such as were positively known to be in existence at Albany, in a complete form, were passed by. But the temptation to secure everything in any way illustrating our history, of the actual possession of which, by the State, there appeared to be any uncertainty, was ever strong. The duty of the Agent, as defined by the law, was to procure all such documents, "relating to or in any way affecting the Colonial or other history" of New-York, as he might "deem important to illustrate that history;" and in executing this very comprehensive trust he was instructed to use a "sound and wise discretion." It was thought that this discretion would be most advantageously exercised by securing, while there was a favorable opportunity of doing so, all papers coming within the terms of the law, the suppression or omission of which might, in the judgment of competent historical authority, leave incomplete the public records of the State. Moreover, it was always considered that the object of the Agency was to add documents to the archives of the State, and not to procure and prepare the materials of a work for publication. Besides, the existence of duplicates of documents from different sources, in all public collections of papers, is known to be not only universal but oftentimes desirable, as such duplicates tend to verification. The Agent accordingly thought it to be his duty rather to risk redundancy than deficiency; and in all cases of doubt he preferred to secure papers with a liberal hand, while it was in his power to do so, leaving the question of their relative importance and their entire publication to be considered and settled afterwards, when ampler opportunity should be afforded for comparison and discrimination.

Soon after commencing his investigations in Europe, the Agent found that, owing to the large number of documents discovered, and the necessary expenses of their transcription, the original appropriation by the Legislature would be insufficient. Reports were from time to time addressed to the Governor, who communicated them to the Legislature; and further sums of three thousand dollars on the 11th of April, 1842, and five thousand dollars on the 13th of April, 1843, were voted to defray the expenses of the Agency. Having at length executed his duty as fully as he could, Mr. BRODHEAD returned home in the summer of 1844, and was occupied during the rest of that year in arranging and indexing the documents he had procured. These formed eighty volumes, and were deposited in the office of the Secretary of State, at Albany, where they now remain.

Early in 1845, the Agent presented to the Governor his final report, giving a detailed statement of his proceedings and of their results, which was communicated to the Legislature in the following message:

“ EXECUTIVE CHAMBER,
“ ALBANY, 21 Feb., 1845. }

“ TO THE LEGISLATURE.

“ Herewith I have the honor to transmit the final report of the Agent of the State, appointed in pursuance of the provisions of the act of the 2d May, 1839, ‘to procure and transcribe Documents in Europe, relative to the Colonial history of this State.’ The report presents a brief but very clear history of the progress of the Agency, of the difficulties encountered, and of the general results accomplished, and will be read with the interest belonging to the subject.

“ My pressing engagements have not allowed me time to make myself acquainted with the documents which the Agent has secured, or with the expenditures which have been incurred, beyond the statements of the report now transmitted; and I cannot, therefore, speak of the degree of success realized from the establishment of the Agency, or of the economy which has characterized the expenditure of the moneys appropriated.

“ It will be seen, from the closing paragraphs of the report, that the Agent is in advance, to meet the expenses which have been incurred, over and above his own compensation, for the last portion of the period of his service. His account is not submitted to me, but will of course, I presume, be ready for presentation to the Legislature, whenever its action in the matter shall require it.

“ The schedules of documents accompanying the report I have not found it possible to command the time even to read, although the transmission of the report has been delayed for some days, in the hope that so much leisure might be found. Any further delay would only abridge the time which will be allowed to the Legislature to make these examinations, and to take the necessary action to bring the Agency to a final close and the accounts of the Agent to a settlement and liquidation. Hence, the report and accompanying papers are

transmitted without the information which enables me to make any recommendation, or even suggestions, as to the legislation, called for or the appropriations required.

" SILAS WRIGHT.

" REPORT OF JOHN ROMEYN BRODHEAD.

" To His Excellency, SILAS WRIGHT,

" Governor of the State of New-York.

" SIR—I have now the honor to lay before you a final report of my proceedings, as Agent of the State of New-York, under the act entitled "An act to appoint an Agent to procure and transcribe documents in Europe relative to the Colonial history of this State," passed May 2, 1839, and of the results of my researches in the archives of Holland, England and France.

" Before, however, detailing these proceedings, it may not be out of place to refer briefly to the circumstances which led to the passage of the act of the Legislature by which the enterprise now brought to a conclusion was sanctioned.

" This Agency is the result of the antiquarian spirit that has lately gained so much ground in our country. That spirit, growing and freshening with the advance of years, has been greatly strengthened and fostered by the exertions of the New-York Historical Society; an institution which, it is but faint praise to say, has more than fulfilled the high hopes entertained of its future value and influence, by its projectors, in the year 1804. Exerting itself laudably in times of difficulty—struggling with adversity, and braving obstacles—its important objects gradually became appreciated by the public; and in the year 1814 a memorial, drawn up by the late Governor De Witt Clinton, then vice-president of the society, stating in a clear and masterly manner the objects of the institution, was presented to the Legislature, and was so favorably received as to induce the grant of twelve thousand dollars in aid of the funds of the society. Its library to this day remains a noble monument of the munificence of the State and of the liberality of individuals.

" In this memorial, the prescient mind of Clinton suggested, in effect, the measure which it was left to after days to see carried into execution. Referring to the gaps and deficiencies in our own existing records, the papers of the Dutch West India Company and the archives of the then government of the Netherlands were pointed out as the sources whence materials for the Dutch portion of our history were to be obtained; and the records of the Plantation Office (Board of Trade) in London, and the library of the British Museum, were also alluded to, as affording an important and inestimable fund of information respecting the period of our subjection to the Crown of Great Britain. The public offices in Canada, it was also suggested, might contain much of interest to our historians. But circumstances for a long time prevented any direct effort being made by the society to obtain the favorable consideration of the subject by the Legislature, and it was not until the year 1838 that any formal steps were taken in the matter. In the month of April of that year, upon the motion of Mr. George Folsom, a memorial was prepared and presented to the Legislature, urging the importance of an investigation of European archives, for the purpose of procuring those materials for the illustration of our history which our own State records could not furnish; and praying the State to undertake, for the benefit of the people, an enterprise the society of their own means were unable to carry into execution. This memorial, however, was presented so near to the close of the session as to render it expedient to postpone further efforts till the next

year; when, the subject having been clearly and forcibly introduced by a message from the Governor, and its importance urged upon the members of the Legislature by the zealous and unwearied attention of Mr. John L. Stephens, the late Mr. William L. Stone, and others, an act was passed, with great unanimity on the 2d May, 1839, authorizing the appointment of an Agent "to visit England, Holland and France, for the purpose of procuring, if possible, the originals, and if not, copies, of all such documents and papers in the archives and offices of those governments, relating to or in any way affecting the Colonial or other history of this State, as he may deem important to illustrate that history," and directing that the documents, when procured, be deposited in the office of the Secretary of State, at Albany, subject to the use of the State Historical Society.

"Under this act I had the honor to receive a commission as Agent, on the 20th of January, 1841. By the general instructions, in which the views of the Executive in relation to the duties of my mission were subsequently communicated to me, I was advised to proceed first to Holland, and ascertain what documents required my attention there; and then to England and to France. The inspection of the State papers of foreign governments, it is well known, is not a mere matter of course, but is considered a privilege of a high order; and is granted in most cases only upon applications backed by high personal or official influence. I had an interview, accordingly, with the Secretary of State of the United States, for the purpose of procuring specific instructions to the American Ministers at London, Paris and the Hague, in favor of my Agency; but he having declined giving them at that time, I embarked for Europe on the 1st of May, 1841.

"On my arrival at London, on my way to Holland, I had several interviews with Mr. Stevenson, then American Minister at the court of St. James, and communicated to him, very fully, the objects of my mission. Mr. Stevenson, though uninstructed by the General Government on this point, interested himself at once, very warmly, in the subject; and advised an application forthwith, to Her Majesty's government, for permission to the Agent to make selections and transcripts of documents in the British archives relative to our Colonial and other history. A note was accordingly addressed to the Marquis of Normanby, on the 22d May, 1841, explaining the objects of the State in making the application, and requesting that the necessary facilities might be afforded me for accomplishing, with as little delay as possible, the purpose of my mission to England. This note was referred by the Marquis of Normanby to Lord Palmerston, Principal Secretary of State for Foreign Affairs; and on the 20th July following an answer was returned to Mr. Stevenson, that Lord Palmerston felt some difficulty in acceding to my application, *but that if I would send to him a list of any particular documents I wished to obtain*, his lordship would have them examined by some competent person, and, if no objection should be found to their being communicated, they should be copied for my use, on the usual terms, at my expense.

"Upon the receipt of this answer to my application, Mr. Stevenson immediately replied, explaining that *no particular documents* were asked for by the Agent of New-York; that the object of the State was to have its Colonial history written from authentic documents, many of which were presumed to be in the State Paper Office, but whose particular character could not be known, and that they could not, therefore, be described; that the limitations and restrictions imposed in former cases were of course expected to be observed in the present, and that the Agent would, in fact, consider himself subject to the control and pleasure of the department.

“It was hoped that, on a review of the subject, Her Majesty's government would have looked more auspiciously upon the application, and that, so far from perceiving in it anything objectionable, would rather have viewed the objects of the State as of a purely literary and altogether praiseworthy character, and, as such, commending themselves to the favorable and liberal consideration of an enlightened government. But the then ministry went out of office without having altered or modified their decision, which — considering the impossibility of my pointing out the particular documents I might wish to have transcribed, without having the opportunity of learning even the date of one of them — amounted, in fact, to a refusal of the application of the State. While referring to this subject, I cannot omit availing myself of the occasion to acknowledge the warm and ready interest Mr. Stevenson took in the objects of the Agency, and the personal obligations I feel for the courtesies he extended to the Agent.

“Meantime, pursuant to my instructions and to Mr. Stevenson's advice, I had proceeded to Holland, with a view of investigating the archives of that country for documents relating to our early Colonial history; intending, upon the termination of my researches in the Netherlands, to return to London, and avail myself of the expected liberality of the British government. Immediately on my arrival at the Hague, I opened the business of my mission to Mr. Blœcker, then the Chargé d'Affaires of the United States near the King of the Netherlands. The well known interest of this gentleman in the cause of historical research, induced him to enter, at once, cordially into the views of the State; and I gladly and gratefully embrace this opportunity to renew the expression of my thanks for those valuable counsels, and friendly efforts to further the objects of my appointment, which he was always ready to give and anxious to make.

“In order to obtain the necessary facilities for investigating the archives of the Netherlands, an application was addressed by Mr. Bleecker, on my behalf, to the Baron Verstolk de Soelen, Minister of Foreign Affairs. Upon my presentation to the King, a few days afterwards, His Majesty received me in the kindest manner, expressing much pleasure with the objects of my mission, and a warm interest in its successful accomplishment. The general direction of the royal archives being entrusted to the Minister of the Interior, the application was promptly referred to the Baron Schimmelpennick, the head of that department; and an interview was accordingly had with His Excellency, who at once informed me that he would give directions to the officer in charge of the archives to afford me all facilities for the purpose of fully carrying out the objects of my commission, and which had been directed by the King himself to be as liberal in their extent as the exigencies of the service would allow.

“The government records at the Hague are placed under the supervision of an “Archivarius,” at present Yonkheer J. C. de Jonge, a gentleman of great intelligence and urbanity, and from whom I received numerous marks of kindness and courtesy, which I am happy to acknowledge. M. de Jonge, on my presenting myself at the archives, pointed out the various depositories in which the documents presumed to relate to the subject of my research were contained; and gave directions that every book and paper, known or supposed to contain information affecting our Colonial history, be submitted, without reserve, to my inspection, and every arrangement made that could facilitate my labors.

“The archives of the Netherlands, it is believed, constitute one of the richest depositories of historical information to be found in Europe; commencing with the period of the Union of Utrecht, in 1579, and extending down to the French Revolution. They are contained in

an immense suite of apartments in the old palace of the Binnenhof; and the documents are, in general, very well arranged, though not all equally well preserved. The greater part are contained in parchment-bound volumes, in most instances paged and indexed for convenient reference. They consist, chiefly, of minutes of the proceedings of the States-General, at their ordinary and secret meetings, kept by their *Greffiers*, or clerks; in which are entered, in detail, the resolutions of that body on all matters coming before them. These registers commence with the year 1579, and are preserved in an unbroken series from that date. The diplomatic correspondence of the government, as well as copies of general letters, and also the instructions and commissions issued from time to time, are preserved in several separate series of books. The original papers and memorials, received by the States-General from time to time, are arranged on *Liasses*, or files, or are tied up in bundles, which are deposited in the *Secrete* and *Loket Kas*. These papers have suffered much more from the effects of time and exposure than those in the bound volumes.

“It was necessary that careful and laborious researches should be made in all these different repositories. Aided by the accurate knowledge and long experience of Mr. J. A. de Zwaan, the “Commis Chartermeester” at the royal archives—and whose enthusiastic and untiring coöperation, I am proud to acknowledge, contributed in an essential degree to the success of the research—I was unremittingly occupied during several months in a toilsome investigation, in the course of which upwards of four hundred volumes and bundles of papers were carefully examined. Many of the documents were worm-eaten and decayed; and the circumstance that most of them were written in the perverse and obscure characters common in the seventeenth century, increased not a little the difficulty of the research.

“The results of my investigations in the archives at the Hague, however, strengthened the impression I had previously entertained, that though a great and valuable amount of information, on points either entirely novel, or at best but imperfectly known in our history, was there contained, the records of the Dutch West India Company, which had the supervision and direction of the Colony of New Netherland, were the grand magazine in which I might hope to find those more particular details of voyages, discoveries, emigrations, settlements and personal narratives, which would be of the highest interest to the descendants of the early settlers, as well as to the historian of New-York. Relying on the information which had been given me at the Hague, that these records, commencing with the period of the organization of the company in 1621, were preserved complete at Amsterdam, an order was accordingly obtained from the Minister of the Colonies, directing the keeper of the old East and West India Companies’ papers, at Amsterdam, to afford me every facility for examining the documents in his custody. The archives of the city of Amsterdam were also presumed to contain important information relative to the Colony of “Nieuw-Amstel,” which that city undertook to manage in the year 1656; and a letter in my behalf was in consequence addressed by the Minister of the Interior to the Burgomaster. In further prosecution of my duty, I accordingly visited Amsterdam.

“But, on applying at the West India House, I was, to my infinite surprise and mortification, informed by Mr. de Munnick, the keeper, that all the books, documents and papers of every kind, belonging to the old East and West India Companies, of a date prior to 1700, had been sold at public auction in the year 1821, by order of the government of the Netherlands. That nothing should be left undone, however, I instituted a thorough search among the remaining papers, in the hope that something, however small, might have escaped the opera-

tion of the order. But I regret to say that this examination was attended with no favorable result; and I reluctantly abandoned the cherished hope that the archives of the West India Company would have proved a rich mine of historical wealth to our State. Examinations were also made in the papers of the East India Company, in the hope that something might be ascertained relative to Hudson's voyage of discovery, which was made in their service. The only trace found of that voyage is a memorandum in one of the "ship books," which accidentally escaped sale, stating that the yacht *Halve-Maan*, of forty lasts (eighty tons) burthen, had been sent "towards the north," in 1608. Unwilling, however, to abandon all hope of recovering a portion, at least, of the records which had been sold, I caused advertisements to be inserted in the most widely circulated journals of the country, requesting any person who might have in his possession any documents relating to the history of the Colony of New Netherland to have the goodness to communicate with the (then) Consul of the United States, at Amsterdam, Mr. J. W. Van den Broek. The kind attentions and friendly exertions of this gentleman, to further the objects of my visit to Amsterdam, have imposed on me an obligation which I would do great injustice to my feelings if I did not take this opportunity to acknowledge. It was subsequently ascertained that a portion of the records, sold at Amsterdam, was in the possession of the original buyer, a person residing at the Hague. I purchased permission of him to make an examination of this portion, which was accordingly effected. Nothing, however, relating to our history was found; and the mortifying conviction is now forced upon us, that the papers of the West India Company relating to New Netherland—which, until the year 1821, were easily attainable by the State, and whose destruction has left such a chasm in the original materials for the illustration of our annals—are now irrecoverably lost!

"The application to the authorities of the city of Amsterdam, for permission to examine their archives, was at once acceded to in the most courteous manner, and prompt arrangements were made to facilitate my investigations of the records in the Stad-Huys. Quite a number of interesting documents, relating to the City's Colony on the South-river, were found and copied.

"Examinations were also made of the valuable collections of manuscripts and pamphlets in the Royal library at the Hague; and the most courteous attention was shown by the estimable librarian, Mr. J. W. Holtrop.

"The result of my researches, in the various repositories in the Netherlands just referred to, is the procurement of sixteen volumes of transcripts, containing upwards of four thousand pages. As a full and accurate catalogue of the documents transcribed is appended to this report, it is unnecessary to give any particular analysis of their character here. I will only remark that they commence with the year 1614, and extend down, in a tolerably complete series, to 1678, consisting chiefly of memorials and papers presented to the States-General respecting New Netherland, and the proceedings of that body in relation to the various matters from time to time brought before them affecting the Colony and its inhabitants. The act of the Legislature directed me to procure, if possible, the *originals*, and if not, *copies* of all documents illustrating our history. I applied for the originals, but the regulations of office did not allow a compliance with my request; copies were therefore made of the papers selected. Not the slightest difficulty, however, occurred in obtaining these, and not a single objection was made to my having any document transcribed I wished. The most unbounded liberality was evinced on every occasion by the government of that country to which we

trace, with such affectionate veneration, the foundation of our State, and the most friendly and gratifying interest was always exhibited by the gentlemen connected with the different departments of the administration, with whom the business of my mission from time to time brought me into communication.

“The investigations in the archives of the Netherlands being now terminated, I returned to London in December, 1841, to prosecute the duties of my mission. A new ministry, with the Earl of Aberdeen as principal Secretary of State for Foreign Affairs, had come into power, and Mr. Stevenson had been succeeded by Mr. Everett as Minister of the United States, near Her Britannic Majesty. At the request of the Governor, and justly appreciating the importance to the Union, as well as to the State of New-York, of the objects contemplated by the State in sending an Agent to Europe, the President of the United States had instructed Mr. Everett to apply to the British government for such facilities as might be necessary for the successful prosecution of my proposed researches in England.

“Directly on his arrival at London, I had an interview with Mr. Everett, and acquainted him fully with the objects of my mission, and with the previous steps that had been taken. It need scarcely be said that the views of the State were at once warmly and zealously entered into by the distinguished gentleman who represents our country in England, and whose friendly and valuable counsels have laid me under obligations I shall always be proud to acknowledge; or that it was fortunate for the cause of literature and historical investigation that the Earl of Aberdeen was Foreign Secretary of Great Britain when the Agent of this State made a renewed attempt to obtain permission from Her Majesty's government to execute the duties of his mission. No time was lost; and on the 23d December, 1841, Mr. Everett addressed a note to Lord Aberdeen, recapitulating the steps Mr. Stevenson had taken with the late ministry, and expressing a hope that the requisite facilities for the attainment of the objects of my mission would now be afforded by the government of Great Britain; for which it is claimed that it has “never permitted itself to be surpassed by any other, in the countenance which it has at all times extended to every judicious effort for the promotion of useful knowledge.” Some time subsequently, Lord Aberdeen having suggested that though it might not be possible for me to furnish a specific list of the historical documents desired, yet, that a general statement of their nature must be practicable, and would facilitate a decision on the pending application, I prepared a statement of the kind proposed, and as specific as the nature of the case admitted; which Mr. Everett transmitted to his lordship, in a note dated 14th February, 1842, in which the purely literary character and objects of my commission were again urged, and the hope expressed that the synopsis I had prepared would remove whatever hesitation may have existed in reference to a compliance with my request.

“It is unnecessary to detail the various difficulties that were encountered, and the many delays that occurred, before the desired permission was obtained. At length, on the 6th of April, 1842, I commenced my labors in “Her Majesty's State Paper Office.” An order was sent by Lord Aberdeen to the keeper of the state papers, allowing me to inspect the documents in the office relative to the Province of New-York; with the understanding that my examinations were to be made in the presence of an officer of the establishment, and that I was merely, in the first instance, to indicate, by slips of paper, the documents I might wish to transcribe, and not to transcribe, or make extracts of any of them, until the papers so indicated should have been examined and allowed, on the part of Lord Aberdeen.

“This order was interpreted by the keeper of the state papers with such strictness as to cause me serious embarrassment and inconvenience. I was not allowed to make the slightest

note or memorandum, even of the date of a document; which, under the circumstances—the mass of papers to be gone over being so large—was desirable, and even necessary, in order to avoid the risk of marking duplicates, and the embarrassment of depending on memory alone. This, and other points—one of which was a permission to employ copyists of my own selection, by whom the transcripts could have been made at a much less expense than that incurred by the charges of the regular clerks of the office—formed the subject of a subsequent note of Mr. Everett to Lord Aberdeen. His lordship promptly replied, giving me the further permission desired respecting the making memoranda, &c., but declining to accede to the request that I might be allowed to employ a private copyist. I was obliged, in consequence, to pay to the clerks of the office 4d. sterling for every folio of 72 words that they transcribed.

“ Her Majesty’s State Paper Office, in London, is strictly a part of the Sovereign’s own private library—an appendage to the Secretary of State’s office. Being entirely a government establishment, it is not considered as on the same footing as the manuscript department of the British Museum, or other institutions of a like character. No person is allowed to visit the office, for the purpose of consulting documents, until an order for the purpose has been obtained from one of the Secretaries of State, who alone have the right of granting the privilege. This order usually specifies the series of papers to which the visitor is to have access; and its directions are strictly and scrupulously followed by the keeper. This office is the depository of all papers and dispatches that pass through the offices of the Secretaries of State, which are there arranged under the superintendence of a keeper, deputy keeper, and other officials; and the accurate and perfect manner in which this is done reflects the highest credit on the gentlemen to whom the government entrusts this important duty. The building in which these papers are contained was erected in the year 1830, in St. James’ Park, near the government offices; and is, in every respect, well adapted to its purposes. In addition to the papers from the offices of the Secretaries of State (among which is to be found a very voluminous correspondence with the Governors and Military Commanders in America), the State Paper Office now contains the whole of the records of the “Board of Trade,” down to its dissolution, in the year 1782, which were transferred to it by order of government, in March, 1842. Upwards of two thousand large folio volumes, relating chiefly to the American Colonies, were thus added, in one mass, to this invaluable repository of historical wealth.

“ The general supervision and management of the British Plantations in America, and elsewhere, was entrusted by King Charles II., by royal commission, dated 1 December, 1660, to a standing council, who were instructed to correspond with the several Governors, &c., and in general to dispose of all matters relating to the good government and improvement of the Colonies. Subsequent commissions were from time to time issued to various individuals, substantially of the same tenor, constituting them a Council for Foreign Plantations, for the time being. On the 21st of December, 1674, the King revoked the commission for the existing council, and directed their books and papers to be delivered to the clerk of the Privy Council. By order in council, dated 12 March, 1675, King Charles II. referred whatever matters had been under the cognizance of the late Council of Trade and Foreign Plantations to a committee of the Privy Council, consisting of the Lord Treasurer, the Lord Privy Seal, and others, and directed them to meet once a week, and report their proceedings to the King in council, from time to time. During the reign of King James II., the affairs of the Plantations continued to be managed by a similar committee of Privy Council; and upon the accession of this

monarch (6 February, 1685), the Province of New-York having devolved to the Crown, it was placed under the supervision of this committee. Upon the accession of King William III., in February, 1689, a committee of the Privy Council continued to manage the affairs of the Plantations, until their growing importance suggested the necessity of a separate and distinct department of government for their direction.

“ The year 1696 is the era of the permanent organization of what is familiarly known to our historians as the “ Board of Trade.” On the 15th May, in that year, King William III., by royal commission, constituted and appointed the great officers of state, for the time being, and certain other persons, “ Commissioners, during the royal pleasure, for promoting the trade of the Kingdom, and for inspecting and improving the Plantations in America, and elsewhere.” This board was empowered and required to examine into the general condition of the trade of England, and of foreign parts, and to make representations to the King thereupon; to take into their custody all records and papers belonging to the Plantation Office; to inquire into the condition of the Plantations; to examine into the instructions of the Governors, &c., and represent their conduct to the King; to present the names of proper persons for Governors and Secretaries, &c., in the Colonies, to the King in council; to examine into and consider the acts passed in the Colonies; to hear complaints, and make representations thereupon, &c.; and with power to send for persons and papers. The Board of Trade and Plantations, as thus organized, was continued through the succeeding reigns, by royal commissions, until its final dissolution, by act of Parliament, in July, 1782.

“ The records of the Board of Trade were kept with much care and system. Their proceedings on all subjects brought before them were accurately entered in a series of large folio journals, commencing with 1696 and extending down to 1782; and which, including the records of the proceedings of the Committee of Privy Council, between 1675 and 1696, number about 130 volumes.

“ The documents relating to the affairs of each Province and Colony were regularly and separately preserved in two series of books; the one styled “ Entries,” in which were recorded all the letters and representations of the board in reference to its concerns; and the other entitled “ Papers,” in which all the original documents received at Whitehall were carefully bound up. There are 123 large volumes of “ Entries ” and “ Papers,” relating to the Province of New-York, in the Board of Trade series, commencing with 1664 and extending to 1782; in which are included the documents relating to the proprietary government under the Duke of York, which were transferred to the Committee for Foreign Plantations, &c., upon the devolution of the Province to the Crown on the accession of King James II. Documents of general concern to all the Provinces and Colonies were recorded and preserved in a separate series of books, amounting to sixty, entitled “ Plantations General.”

“ The records of the State Paper Office, properly, are not nearly so perfect, especially in the earlier periods, as those of the Board of Trade. It was only in matters of great secrecy and concern that the Provincial Governors were required to correspond directly with the Secretaries of State; and it is probably in consequence of this that there are only six volumes of New-York records from the Secretary's office between 1696 and 1752. These volumes are composed, chiefly, of letters from the Governors to the Secretaries, which are, in many instances, almost literal copies of those sent to the Lords of Trade. There are very few letters from the Secretaries to the Governors during this period. There are no Secretary of State's records whatever, relating to New-York, between 1752 and 1762; but after this year,

and down to 1781, the correspondence is full and voluminous; that relating to this Province, alone, filling nineteen large folio volumes, and comprising, as well, the letters of the Secretaries to the Governors. Besides the several series relating to the different Provinces, there is a set of volumes, numbering eighteen, entitled "Plantations General," in which the general correspondence of the Secretaries with the Colonies and with the Superintendents of Indian Affairs, &c., between 1760 and 1781, is preserved.

"In addition to the volumes above mentioned, amounting in all to 356, a series of books, sixty-two in number, entitled "Trade Papers," embracing a miscellaneous collection of documents relating to trade and foreign plantations from 1542 to 1761, was submitted to my inspection, agreeably to the terms of the Secretary of State's order. In the course of my researches I ascertained that there were other sets of books and papers in which documents relating to our history were contained, but which my order, as it stood, did not allow me to examine. I was consequently obliged to apply to Lord Aberdeen for further permissions, which were granted; and nearly a hundred other volumes and bundles of papers were submitted to my inspection.

"Thus upwards of five hundred volumes and bundles of papers were thoroughly and carefully examined in the State Paper Office. Each document desired for transcription was indicated by a slip of paper, and subsequently reexamined by a gentleman connected with the Foreign Office, under Lord Aberdeen's direction. Such of them only as were not objected to were copied. The copies were made by the regular clerks of the office on the terms above stated; and in every instance the orthography of the originals was scrupulously followed. In making my selections, the greatest care and caution were necessary in order to avoid marking duplicates of papers, which are very numerous; and the immense number of the documents themselves, and the unexpectedly high charge for transcribing, were also causes of considerable embarrassment. I cannot close this reference to my researches in the State Paper Office, without bearing testimony to the excellent and orderly arrangement of every part of the establishment; and I should be greatly wanting to my feelings if I were to omit an expression of my admiration of the politeness and attention of Messrs. Charles Lechmere and Robert Lemon, the deputy keeper and chief clerk. To the latter gentleman, particularly, I feel under great obligations, not only for his personal courtesies to myself, but for the ready and zealous interest he manifested in the success of the undertaking I was charged by the State to execute.

"Presuming that the office of the Privy Council might contain information relative to the subject of my research, I addressed a note to Mr. Greville, one of the clerks in ordinary, requesting permission to examine its earlier records. A prompt and most courteous answer was returned, complying with my request; and I examined the registers under the care of the librarian of the archives, Mr. Henry Reeve, to whose kindness I am much indebted for the facilities he afforded me. Very few documents, however, were found relating to our Colonial history. There are no separate papers whatever, in the Privy Council Office, of a date prior to 1700; but the registers of its proceedings are preserved complete from the time of Queen Elizabeth.

"The library of the British Museum, already a magnificent monument of the public spirit of the nation, is daily becoming more and more worthy the admiration of the world. The collection of printed books and pamphlets, whose number, though not accurately known, certainly exceeds 300,000 volumes, is one of the most perfect in existence; and there are

nearly 40,000 volumes of manuscripts. The arrangements for the examination of these literary treasures are very convenient; and though, in such a metropolis as London, some regulations are necessary to exclude improper persons, those regulations are so easy to be complied with that the library may be said to be, in effect, open to the public. Through the kind and polite attention of Sir Henry Ellis, the principal librarian, I had every facility afforded me for examining the various printed and manuscript collections, and quite a number of transcripts were made of papers bearing upon our history. While speaking of this noble institution, I may be permitted to remark that nowhere else was I more strongly convinced of the indispensable necessity, to the investigator, of accurate catalogues, both for printed books and for manuscripts. There is now in course of preparation a systematic alphabetical catalogue of the printed works, of such comprehensiveness, that the letter "A" alone occupies about twenty large folio volumes. Notwithstanding the active and skilful exertions of the learned and competent gentlemen who are engaged in this important work, it will be many years before it can be completed. The manuscripts are already catalogued and their examination thus rendered perfectly easy. The Harleian, the Lansdowne and the Cottonian collections, by means of their accurate catalogues, which were published some years ago by government, are almost as well known to literary men on this side of the ocean as to those in Europe; and each addition to the manuscript department, as it is received, is at once catalogued and thus rendered accessible.

"The Archiepiscopal library at Lambeth has also afforded us some interesting historical materials. My application to the Archbishop of Canterbury for permission to make researches in the library was promptly and cheerfully complied with; and it gives me great satisfaction to have this opportunity of acknowledging the very marked liberality of the venerable prelate at the head of the English Church, as well as the urbanity and friendly interest displayed by His Grace's librarian, the Rev. S. R. Maitland, in making every arrangement for my convenient examination of the documents in his custody.

"From the various repositories in London, to which reference has just been made, I procured nearly seventeen thousand pages of transcripts of documents relating to our history, which fill forty-seven volumes. A complete and accurate catalogue of the "London Documents" is appended to this report, by means of which the character of each paper can be at once ascertained, and any particular analysis of the series, at present, is thus rendered unnecessary. It commences with 1614 and ends with 1782; comprising the official correspondence of the Governors of New-York, from its surrender by the Dutch in 1664 to the end of the Revolution, as well as various documents of interest received from private hands. In making my selections, the greatest care was taken to avoid procuring papers known to be already in the Secretary of State's office, at Albany. I was unable to find any traces of the original books of records of the Indian Commissioners, which are supposed to have been removed from this State during the Revolutionary war; but copies have been made of all Sir William Johnson's official letters to the British government, which remain in the State Paper Office, as well as of the greater part of the proceedings respecting Indian affairs, which were from time to time sent to London.

"It will, perhaps, be noticed that previous to 1674 there are no dispatches or communications from the Duke of York or his secretary to his officers in New-York, and but few from them to His Royal Highness. The first entry book, or record of letters from the Duke, commences with 1674, and from that period they are tolerably well preserved. There

are several deficiencies in the series of letters from Governor Nicolls, and very few of Governor Lovelace's communications were found. There does not seem to have been any file of Governor Andros' letters, to the Duke or Sir John Werden, handed to the Committee for Trade and Plantations when the affairs of the Province came under its supervision, upon the devolution of New-York to the Crown, on the accession of King James II.; but after that date the records are much more perfect. After the final organization of the Board of Trade, by King William III., in 1696, the New-York papers are full and complete.

“The policy of France in regard to her Canadian possessions—the establishment of her military positions on our frontiers, and her negotiations with the Indian tribes on our borders, and within the very limits of our territory itself, are directly and intimately connected with our Colonial history; and her long struggle to maintain her influence in the northern portion of our continent, affected, in no small degree, the condition, disposition and purposes of the people of New-York. It was with a view of obtaining authentic historical materials, illustrating these points, that an examination of the archives of the French government was made a part of my duty.

“Having made some progress in my researches in London, and commenced the transcription of documents there, I wrote to General Cass, then Minister of the United States at Paris, explaining the objects of the State, and requesting his intervention with the French government for the purpose of procuring me permission to examine its archives for papers relating to Canada and New-York. A simple statement of my object was all that was necessary to awaken the warmest interest of that eminent gentleman; and he forthwith applied, on my behalf, to Admiral Baron Duperré, then Minister of the Marine and the Colonies, for permission to examine the papers relating to Canada in the bureaus of his department. An answer was promptly returned, authorizing me to make the researches I wished, without limitation; and adding, that “all the facilities he can desire will be accorded” to the Agent. I will only remark, in passing, that this liberality did not prove to be mere formal phrase.

“In further prosecution of the duties of my mission, I accordingly went to Paris in June, 1842, and commenced my examinations in the archives of the Marine and the Colonies. The general management of the French dependencies in America having been from an early period entrusted to this department, its archives are very rich in materials relating to their history. They consist chiefly of instructions of the French government to its agents in America; letters and dispatches to the King and his ministers, and original papers from the Colonial authorities to the Home government; correspondence with the neighboring English Colonies; reports of interviews with the Indian tribes; plans of campaigns and details of battles and skirmishes, &c., &c.

“The documents relating to Canada and New-York are contained in two several divisions. The one is a series of bound volumes, commencing with the year 1663 and ending very abruptly with 1737. It comprises about 70 volumes, and contains the dispatches and commissions of the King and his ministers to the Governors and other functionaries in the French Colonies. It is greatly to be regretted that the volumes subsequent to 1737 appear to be missing. The other, and by far the most fertile repository, is a series of upwards of an hundred enormous “cartons” or port-folios, each larger than two ordinary folio volumes, and in which, at the time of my examination, were placed loosely and without chronological order, or even the least attempt at arrangement, a mass of original documents relating to Canada, from 1630 to the Treaty of Paris, 10th February, 1763. The state of deplorable confusion in

which I found the contents of these cartons can scarcely be conceived by any one who has not made personal investigations, and it must be very evident that it was embarrassing in no small degree. It not only very greatly increased the labor of the research, but it was found that in many instances papers of presumed importance were missing from the mass. It is hoped, however, that under the superintendence of the present competent and intelligent chief of the archives, M. Davezac, these valuable papers, whose present confusion (one of the results, perhaps, of the Revolutionary fury of 1793) exhibits such a striking contrast to the system and order that generally prevail in the French government bureaus, will soon be arranged in a manner consistent with their high importance and worthy the dignity of the nation. Several months were occupied in a careful and toilsome investigation of these documents, and such as were found to relate to our history were selected and transcribed.

“Knowing, however, that the archives of the Department of the Marine and the Colonies was not the only source from which to obtain information, an application was addressed to the Minister of War, Marshal Soult, Duke of Dalmatia, which was promptly answered by a letter stating that orders had been given for my admission to the dépôt and archives of the War Department, “for the purpose of examining and copying all the documents relative to the operations of the French, in Canada, until the period of the Treaty of Paris, in 1763.” This frank and liberal order, so characteristic of the gallant soldier who presides over the Council of Ministers, was very handsomely carried into effect by General Baron Pelet, the Director-General of the archives of the department, to whose obliging and polite attention I am very greatly indebted for the facilities he afforded me for examining the documents in his custody. The archives of the Department of War present a very gratifying contrast, in respect to arrangement, to those of the Marine and the Colonies. The papers are chronologically arranged in bound volumes, and their examination was as agreeable and pleasant as that of the cartons of the Marine was laborious and annoying. The documents selected and transcribed relate chiefly to the period between 1755 and the treaty of Paris, and comprise the correspondence of the Military Commanders in America with the French government.

“An application was also made for permission to examine the archives of the Department of Foreign Affairs, for papers relating to the history of Canada, and the intercourse between that Colony and the Province of New-York; but M. Guizot, in his reply to Gen. Cass’ note, thus expressed himself: “I would be very happy to comply with your request, if my department possessed any documents relative to this Colony; but the Ministry of the Marine, to which you have already applied, is the only one which can furnish you with information on this subject, Canada having always been under its supervision, and never having had any relations with my department.”

“Researches were also made in the collections in the Royal library at Paris; a most full and unqualified permission for which purpose was granted by Mr Villemain, the Minister of Public Instruction, and every facility afforded by the gentleman in charge of this magnificent institution.

“My investigations in the several repositories at Paris, just alluded to, occupied me several months, and resulted in the procurement of seventeen volumes of transcripts, containing upwards of six thousand pages. A full and accurate catalogue of the “Paris Documents,” in which every paper, its date, and a reference to its page, is indicated, being also appended to this report, renders any particular reference to their contents unnecessary in this place. They commence with 1631, and extend to 1763; including selections of the correspondence

of the Governors of Canada with the authorities in France respecting Indian affairs, the relations with this Province, &c., as well as the dispatches of the Military Commanders during the romantic and exciting period in our history of the "French War."

"As at the Hague and in London, the regulations of the offices at Paris did not allow me to execute that part of the law, establishing the Agency, requiring the procurement, if possible, of original documents. Transcripts were made, therefore, of the papers selected, and the orthography of the originals was followed as accurately as possible. In closing this reference to my researches at Paris, I cannot forbear the remark, that the proverbial reputation of the French government, in regard to all matters connected with scientific and literary investigation, was amply sustained in the courtesies that were extended to the Agent of this State; and that the historical treasures which were found in its archives are only equaled by the prompt and generous liberality with which they were thrown open to my inspection. That much of the good feeling exhibited was owing to the high standing of our Minister at the French Court, is unquestionable; and I feel it a duty, not less incumbent than grateful, again to acknowledge the marked kindness of General Cass, and the personal and zealous exertions he never failed making, to render my visit to Paris most advantageous to the State.

"The researches in the French archives being completed, I returned to London and was some time occupied in further investigations, and in making preparations for my return to America. The documents transcribed at Paris and in London were carefully packed, insured and shipped for New-York; and my arrangements having been completed, I embarked for home on the 7th July, 1844.

"From this detail of proceedings, it will be perceived that the execution of my mission was attended with considerable embarrassment. This occurred chiefly in London, where the regulations of office were much more stringent than at the Hague or in Paris. In both these latter places there was no difficulty experienced, either in obtaining access to the archives or in procuring transcripts at reasonable rates. The price paid for copies was about eleven cents for each page. In London, however, as before stated, my application for permission to employ a private copyist having failed, I was obliged to pay to the regular clerks in the State Paper Office 4d. sterling for every folio of seventy-two words, or about twenty-five cents for an ordinary page transcribed. This circumstance, and the unexpectedly large number of volumes to be examined, caused me much embarrassment. It became desirable to limit my selections, as much as possible, in order to keep the expenses within the amount of the funds appropriated for the Agency; while at the same time my duty did not allow me to pass by a single document coming under my observation, "important" to illustrate our history. I have before stated that, in the course of my investigations in the State Paper Office, I ascertained that there were other series of books and papers than those the terms of my original permission allowed me to inspect, containing information respecting our history; and that a subsequent order from Lord Aberdeen gave me the liberty to examine a large number of additional volumes. I am far from affirming, however, that everything in relation to our history, in the British archives, has been obtained; though I think it may safely be said that the greater and more valuable portion of the materials there preserved has been secured. Had sufficient funds been placed at my disposal, I should have pursued my researches until everything accessible had been obtained; and should especially have endeavored to procure copies of the correspondence of the British Military Commanders in America, from the surrender of Canada to the end of the American Revolution.

“The selection of documents was a point necessarily left to the discretion of the Agent; and in the execution of this important duty I adopted for my rule a principle which cannot be better expressed than in the words of the Editors of the “Clarendon State Papers,” who say in their preface—“In so large a collection, there occurred, as might well be expected, some papers of a private nature, others of no consequence to the public. To separate these from the rest was a point left to the discretion of the Editors by the Trustees of the late Lord Hyde. Such, therefore, as appeared to them in either of these lights are rejected from publication. They have used their best judgment, and the utmost caution, in acquitting themselves of this trust; and if there are still any given which may appear to some to be scarce worthy of publication, they desire it may be considered that men’s ideas of such matters are often very different, and that any particular paper which, upon being perused apart from the rest, may seem of too little consequence to merit the public notice, would yet have been very improperly suppressed, either because it may be connected with and tend to illustrate a more interesting paper, or on account of some other circumstance which may not immediately occur to the reader.”

“Immediately on my arrival in New-York, in August last, I waited on Governor Bouck, and acquainted him with the results of my mission. As the transcripts made in London and in Paris were unarranged, and as it was essential to their usefulness that they should be disposed in accurate chronological order, bound into volumes, and carefully indexed, before being deposited in the Secretary of State’s office, the Governor thought it best that I should occupy myself with this duty, and report fully to the Executive upon its completion. I have, accordingly, been diligently engaged in the execution of this work since August last.

“The transcripts were all separately made, and in such a manner that they could be afterwards arranged in proper order. This was necessarily the case, as the originals were not all contained in one particular set of books or papers, but were scattered through many and various series. The documents copied at the Hague, and in Amsterdam, were all arranged and indexed by myself during leisure evening hours, while in London, in the winter and spring of 1843, and were bound and sent to Albany in the summer of that year. These “Holland Documents” occupy, as before stated, sixteen volumes, and have been for more than a year in the Secretary of State’s office. In arranging the “London Documents,” great care was necessary, in order to avoid the apparent confusion of dates caused by the use of the Old Style, which prevailed in England till the year 1752. It is believed, however, that this point has been carefully guarded, and that the plan I adopted, viz: the use of the *Historical* year (which commenced on the 1st of January) instead of the *Legal* year (which commenced on the 25th March), and of the *Old* Style, until 1752, when the act of Parliament took effect, will be found to have been judicious, and to meet the approbation of the investigator. The “Paris Documents” are arranged according to the New Style, which was adopted in France in 1682.

“The calendars to the “Holland,” “London” and “Paris” Documents, appended to this report, have been prepared with much care, and it is hoped will be found useful. They indicate the number of each document in the volume, its general scope and character, its date, and its page; and thus, persons at a distance will be enabled to ascertain at once the contents and the bearing of each paper in the whole series of eighty volumes of European transcripts.

“By the act of the 2d May, 1839, establishing the Agency, the sum of four thousand dollars was appropriated towards defraying its expenses. On the 11th of April, 1842, a further sum of three thousand dollars was appropriated by law for its prosecution; and on the 13th of

April, 1843, a further sum of five thousand dollars was appropriated by the Legislature. These several appropriations, amounting to twelve thousand dollars, have been drawn from the treasury and entirely exhausted in defraying the expenses of my mission; accurate accounts for which have been rendered to the Comptroller. I will only add, that I have advanced from my own private means a considerable amount, in addition, which has been applied to defraying the expenses of transportation, insurance, binding, and other incidentals connected with the arranging and cataloguing of the documents; in which duty, as before stated, I have been constantly occupied since the month of August last.

“I have endeavored to lay before your Excellency as full and as concise a report as possible of the execution of the duties of the Agency I had the honor to have entrusted to me by the government of my State. The whole question of this Agency, and of its results, is now before my fellow-citizens, and to their judgment it is cheerfully submitted. Under any circumstances, and in any event, and however unworthy the instrument selected to execute her high commission, it must ever be a source of proud reflection that the State of New-York—not less faithful now, in her time of power and greatness, to her honor and to her fame, than in her day of difficulty and oppression to the principles she then so fearlessly asserted—has been among the foremost of the Confederation to vindicate her self-respect to the world, by rescuing from obscurity and long neglect the scattered memorials of her Colonial existence, to place them side by side the records of her independent progress.

“I have the honor to be, Sir,

“Very respectfully,

“Your Excellency's obedient servant,

“JOHN ROMEYN BRODHEAD.

“ALBANY, 12th February, 1845.”

The message of the Governor, and the Agent's final report, communicated therewith, were referred to a select committee of the Senate, of which Mr. FOLSOM was chairman. On the 5th of May, 1845, that committee made the following report:

“A respect for the memorials of the past may be justly considered as one of the marks of advanced civilization. Among savage nations the only care is for the supply of present wants, which, being exclusively of a physical nature, like those of irrational animals, are easily satisfied, with equal indifference to the past and the future. But as mankind rise in the scale of intelligence, a growing solicitude is felt in regard to circumstances and events beyond the present moment; the necessity of making provision for future exigencies becomes more and more apparent, and leads to untiring exertion to accomplish so important an end. It is reserved, however, for a still higher degree of progress to develop any considerable interest respecting the past. It is an old utilitarian maxim that makes a dead lion of less claim to consideration than a living ass; and the mind requires to be raised above the ordinary calculations of mere thrift to appreciate the value of what no longer possesses actual power or influence in the esteem of the busy world. The monuments of history, standing aside in the seclusion of by-places and deserted spots, or buried beneath what is generally regarded as the useless rubbish of the remains of antiquity, are passed by with indifference

until an enlightened desire is awakened to know something of the early foundations of society, or to explore the sources of national greatness.

"It has been made a subject of reproach to this country, by the enemies of republican institutions, that no care is taken among us to preserve our ancient records—a charge implying a semi-barbarous condition of society, and far from complimentary to our national character. But admitting its truth, to a considerable extent, there is good reason to believe it will not be long deserved; for public attention is beginning to be more and more directed to the importance of rescuing from destruction whatever may tend to illustrate the rise and progress of our institutions, and exhibit, in bolder relief, the character and labors of the pioneers of civilization upon the shores of the New World.

"It is the misfortune of this State that its early founders have been held up to the ridicule of the world by one of its most gifted sons, who has exhausted the resources of his wit and satire in exposing imaginary traits in their characters, while the most polished efforts of his graver style have been reserved to adorn the Corinthian columns of the more aristocratic institutions of foreign countries. A late excellent writer, the author of a valuable History of the United States, although a stranger to our country, has spoken in proper terms on this subject; he remarks as follows: 'Founders of ancient colonies have sometimes been deified by their successors. New-York is perhaps the only commonwealth whose founders have been covered with ridicule from the same quarter. It is impossible to read the ingenious and diverting romance entitled Knickerbocker's History of New-York, without wishing that the author had put a little more or a little less truth in it; and that his talent for humor and sarcasm had found another subject than the dangers, hardships and virtues of the ancestors of his national family. It must be unfavorable to patriotism to connect historical recollections with ludicrous associations.'

"To remove the reproach thus thoughtlessly attached to the annals of our State, it is only necessary to bring to light the true character of its early colonists, whose father-land ranked at that period among the foremost nations of Europe in point of commercial wealth and enterprise, and before all others in the freedom of its government; a freedom purchased by forty years' struggle against the bloodthirsty myrmidons of Spanish despotism. The traits ascribed by the mock historian to the first settlers of New-York can scarcely be supposed to have characterized such a people; on the other hand, the manly virtues they displayed amidst the toils and hardships of colonial life, removed at so great a distance from the scenes of their early associations, deserve a very different commemoration at the hands of their descendants and successors.

"The New-York Historical Society—an institution that has done much to preserve the historical records of our State—first suggested to the Legislature the propriety of searching the archives of the Netherlands, and other European governments, for documents illustrative of the early history of the State. In compliance with a memorial from that institution, the Legislature passed the act of May 2d, 1839, authorizing the Governor and Senate 'to appoint an Agent to visit England, Holland and France, for the purpose of procuring copies of all such documents and papers, in the archives and offices, of those governments, relating to or in any way affecting the Colonial or other history of this State.' The sum of four thousand dollars was at the same time appropriated to carry out the objects of the Agency, which, by two subsequent appropriations, was increased to twelve thousand dollars. On the 15th of January, 1841, nearly two years after the passage of the law, John Romeyn Brodhead, of the county

of Ulster, was appointed to this Agency, and embarked for England on the first of May following, for the purpose of entering upon the duties of his mission. A copy of his instructions, from the Executive of the State, is annexed to this report.

"In pursuance of these instructions, Mr. Brodhead, on his arrival in London, applied to the British government for permission to make transcripts of such documents in its archives as related to our Colonial history. The application appears to have been coldly received by Lord Palmerston, then Principal Secretary of State for Foreign Affairs, notwithstanding the kind offices rendered to the Agent by Mr. Stevenson, Minister from the United States near that government; and, without losing time, Mr. Brodhead proceeded at once to Holland, where a very different reception awaited him. Repairing to the Hague, he was presented to the King by the Hon. Harmanus Bleecker, the American Minister to the Netherlands; and it was soon found that His Majesty took a lively interest in the objects of the mission, and was disposed to grant every possible facility to aid the researches of the Agent. It seems to have been regarded in that country as a gratifying circumstance, that the descendants of Dutch ancestors, who had left the father-land two centuries ago, should so far cherish the remembrance of their ancient lineage as to dispatch one of their number across the wide ocean to seek memorials of the olden time; and a warm feeling of kindness was extended by all classes towards the Agent, and liberal arrangements were made to lighten and facilitate his labors.

"The results of Mr. Brodhead's researches in Holland are sixteen volumes of transcripts in the Dutch language, an analysis of which is contained in his printed calendar. It will be observed that these documents comprise a great variety of details relative to the original discovery and settlement of our State; commencing with notices of the first navigators who explored the North and East rivers, and embracing copies of the decrees of the States-General, granting the privileges of trade and further discovery to companies of merchants, which led to the subsequent colonization by patroons or patentees of lands. One of these grants, bearing date October 11th, 1614, is accompanied by a descriptive map of the North river and the adjacent country, executed within five years after the discovery by Hudson. It only remains that the seal of a foreign language should be taken off from these valuable and curious records, to render them accessible to all; and to this end the committee would recommend that a suitable person be employed to translate them at the public expense.

"Among these documents the committee would particularly notice one that possesses peculiar interest in its relation to the Dutch Colony on the Island of Manhattan. The precise year in which that Colony was planted is not known; the oldest records in possession of the State, before the receipt of these documents, commence with the administration of Governor Kieft, in the year 1638, with the single exception of some grants of land which go back to 1630. But there was found a few years ago among the papers of Governor Bradford, of the Plymouth Colony, a correspondence between that functionary and the Dutch authorities of New Netherland, on the Island of Manhattan, bearing date in the year 1627; and Bradford, in a letter written at that time, says of the Dutch, 'that for strength of men and fortifications they far exceed them and all others in the country.' Until the reception of these fruits of the Agency, we were thus indebted to another Colony for the first notice of the colonization of our own State. It is true, a few trading houses had been established, and forts erected, both on Manhattan Island and at Albany, several years before; but no accounts of a regular settlement of the country by families from Holland at that early date have reached us.

"The document alluded to, although brief, enables us to show the existence of the Colony still earlier than the correspondence with Governor Bradford. The attention of the Legislature has already been called to it, in a report made to this body during the last session, but for a very different purpose, and in an incomplete and inaccurate translation; it is therefore reproduced here. It is a letter written from Amsterdam by Mr. Schagen, the Deputy of the States-General at the meeting of the West India Company, to the Dutch Government at the Hague, announcing the arrival at Amsterdam of a ship from New Netherland, with advices from the Dutch colonists on the Island of Manhattan; bearing date November 5th, 1626. The following is a translation of this document:

"TO THE HIGH AND MIGHTY LORDS OF THE STATES-GENERAL AT THE HAGUE:

"MY LORDS,—There arrived here yesterday the ship called the "Arms of Amsterdam," which sailed from the river Mauritius [the Hudson], in New-Netherland, on the 23d of September. Report is brought that our people there are diligent, and live peaceably; their wives have also borne them children. They have purchased the Island of Manhattes from the Indians for the sum of sixty guilders; it contains 11,000 morgens of land. They have sown all kinds of grain in the middle of May, and reaped in the middle of August. I send you small samples of the summer grains, as wheat, rye, barley, oats, buckwheat, canary seed, beans and flax.

"The cargo of the ship consists of

7,246	beaver skins,
178½	otter "
675	" "
48	mink "
36	cat-lynx "
33	mink "
34	small rat "

together with a considerable quantity of oak timber and nut-wood.

"Commending your High and Mighty Lordships to the favor of the Almighty,

"I am your High Mightinesses' humble servant,

"At AMSTERDAM, Nov. 5th, anno 1626."

"P. SCHAGEN."

"The historical value and interesting character of this document cannot fail to strike any one who is capable of appreciating the first efforts to introduce the arts of civilized life into a new and widely extended domain, which has since grown from these small beginnings into a large and flourishing commonwealth, excelling in population and resources some of the monarchies of the Old World.

"Some doubt has hitherto existed in regard to the name of the Director-General or Governor of the Colony prior to the year 1633; and although it was generally supposed that the office was then held by Peter Minuit, yet no official act of that person as chief magistrate was among our records. The fact is now established by the discovery of an original grant of lands, signed by Peter Minuit and his Council, dated at Fort Amsterdam, July 15th, 1630. The original parchment containing this grant was procured by Mr. Brodhead, and is now deposited

in the Secretary of State's office. It is the only official act now extant of the first Governor of the Colony.

"It is not, however, the intention of the committee in this report to pursue the analysis of the documents procured by Mr. Brodhead from the different archives to which he had access. The calendars printed with his report are sufficient for this purpose, and exhibit with great clearness the variety and richness of *matériel* comprised in the collection.

"The committee will only add, that Mr. Brodhead, having finished his labors in Holland, returned to London in December, 1841, where in the meantime a change of ministry had taken place—Lord Palmerston having been succeeded by Lord Aberdeen in the office of Foreign Secretary. A more friendly policy towards the objects of the Agency was now manifested, and, with the valuable aid of the new American Minister, Mr. Everett, the preliminary difficulties were removed, and Mr. Brodhead entered upon the labors of his mission; not, however, without encountering many precautions of the government, that contributed to embarrass these labors and add to the trouble and expense attending them. It will be observed, in the report of Mr. Brodhead, that he did not confine his researches in England to the archives of state, but extended them to the magnificent collections of manuscripts contained in the British Museum, as well as other repositories in London and its vicinity.

"In the summer of 1842, Mr. Brodhead proceeded to Paris, where the active kindness of General Cass, the American Minister, procured him all desirable facilities. The seventeen volumes of transcripts obtained in the French capital commence with the year 1631 and extend to 1763. They are beautifully engrossed, and will be consulted with great interest by every student of American history, especially in relation to the border wars that led to the final reduction of Canada and the extinction of French power on this Continent.

"Having completed his researches in Paris, Mr. Brodhead returned to England, and on the 7th of July, 1844, embarked for New-York, where he arrived early in the following month. Immediately after his arrival, he reported himself to Governor Bouck, and made known to him the general results of his mission. From that time until the date of his final report, the 12th of February last, he was employed at the city of New-York in arranging the documents in chronological order, framing indexes, and preparing his report. The documents were at the same time bound up in eighty distinct volumes, viz: Sixteen volumes of Holland Documents, seventeen volumes of Paris Documents, and forty-seven volumes of London Documents,—the latter coming down to the year 1782.

"Should it be supposed that no practical utility will be derived to the State from the possession of these documents, it may be stated that important references have already been made to them, in the course of legislation, during the present session of the Legislature. The following extract from the report of a committee of the Assembly, in relation to lands granted by the State for military services, shows their value in this respect:

"The committee, also, in the spirit of the rule of rendering justice to whom justice is due, feel constrained to acknowledge the important aid they have received, in this investigation and search for the musty records of olden time, from the report and documents of J. Romeyn Brodhead, Agent to procure and transcribe documents in Europe relative to the Colonial history of this State. Important papers and references, relating even to this claim, have been brought to light by his researches, and exhibit the importance of the objects and execution of his trust.'—*Report of Mr. Boughton, &c., April 21, 1845.*

GENERAL INTRODUCTION.

"The committee cannot better close this account of the fruits of this interesting mission than by quoting a few passages from a private letter addressed to the Agent by the Hon. George Bancroft, the American historian. After having consulted the collection, with reference to the period embraced in the forthcoming volumes of his History of the United States, Mr. Bancroft remarks as follows:

"Your papers I examined very carefully, from 1748 to the close of the series, and was deeply impressed with a sense of their importance. There is nothing in print like the minute and exact reports made by the French officers in Canada of their operations on our frontier during their long struggle for the preservation of Canada. Your papers surround Montcalm with all the interest of a hero of romance, and trace his overthrow; clearly, to distinct and inexorable causes.

"For the following period, your collections were also most interesting, and were absolutely necessary to the complete understanding of the politics of New-York during the years before the Revolution. The less numerous papers in the years of the Revolution contain some of the most curious and surprising character."

"In regard to the expenses of the mission, it appears, from the account rendered by the Comptroller, that there has been paid to the Agent, from the State treasury, the sum of \$12,000, being the amount appropriated by the Legislature to defray the expenses of the Agency, at three several periods; to wit: On the 2d of May, 1839, \$4000; on the 11th of April, 1842, \$3000; and on the 13th of April, 1843, \$5000. By the Comptroller's books, it appears that Mr. Brodhead has furnished accounts and vouchers for \$12,014.23, including his compensation to July 7th, 1844, leaving a balance in his favor, to that date, of \$14.23.

"It appears, from an abstract of the Agent's accounts, that the Holland documents, exclusive of binding, cost.....

The Paris documents,.....	\$703 13
The London do.,.....	904 80
	4,078 01
	\$5,685 94
Salary of the Agent, two years eleven months and ten days, at \$2000 per annum,.....	\$5,888 87
Traveling expenses,.....	439 42
	\$12,014 23

"It also appears, from the account, that there remains due to the Agent the sum of \$1390.98, including salary, expenses of binding the documents, &c., from the 14th of August, 1844, to the 12th of February last. The committee have examined this account, with the vouchers, and recommend that it be paid; and ask leave to introduce the accompanying bill."

The bill reported by the select committee having been passed into a law on the 13th of May, 1845, the Agent's accounts were duly settled, and his duty was completed.

The documents thus collected by Mr. BRODHEAD remained for several years in the condition in which they had been deposited in the Secretary's office, affording light and aid to historical inquirers, not only of this but of other States. The "Paris Documents"

were found to be of special interest to the literary investigators of Canada and the northwestern States, while many of the papers procured in England contained new and important facts illustrating the general history of the Union. The "Holland Documents" related more particularly to the local annals of New-York, while it was the Dutch Province of New Netherland. Nevertheless, there were many papers found in that series which had an important bearing upon points of great interest to the neighboring Colonies, and which explained some uncertain passages, especially in the history of New England, Pennsylvania, Delaware and Maryland. The documents procured in Holland and France, however, were in the Dutch and French languages—the law of 1839 having required the Agent to obtain "if possible the originals, and if not copies," of papers—and proper translations were necessary in order to render them generally useful.

In the meantime the new State Hall at Albany had been completed, and the records of the Secretary of State, together with those of the other State officers, had been removed thither. A better opportunity was thus afforded to ascertain the character and extent of the historical archives which had remained so long in great disorder, and almost inaccessible. Measures were afterwards taken by Mr. Secretary MORGAN to have these old papers properly arranged and bound; and more than two hundred large folio volumes of original documents were accordingly prepared and placed in a condition for easy reference. For the first time, the State archives were thus reduced to comparative order, and a necessary work was accomplished, the want of which had caused many of the embarrassments already referred to. A general catalogue or calendar of all the records in the Secretary's office, which shall indicate the date, character and contents of each document, is still greatly needed; and it is hoped that it will soon be prepared and printed.

The attention of the Legislature having been again directed to the subject, an appropriation was made, in the session of 1848, for collecting and translating some of the documents belonging to the State, connected with its history. In pursuance of this action, certain papers were compiled, under the direction of Mr. Secretary MORGAN, by Dr. E. B. O'CALLAGHAN, which, on the 5th of January, 1849, the Legislature ordered to be printed. In the following April, the Legislature directed the Secretary of State to cause to be printed a second volume of what was styled the "Documentary History" of New-York. Of this work, four volumes, in all, have been published. They contain a miscellaneous compilation, among which are some of the manuscripts procured by the Historical Agent in Europe.

It was thought by many, however, that such of the documents of the Agency as were in foreign languages should be translated, and that either the whole collection, or a selection of the most important papers in it, should be published, as a distinct work, by the authority of the State. This proposition was favorably received, and a bill was introduced into the Legislature, which was passed into a law on the 30th of March, 1849, as follows:

"AN ACT TO PROVIDE FOR THE PUBLICATION OF CERTAIN DOCUMENTS RELATING TO THE
COLONIAL HISTORY OF THIS STATE.

"PASSED MARCH 30, 1849, 'THREE-FIFTHS BEING PRESENT.'

"The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

"SECTION 1. The manuscript documents relating to the Colonial history of this State, now in the office of the Secretary of State, which were procured under and by virtue of an act of the Legislature, passed May 2, 1839, entitled 'An act to appoint an Agent to procure and transcribe documents in Europe relative to the Colonial history of this State,' or such portions thereof as the State officers hereinafter named shall deem advisable, shall be translated and printed for the use of the State.

"§ 2. The Governor, Secretary of State and Comptroller shall cause said documents to be prepared, printed, and bound in volumes of such size as they may determine upon, and for such purpose are hereby authorized to employ some suitable person to translate such parts thereof as are necessary, at a reasonable compensation to be fixed and certified by them.

"§ 3. The said State officers shall issue proposals for the printing and binding of such number of copies of said documents as they shall deem advisable to cause to be printed, not exceeding five thousand, in the same manner as proposals are required to be issued for the printing and binding of legislative documents, and shall make a contract for such printing and binding with such person or persons as shall have submitted proposals therefor, which, all things considered, they may deem most advantageous to the interests of the State, provided any of said proposals shall be by them considered reasonable.

"§ 4. The said State officers are hereby authorized to cause such portions of said documents to be stereotyped as they may deem the interests of the State to demand, and to secure or sell the copyright thereof, as in their judgment shall be for the interest of the State.

"§ 5. One thousand copies of said documents, when printed and bound, shall be deposited with the Secretary of State, and one copy thereof delivered by him to each member of the present Legislature, the President of the Senate, clerks and elective officers of the present Senate and Assembly, and twenty-three copies thereof (being one to each) to the several State officers who are entitled to bound copies of legislative documents; and the residue of said one thousand copies shall be by said Secretary of State retained, until disposed of as the Governor, Secretary of State and Comptroller may direct for the purpose and in the way of literary exchanges; and the remaining copies which shall be printed under the provisions of this act shall be sold under the directions of said State officers for such price as shall be determined by them, not less than twenty-five per cent over the actual cost of preparing, printing and binding the same, and the proceeds thereof paid into the State treasury.

"§ 6. This act shall take effect immediately."

It became a question whether, under the discretion vested by this law in the State officers therein named, the whole of the documents or a selection of them only should be published. Mr. BRODHEAD, who was then Secretary of the American Legation at London, and about to return home, offered to superintend the publication of such a selection, if it should be determined upon, without any charge to the State for his services. It was, however, on full consideration of the subject, deemed best to print the whole of the documents, and, under the authority vested in the State officers by the second section of the law, they employed E. B. O'CALLAGHAN, M. D., to make the necessary translations and to superintend the publication generally. In a communication to the Assembly, dated the 29th January, 1851 (Assembly Documents, No. 66), also in a report from the Comptroller to the Senate, made on 1st February, 1853 (Senate Documents, No. 24), and in the annual reports of the Comptroller to the Legislature, will be found detailed statements of the progress of the work. The arrangement adopted was, that the publication should consist of ten quarto volumes. Of these, the first and second were to contain translations of the "Holland Documents;" the third, fourth, fifth, sixth, seventh and eighth, the "London Documents;" and the ninth and tenth, translations of the "Paris Documents." The publication of the work was commenced in 1853 by the issue of the third volume, or the first of the English series — the translation of the papers to form the first and second volumes not having been then completed. The fourth, fifth, sixth, seventh and ninth volumes, were afterwards successively issued, all of them accompanied by foot notes by the translator.

It will be observed that no editor's name is attached to the third volume of the work — the first which appeared as above stated — the note on the back of the title page having been thought to afford sufficient information as to the manner of its publication; but in the subsequent volumes the name of the translator was, by the permission of the State officers, affixed as editor.

At its session of 1856, the Legislature passed the following act:

"AN ACT IN RELATION TO THE COLONIAL HISTORY OF THE STATE AND THE PUBLICATION
AND DISTRIBUTION THEREOF.

"PASSED APRIL 12, 1856, 'THREE-FIFTHS BEING PRESENT.'

"The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

"SECTION 1. The publication of the documents relating to the Colonial history of the State, pursuant to chapter one hundred and seventy-five of the Laws of eighteen hundred and forty-nine, shall be completed under the direction of the Regents of the University, who shall hereafter have the charge of the same, and of all things relating thereto, in place of and with the same powers as the officers named in said act.

" § 2. If the said Regents shall ascertain that, by the contracts already made in regard to the said work, the State has agreed to print the whole of said documents, and they shall be of opinion that portions only of those not yet printed should be published, they, the said Regents, may, in that event, arrange with the contractors for the publication, in the place of the documents thus withdrawn, of others in relation to the early history of the State, to an equivalent extent, so as not to increase the amount of the contract. The Secretary of State is hereby authorized to permit all proper investigations in his office, and the use of any documents or books therein, for this purpose.

" § 3. Five copies of the said published documents shall be delivered to each member of the present Legislature, and five copies thereof shall be given to each of the clerks, officers and reporters of the present Senate and Assembly, and to the several public officers who are entitled to bound copies of legislative documents. Three hundred copies thereof shall be placed with the Regents of the University, and two hundred and fifty copies thereof with the Secretary of State for literary exchanges and distribution, as they may deem proper. The remaining copies shall be offered for sale, under the direction of the Regents, on such public notice, and on such terms and price, not less than two dollars and fifty cents per volume, as they may deem proper; and such copies as remain unsold, at the end of six months, shall be placed in the custody of the Regents of the University, subject to future distribution by the Legislature; the proceeds of any such sales made by the said Regents, after deducting their necessary expenses under this act, shall be paid into the State treasury. Persons who may have already subscribed for or purchased said documents, or such of them as may have been published, shall be credited with the amount they may have paid, and be allowed to complete their sets at the price fixed by the Regents as aforesaid.

" § 4. This act shall take effect immediately."

On inquiry into the progress made in the translations and the condition of the work generally, it was found to be so nearly completed that it was deemed inexpedient by the Regents to attempt any exercise of the discretion vested in them under the second section of the act of the Legislature. All that remained for them to do was to superintend the residue of the publication, according to the arrangement determined upon and the contracts made by their predecessors.

DOCUMENTS
RELATIVE TO THE
COLONIAL HISTORY

OF THE
STATE OF NEW-YORK;

PROCURED IN
HOLLAND, ENGLAND AND FRANCE,

BY
JOHN ROMEYN BRODHEAD, ESQ.,
AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE, ENTITLED "AN ACT TO APPOINT AN AGENT TO
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY
OF THE STATE," PASSED MAY 2, 1839.

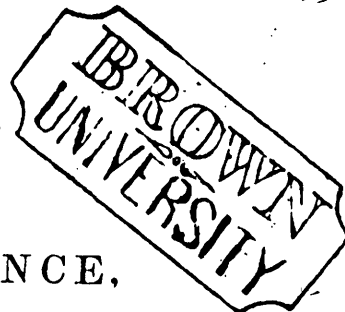


PUBLISHED UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE, ENTITLED "AN ACT TO PROVIDE FOR THE PUBLISHING OF
CERTAIN DOCUMENTS RELATING TO THE COLONIAL HISTORY OF THE STATE," PASSED MARCH 30, 1849, AND AN ACT ENTI-
TLED "AN ACT IN RELATION TO THE COLONIAL HISTORY OF THE STATE, AND THE PUBLICATION AND DISTRIBUTION
THEREOF," PASSED APRIL 12, 1856.

EDITED BY
E. B. O'CALLAGHAN, M. D., LL. D.

VOL. II.

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1858.



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PROCURED IN

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BY

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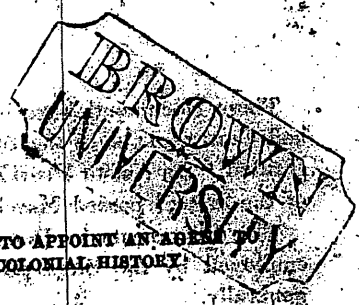
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JOHN ROMEYN BRODHEAD, ESQ.,

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OF THE
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PROCURED IN
HOLLAND, ENGLAND AND FRANCE,

BY
JOHN ROMEYN BRODHEAD, ESQ.,
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DOCUMENTS
RELATIVE TO THE
COLONIAL HISTORY

OF THE
STATE OF NEW-YORK

PROCURED IN
HOLLAND, ENGLAND AND FRANCE,

BY
JOHN ROMEYN BRODHEAD, ESQ.,
AGENT,

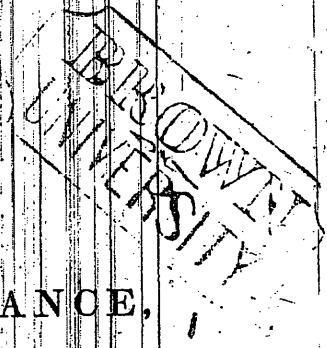
UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE ENTITLED "AN ACT TO APPOINT AN AGENT TO
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY
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PARIS DOCUMENTS.

THE Documents contained in these volumes, are copies of originals in the Archives of the Department of the Marine and the Colonies; in the Archives of the Department of War, and in the Royal Library at Paris.

The general management of Canadian affairs was, for a long time, intrusted to the Department of the Marine in France, which also included the Colonies under its jurisdiction. It was not until about the year 1755, when a general war broke out in America between France and England, that the Department of War appears to have had any particular communications with the French Agents in America; at any rate, nothing of consequence has been found in its Archives previous to that date.

The Archives of the Department of the Marine and the Colonies are very rich in Documents relating to the history of the French Colonies in America. Owing, however, to various causes (prominent among which may be named the unbridled spirit of wanton destruction which seemed to possess the Revolutionists of 1793), these Archives are, at the present moment (1843), in a state of deplorable confusion; and the toil and time required to examine and select from the vast mass of unarranged papers that load their shelves, can scarcely be appreciated by any one who has not himself made personal investigations.

The papers relating to Canada and New-York, are contained in two separate divisions. The one consists of a series of bound volumes, commencing with the year 1683 and ending very abruptly with 1737. This series numbers about seventy volumes, and contains the despatches of the King and his Ministers to the Governors and other functionaries in the French Colonies. It is greatly to be regretted that the volumes subsequent to 1737, are missing. The other, and by far the most fertile repository, is a series of "Cartons," or Portfolios, in which are placed, loosely, haphazard, and without the slightest attempt at arrangement, a vast mass of original Documents relating to Canada from 1630 to the period of the Treaty of Paris, 10th February, 1763. There are upwards of one hundred of these "Cartons," each of which contains Documents enough to make two bound volumes of the usual size. It is scarcely possible to conceive a task more appalling to the investigator than an examination of these papers. Dusty, decayed, without order, often without a date to identify the Document; a despatch of 1670 jostling a paper relating to Dieskau's defeat, an account of the surrender of Quebec, *pele-mêle* with a letter of Governor Dongan; the expedition of 1690, mixed up with the attack on Forts William Henry, Frontenac and Duquesne, the Hurons and Manhattan, Boston and the Ottawas, side by side; the contents of these "Cartons" form, indeed, the materials of a brilliant Historical Mosaic, whose riches will repay the patient investigator who does not allow their painful disorder to deter him from the research.

It must be evident that this state of things was embarrassing in no small degree. It not only very greatly increased the labor of the investigations, but was found that, in a great many instances, valuable papers were missing from the mass. If, therefore, the Historian, in looking over these Transcripts, hereafter, should observe deficiencies in the series, he may feel assured that they have not been so left without regret and mortification on the part of the collector.

The Archives of the "Department of War," however, present a gratifying contrast, in respect to arrangement, to those of the "Marine and the Colonies." The papers are chronologically arranged in

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bound volumes; and their examination was as agreeable and pleasant as that of the "Cartons" of the Marine was laborious and annoying. The papers relate, chiefly, to the period between 1755 and the Treaty of Paris, and comprise the correspondence of the Military Commanders in America with the French Government.

In arranging these Transcripts (which were, of course, separately copied), a strictly chronological order has been observed. The papers from the Department of the Marine and the Colonies have been intermingled with those from the Department of War; and whenever inclosures were found they have always been placed next after the letter transmitting them.

JOHN ROMEYN BRODHEAD.

PARIS, December, 1843.

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