

BENEVOLENT PATRIOT: THE LIFE AND TIMES OF HENRY  
RUTGERS—PART THREE: BACK HOME, 1783–1800

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With a northwest wind blowing on a clear and chilly Tuesday, November 25, 1783, a day long anticipated by Whigs and dreaded by Tories had arrived. In the months leading up to that date, more than 30,000 loyalist refugees had embarked from New York to destinations such as Nova Scotia, Quebec, and Abaco in the West Indies. In addition, 3,000 black émigrés who had fled behind British lines from bondage under patriot masters had also departed from the city for Canada and elsewhere. The feelings of erstwhile exiled patriots toward the royalist exodus could be summed up in the following contemporary ditty:

Then Yorkers, let's remember  
The Refugees and Tories  
The five and twentieth day  
of the bleak month, November  
When the Cow-thieves sneaked away!

In a broadside, "Brutus" sounded a more ominous note: "Flee then while it is in your power, for the day is at hand, when, to your confusion and dismay, such of you as reject this seasonable admonition, will have nothing to deliver them from the just vengeance of the collected citizens."<sup>1</sup>

In anticipation of General George Washington's arrival, a deputation of New York citizens who were "long suffering Exiles" wrote him a congratulatory address, to which he responded: "May the tranquility of your City be perpetual; May the ruins soon be repaired; Commerce flourish; Science be fostered, and all the civil and social virtues be cherished." In keeping with previous negotiations between the two commanders, an orderly transfer of power had been arranged. Around one o'clock in the afternoon

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of November 25, American troops under Major General Henry Knox entered the city and took control of former British posts, then returned to the Bull's Head Tavern on the Bowery Road on the outskirts of town to escort General Washington, Governor George Clinton, and their entourages in a triumphal procession into the city. They were accompanied by ecstatic, cheering crowds along the way. That evening, Governor Clinton hosted an elegant dinner at Fraunces Tavern for Washington and other notables; the festivities went on for days afterwards. In later years, Evacuation Day would be celebrated in the city with banquets and other events.<sup>2</sup>

### "The Once Flourishing Improvements"

It is unknown whether Henry Rutgers participated in the grand procession into the city or whether he was already there, as were some rebels, waiting for the British to vacate. We can only speculate on his feelings on first inspecting his damaged property. The mansion house, most recently used as a military hospital, was no doubt in an unsanitary condition. Strong evidence of the general condition of the family homestead was provided in a newspaper advertisement Rutgers placed in the *Independent New-York Gazette* on November 29, four days after the British departed. As "Acting Executor" of his father's estate, Rutgers forbade any person "at their peril" from breaking open any building or enclosure on the Rutgers Farm or "carrying off any materials, or committing any depredations whatever," lest they face prosecution "to the utmost rigour of the law." He also offered a reward for the recovery of household furniture, brewing and farming utensils, fencing, riding chairs, sleighs, beer drays, wagons, carts, and other articles that "were left at the homestead of ... Henry Rutgers, deceased, on the 15th of September, 1776," the day the enemy had entered the city. The latter inventory, which included several items of considerable value, provides convincing evidence of just how badly the Rutgers property was despoiled. Another indication of the trespasses the property had endured during the occupation is Rutgers' mention in another advertisement in early 1784 of "the remains of the once flourishing improvements of the late Henry Rutgers."<sup>3</sup>

The brewery of Hendrick Rutgers Sr. had obviously suffered during the occupation. There is no evidence that his son resumed the brewing operation after the war. But whatever losses the property had sustained paled in contrast to the loss suffered by Henry's cousin Elizabeth Rutgers. On November 23, two days before the British

evacuation, her brewery on Maiden Lane was reduced "to ashes" in a spectacular fire, despite the efforts of firemen and British soldiers to save it. Rumor had it that the fire was "designedly perpetrated by some discontented person or persons of the Refugee complexion."<sup>4</sup>

The New York City Common Council soon established a committee on wartime losses. They were also concerned with restoring order and civil government to the former garrison town. Some people who had stayed behind were considered an undesirable element: "Idle wicked and dissolute persons" committed "frequent Robberies Thefts & violent Breaches of the Peace." In addition, there were "other abandoned Vagrants and Prostitutes whom the ordinary process of justice hath not awed nor reclaimed." The consistory of the Reformed Church resolved to repair the North Dutch Church, the Reverend Archibald Laidlie's former church, which had been used by the enemy as a hospital and a barracks. It was reopened in December 1784. Other churches, such as the Middle Dutch Church, would take years to repair.<sup>5</sup>

In March 1783 the New York legislature had passed the Trespass Act, which allowed those who had abandoned their property during the British occupation to sue for damages during their absence, notwithstanding the fact that military authorities had authorized use of the property. Although it had been passed prior to the Treaty of Peace, the stipulations of this act were technically in violation of Article VI of the treaty. Citing the Trespass Act, Anthony Rutgers, acting as agent for his mother Elizabeth, brought suit against Joshua Waddington, who was the agent for Benjamin Waddington, who had occupied the brewery from 1778 to 1783. The state's attorney general, Egbert Benson (and others), represented the widow Rutgers; Alexander Hamilton and other prominent attorneys defended Waddington. Commencing so soon after the end of the war—in February 1784, when Henry Rutgers was serving in the state assembly—the suit pitted an aggrieved patriot widow in her 70s against a detested British sympathizer, fanning the flames of anti-Tory sentiment. As a major test of the Trespass Act, people recognized that *Rutgers v. Waddington* was "a controversy of high importance."<sup>6</sup>

At issue was whether Waddington owed rent to the widow Rutgers for the entire time he had use of the property during the British occupation. The suit was brought before the New York City Mayor's Court between February and August 1784, and a decision that sought, unsuccessfully, to placate both sides was reached on

August 27. It awarded Elizabeth Rutgers damages only for the period that Waddington had used her property without proper military authorization. The verdict was regarded as "pregnant with the most mischievous consequences" and resulted in a wave of public indignation. The Clintonian-dominated state legislature passed a resolution of censure against the court. Eventually, Joshua Waddington and Mrs. Rutgers reached a compromise. The case of *Rutgers v. Waddington* was precedent setting in that the core issue was whether a court could exercise judicial review over a legislative act. It involved questions "which must affect the *national character* ... whose decision will record the spirit of our Courts to posterity [and] embrace the whole law of nations!"<sup>7</sup> In a few years the matter of judicial review would take on added national significance.

The losses the Rutgers family had suffered due to wartime depredations did not compare with the loss incurred by their former neighbor across Division Street, James De Lancey. In the colonial period, De Lancey had had a grandiose scheme for the development of his property, which was dashed by the war; as a British sympathizer, he fled to England in 1775. In his postwar claim to the British government for compensation, De Lancey revealed that his estate in the city consisted of 347 acres, which he claimed were worth £45,393. The valuable property was divided into the East Farm, with waterfront of over a mile along the East River, and the West Farm, which was subdivided into more than 1,000 lots.<sup>8</sup>

Even though their property abutted the De Lancey estate across Division Street, the Rutgers family was not among the purchasers. Perhaps they simply did not have the money in the tight postwar economy or they hesitated to be predatory neighbors. Other purchasers had no such qualms: among the prominent buyers of East Farm tracts were Henry's former comrades-in-arms Marinus Willett and John Lamb, who bought a parcel in partnership. Ultimately, the state realized £107,532 (New York currency) from the sale of the confiscated De Lancey estate, which also implies just how valuable the Rutgers property was.<sup>9</sup> What James De Lancey dreamed of doing with his property is what Rutgers family members eventually accomplished, incrementally, with their property.

### "To Preserve Freedom and Independence"

The proliferation of social, fraternal, and political associations in the postwar period caused one commentator to observe that the new country had gone "Society mad." Although Henry

Rutgers was part of this trend, his omission from the rolls of one organization is a bit puzzling. In May 1783, several senior officers of the disbanding Continental Army founded the Society of the Cincinnati. Named after the selfless Roman general, its purpose was to perpetuate the bonds of comradeship forged during the war; George Washington was the first president-general. According to its "Institution" (charter), "All the officers of the American army, as well as those who have resigned with honor, after three years' service in the capacity of officers, or who have been deranged by the resolution of Congress upon the several reforms of the army, as those who shall have continued to the end of the war, have the right to become parties to this institution." Membership could also be passed down through the eldest male heir.<sup>10</sup> Based on those requirements and Rutgers' entire military service, it seems that he was eligible.

Even though many of his compatriots, such as George Clinton, Richard Varick, Marinus Willett, and Alexander McDougall, as well as his kinsman Dr. Ebenezer Crosby, were all charter members and he remained an officer in the state militia, Rutgers' name is curiously absent from the rolls. (Both Varick and Willett served as presidents of the New York chapter.) Perhaps Rutgers was disgruntled to some degree by his wartime experiences. The organization was, however, very controversial among staunch republicans. They regarded it as establishing "a race of hereditary patricians" and represented "as rapid a Stride towards an hereditary Military Nobility as was ever made in so short a Time." Opposition to the society dovetailed with the recent protracted fight over pensions for army officers. In 1784 Thomas Jefferson considered the organization "against the Confederation; against the letter of some of our constitutions; against the spirit of them all." Even Washington eventually distanced himself from the Cincinnati.<sup>11</sup> As a soon-to-be Jeffersonian Republican with a populist bent, perhaps Henry Rutgers regarded the elitist and hereditary provisions of the Society of the Cincinnati to be objectionable. He never joined the organization.

Further evidence of Henry Rutgers' presence in the city shortly after the evacuation was his election in the first postwar poll as an assemblyman representing the City and County of New York. On December 17, 1783, the Committee of Mechanics met at Cape's Tavern and nominated a slate of refugee Whigs and former Sons of Liberty, including Henry Rutgers, Marinus Willett, John Lamb, Isaac

Sears, and William Malcom. The candidates rode a wave of virulent Tory phobia: many erstwhile royalists and "persons of equivocal character" had never left the city. Among other punitive measures, the state legislature disenfranchised perhaps two-thirds of New York City Tories.<sup>12</sup>

Polling for representatives to the state legislature was held between December 29, 1783, and January 5, 1784. Voters were required to take a loyalty oath, and apparently few besides patriot refugees voted in the election. The mechanics' slate of candidates thus won in a landslide, with the former exiles and army veterans cowing any opposition; it must have been sweet revenge. Before the voting ended, on January 1, 1784, the *Independent Journal* reported that "Captain" Henry Rutgers had received the third-highest number of votes (231), after only Marinus Willett (249) and John Lamb (239); two days later the *Independent Gazette* reported that Rutgers' tally was 358.<sup>13</sup>

Shortly after the election, a committee of recently exiled mechanics, grocers, retailers, and innkeepers was formed to formulate instructions for the city's newly elected assemblymen. Their recommendations shed light on the concerns of the average citizen at the time: payment of the public debt; imposition of duties on imported manufactures, especially luxuries, which would serve to promote native manufactures; reciprocal denial to Britain of all commercial privileges not accorded to the United States; support of public education and easy naturalization; and restrictions against loyalists who had spent the war in the city.<sup>14</sup> The ability of voters to instruct and potentially control elected representatives was an important part of politics in this period.

Thus Henry Rutgers attended the seventh session of the state assembly that met at City Hall (the erstwhile British headquarters) between January and May 1784. He served on the committee of ways and means, as well as on committees regarding the sale of forfeited loyalist estates, veterans' claims, land grants, and Indian affairs. Among the 66 acts passed during this legislative session were measures to protect the rights of Reformed churches in New York City, settle wartime accounts, offer bounty land grants for veterans, and "Preserve the Freedom and Independence of this State." Reflecting the new political order, one law changed the official name of Henry's alma mater from King's College to Columbia College. Rutgers' wartime losses at the hands of the British and their adherents no doubt influenced him to vote in favor of laws

concerning the "speedy Sale" of confiscated loyalist estates and imposing duties on imports from the British West Indies.<sup>15</sup>

One particular law hit close to home. On April 29, Henry's former superior officer Richard Varick submitted a petition on behalf of himself, Rutgers, Richard Lush, and Jacob John Lansing, all former officers in the mustering department. It requested "an Allowance to each of them ... for the Pay by them received for their Services in a Staff Department of the late Army of the United States, and like Certificates for the same, as have been given to the late Line of the Troops of this State." The petition was referred to committee. On May 7, the state senate amended a similar claim of another former officer, John Hubbard, to include Varick's claim as well. The assembly concurred with the amendment and returned the bill to the senate, which then delivered it to the Council of Revision for final approval. On May 10, the council delivered a message that the bill "does not appear improper," and thus it became "An Act for the Relief of John Hubbard and Richard Varick."<sup>16</sup> For reasons that are not clear, during the legislative process the names of Rutgers, Lush, and Lansing were dropped from the final law. Perhaps the Council of Revision thought that Rutgers' presence in the legislature constituted a conflict of interest. Rutgers, Lush, and Lansing would shortly initiate their own protracted process in attempting to obtain compensation.

By entering the field of politics, Henry Rutgers exposed himself to the jibes of newspaper satirists. In January 1784, shortly after his election to the assembly, his name was used in a satiric piece regarding loyalists: "As whispering is now in fashion ... I heard James Rivington whisper Mr. Rutgers—between you and me, I believe that I must pack from New-York: my press is stopped; my ears are in danger; I am a prisoner; and my hospitality avails nothing." Rivington was a newspaper printer whom a vigilante mob had driven from the city in 1775. He had then fled to England. He returned to occupied New York in 1777 and used his *Royal Gazette* to espouse the British cause. Surprisingly, after the evacuation he remained in the city. Some thought he was tolerated because he had also fed intelligence to the Americans. It is unclear whether Rutgers himself actually had any connection with Rivington, but his sister Mary and her husband, Dr. Stephen McCrea, did borrow money from him in 1785.<sup>17</sup> Perhaps, as a prominent New Yorker, Rutgers was merely being enlisted as a vehicle for forwarding a story. Future satiric barbs would not be so tame.

### "We Have Errors to Correct"

The radical Whig hegemony in politics did not last long. By the next election, in spring 1784, moderate and conservative Whigs such as Alexander Hamilton had aligned themselves with former Tories and a new slate of candidates represented the city in the legislature. Indeed, in the Common Council elections that year Nicholas Bayard, a former Tory, was chosen alderman to represent Henry Rutgers' home ward. In general, during the 1780s rapid turnover of elected representatives was common. In April 1785, "A Constant Reader" offered Henry Rutgers' name among a list of candidates for the upcoming election, but evidently he did not run at that time. By mid-decade, conservatives and moderates used their influence to relax punitive legislation against Tories, and by 1788 the Federalist Party that supported the U.S. Constitution successfully ran former Tories on their ticket.<sup>18</sup>

That same year, Henry Rutgers stood as a candidate for the 12th session of the New York state assembly. He was also appointed an election inspector in the Out Ward and was instructed to meet with other inspectors at Simmons's Tavern on Wall Street near City Hall. A radical Whig election broadside that circulated in April 1788 seemed to pander to the baser instincts of the electorate. Under the caption "Once More for the Liberties of the People of America," it pointed out that the ensuing election might mean the difference between war and peace. The circular appealed to "The sons of liberty ... who are again called upon to contend with *sheltered aliens* and *strangers*, who have, *by the courtesy of our country*, been accepted as citizens." Henry Rutgers was endorsed as one of the candidates for election to the legislature "who have uniformly manifested their attachment to the *liberties of America*." But times had changed, and appeals that invoked the Liberty Boys of '76 were of no avail: Rutgers was defeated in the election. This outcome reflected an overall downturn in the prospects of radical republicans and "the rise of conservative nationalism" in the Southern District of New York in the late 1780s.<sup>19</sup>

Politically, Rutgers aligned himself with George Clinton, the state's governor, and thus during the latter 1780s supported what became the antifederalist program, which opposed ratification of the Constitution. One of the early objections of the Antifederalists was that the Philadelphia convention of 1787 exceeded its mandate of amending the Articles of Confederation by instead calling for a new governing charter. In general, they feared the concentration

of power in a strong central government at the expense of state sovereignty, and they doubted that a republic as large as the new United States could be fairly governed by a central authority. The Antifederalists in New York were a disparate group, but overall they tended to represent noncommercial agrarian interests as opposed to the commercial and urban interests that were allied with the upstate landed aristocracy that supported the Federalists.<sup>20</sup>

By the mid-1780s, the "league of friendship" that was the Confederation exhibited serious strains; many regarded it as a "critical period." Congress had virtually ceased to govern. The fledgling confederacy hugging the seaboard had begun to balkanize. There was a notable discrepancy between the idealism of 1776 and the realities of the 1780s. Writing from retirement at Mount Vernon in August 1786, George Washington expressed the concerns of many at the time:

Our affairs are drawing rapidly to a crisis.... We have errors to correct. We have probably had too good an opinion of human nature in forming our confederation. I do not conceive we can exist long as a nation, without having lodged somewhere a power which will pervade the whole Union.... What then is to be done? Things cannot go on in the same train forever.... We are apt to run from one extreme into another.... What astonishing changes a few years are capable of producing! I am told that even respectable characters speak of a monarchical form of government without horror.... What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal & falacious!<sup>21</sup>

Among all the Antifederalists, the Clintonians in New York had the most effective political machine. In New York City, John Lamb founded the "Federal Republicans," which sought unsuccessfully to serve as an umbrella organization for antifederalism; at one point, he had to defend his house from a Federalist mob. It is unclear how ardently Henry Rutgers subscribed to the particulars of the antifederalist agenda, but he did run on their ticket. He was going against the grain by being an affluent urbanite who supported an agrarian democratic program. Although

the Antifederalists ultimately capitulated in the contest over ratification of the Constitution, one of their important legacies was insistence upon a bill of rights. As a party loyalist, in March 1789 Rutgers was appointed to a committee for promoting the re-election of George Clinton as governor; along with his friends William Malcom and Marinus Willett, he was also appointed to a subcommittee to draft a circular letter addressed to state electors.<sup>22</sup>

### "The Decision of Equity"

As with many veterans, events of the war years reverberated for Henry Rutgers into the postwar years. Rutgers had lost his position in the Continental Army in January 1780, when Congress had consolidated the muster master department. Perhaps because he was disenchanted by the whole experience and thought that he had little chance of success, at that time he did not act on a suggestion to petition Congress about being excluded from the severance package to which most other officers in his department were entitled.<sup>23</sup> By the mid-1780s, however, he had had time to reconsider.

The impetus seems to have been provided by Richard Varick, his friend and former superior in the mustering department. As early as March 1782, Varick had submitted a claim (via John Morin Scott, who then served in Congress) for compensation for the depreciation of his pay. (At the time Varick served as George Washington's confidential secretary, who was entrusted with transcribing all of the general's wartime papers.) Officers who were rendered supernumerary, such as Varick, Joseph Ward, and Henry Rutgers, had not been included in previous congressional resolutions regarding depreciation. Varick's memorial was referred to Secretary at War Benjamin Lincoln, but no action was taken on the matter in 1782.<sup>24</sup>

One year later, in March 1783, Varick wrote directly to Elias Boudinot, president of Congress, to reiterate his claim. He pointed out "that after assiduously sacrificing the prime of my Youth in the Service of my Country ... I have been dismissed and hitherto denied" what other officers were entitled to. The petition was again referred to Secretary Lincoln, who suggested to Congress "the propriety of passing a resolve which shall comprehend" all the officers in Varick's situation.<sup>25</sup> But again Congress procrastinated.

Thinking that his previous letter had miscarried, in August Varick once more wrote to President Boudinot and pointed out that "my Prayers for the Reward of my Labours have been hitherto

baffled." He expressed the hope that "my Claim on the Justice of my Country for a full Compensation for those Services will appear so reasonable as no longer to meet the Obstructions which have been thrown in the Way of my obtaining my dues." He requested that Congress pass a resolution recommending to the legislature of New York to make good the depreciation of his pay, along with the 12 months' pay to which he was entitled according to the resolution of January 1780. Varick concluded by making a similar application on behalf of his deputies in the department—Henry Rutgers, Richard Lush, and Jacob John Lansing—who had "discharged with Fidelity, their respective Offices" and were the only other New Yorkers in the mustering department.<sup>26</sup>

Varick followed up this letter with another in September 1783 requesting compensation in specie for the arrears of pay and subsistence money owed him. In December, Joseph Ward, the former commander of the department, submitted his own petition to Congress for compensation, requesting only "the decision of equity" in comparison with other Continental officers. Ward also pointed out that Richard Varick was in a similar situation. Finally, on May 10, 1784, the legislature of New York passed "An Act for the Relief of ... Richard Varick": "That it shall be lawfull for the ... Auditors to settle with Colonel Richard Varick, by allowing him what his Arrears of Pay and Years Advance, as Deputy Muster Master General was worth in Specie, at the time they respectively became due ... and grant him a Certificate for the same."<sup>27</sup>

The saga of Varick's obtaining compensation for wartime services was only a sideshow of the protracted, complicated, and controversial issue of pensions for army officers. There were both pro-pension and anti-pension factions in Congress. After initially passing a resolution in October 1780 granting officers half-pay for life, Congress flip-flopped, then finally resolved the issue in March 1783, when half-pay for life was commuted to full pay for five years. But either way, the fledgling Confederation government frankly did not have the money to honor their commitment; ultimately, financially pressed veteran officers sold commutation certificates to speculators for a fraction of their value. The plight of former officers in the muster master department was compounded because their situation was, in the words of Joseph Ward, "singular, and without parallel."<sup>28</sup>

No doubt influenced by the settlement of Varick's claim, as well as by the exigencies of the weak economy during the 1780s,

in August 1784 Henry Rutgers joined Richard Lush and Jacob John Lansing, his two fellow New York officers from the mustering department, in submitting a memorial to Congress's Committee of the States. The memorialists began by reciting their war records, then pointed out that they had served until they were dismissed in January 1780 "with a Promise of a Years pay as a Gratuity," which technically was not accurate in Rutgers' case because he had not served the stipulated 18 months in the department. They then noted that the New York legislature had recently compensated Varick for the depreciation of his pay and argued that they had "in the Execution of the Duties of their office been at least subjected to the same Inconveniences and Hardships with Colonel Varick and ... suppose their Claims on the Public to be equally well founded." The petitioners concluded by requesting that a resolution be passed similar to that relating to Varick.<sup>29</sup>

The committee to whom the memorial was referred reported on it on December 17, 1784; consequently, on June 2, 1785, a resolution was passed recommending to the governor that New York settle with Rutgers, Lush, and Lansing "by allowing them what their arrears of pay and years advance ... was worth in specie at the time they ... became due, and charge the same to the United States." In compliance with the congressional resolution, on April 15, 1786, the New York legislature passed "An Act for the Relief of Henry Rutgers, and others," which authorized the state auditors to settle with the three claimants. When they attempted to settle, however, the claimants were not satisfied with the auditors' interpretation of the law. They applied to the legislature for an explanatory act but were instead referred to the U.S. Congress.<sup>30</sup>

In August 1787, Rutgers, Lush, and Lansing again petitioned Congress regarding their claim. The issue was that the state auditors were "disposed to construe" the acts of Congress and the state "in such a manner as to defeat the just and liberal intentions": the auditors insisted on interpreting the laws to liquidate the claim "at the Value thereof in specie, at the time they became due agreeable to the scale of depreciation." Thus, the value of the year's advance of pay was worth a mere \$14 and the arrears of pay likewise "comparatively small." They asked Congress "to pass an Act explanatory of their real intentions with regard to the petitioners."<sup>31</sup>

On October 3, 1787, Secretary of Congress Charles Thomson reported on the petition, which was referred to committee. The next day the committee reported "that the resolution deranging these

officers was prior to that allowing depretiation [*sic*] to the army, which last resolve required the persons to be in service on the day of its passing, and that Congress have uniformly refused granting depretiation to those officers who were deranged prior to the passing of the sd. resolution." Thus Rutgers, Lush, and Lansing were disappointed. On February 6, 1789, however, the state legislature did pass another "Act for the relief of Henry Rutgers and others," which instructed the state auditors to settle the accounts of the three claimants "upon the same principles" as they had settled with Varick.<sup>32</sup> Thus concluded, no doubt frustratingly for Henry Rutgers, a long ordeal of trying to gain an equitable settlement for his wartime service.

### "Extremely Well Calculated for Country Seats"

With the death of his father in 1779, Henry Rutgers had become the family patriarch. He never married, but a significant development on the domestic scene occurred in 1789 when he brought his two grandnephews, John Player and William Bedlow Crosby, into his home. They were the surviving sons of Rutgers' niece Catherine (daughter of his sister Catherine Bedlow) and her husband, Ebenezer Crosby. A native of Braintree, Massachusetts, Crosby had received medical degrees from Harvard College and from the University of Pennsylvania. During the Revolutionary War he had been "an accomplished surgeon" who served in George Washington's personal bodyguard. After the war Crosby specialized in obstetrics in New York and lectured on the subject both in his home and at Columbia College. In July 1788, Crosby died "in the midst of his usefulness to society" as the result of "a lingering consumptive illness." At his funeral, the members of the Society of the Cincinnati walked in procession, and Henry Rutgers was doubtless present as a mourner.<sup>33</sup>

A few months later, in February 1789, Crosby's "amiable consort" also died. On her deathbed, Catherine Bedlow Crosby chose her uncle Henry as the boys' guardian "in preference to nearer relatives on account of his piety." This no doubt necessitated adjustments to the bachelor household that Henry Rutgers had formerly kept and required bringing on additional staff. These changes would resonate into the future. Rutgers formally petitioned to adopt the boys in December 1798.<sup>34</sup> This act provides strong evidence of the primacy of family in Rutgers' life.

Henry Rutgers lost no time in involving himself in the commercial and public life of his hometown. Within days of the British departure, he placed an advertisement that offered to lease several houses and lots, as well as shipyards. In early 1784, Rutgers advertised for a gardener who was "desirous of furnishing the markets with vegetables, the ensuing season." The gardener would be "commodiously accommodated with an excellent Brick House, and Garden spot, of one or two acres," which included "a few excellent fruit Trees" that were the remnants of Hendrick Sr.'s orchard. That same year he hired William Bran, an immigrant from Ireland and a Revolutionary War veteran, as his rent collector. Bran would serve the colonel faithfully for more than 40 years.<sup>35</sup>

In January 1785, Rutgers advertised to lease his "Seat ... near Corlears-Hook." Its location was only one mile from the courthouse, he pointed out, and its "healthy and elegant situation" along the river rendered it "one of the most agreeable and convenient Villas in the suburbs." Perhaps the mansion house was too large for his bachelor needs and he sought income from the property during the recession; he was no doubt living in one of his other residences. Rutgers also advertised other house lots "on ground rent, for a term of years." Promoting the aesthetic appeal of his property, he pointed out that some of the lots were "extremely well calculated for country seats, commanding a beautiful and extensive prospect of the bay, harbour and country adjacent." When purchasers of lots leased from Rutgers built houses on them and sold them, they also advertised the term of the unexpired lease; at expiration, Rutgers would either pay the owner for the improvements or renew the lease.<sup>36</sup>

In addition to ground leases for building lots, Henry Rutgers' lease of shipyards and lumberyards provided an important element in reclaiming his fortune. As the economy improved in the late 1780s, entrepreneurs such as Rutgers could capitalize both on the need to rebuild the damaged city and on the burgeoning urban population. A state census taken in 1786 revealed a population in the city of 23,614, as well as 3,340 houses. Evidently Rutgers dabbled in the lumber business himself, as well as leasing property to others for lumberyards, sawpits, and shipyards. In January 1785, for instance, he provided "Boards &c. for the Goal." In June 1786, "a huge raft of spars and timber" belonging to him went adrift from the East River out to sea. In 1787 he advertised the lease of "a convenient Lumber Yard, fronting the Long Wharf, at George slip."

The next year he petitioned the Common Council "for a grant of the Soil under Water in the East River" opposite part of his land at Corlears Hook. A committee reported that the petition should be granted on condition that Rutgers' Slip be left 120 feet wide, that a pier of 30 feet be left on the west side, and that he pay £315 for the soil right. In 1789 a brigantine was auctioned at "Rutger's [*sic*] Wharf, near the ship yards."<sup>37</sup> By claiming his right to "soil under water," Rutgers thus initiated a process that capitalized on the strategic location of the family homestead and would provide one basis for his fortune in the postwar period.

Rutgers provided an impetus to the local economy in 1786 when he and other residents of the Out Ward petitioned the Common Council "to erect a public market-house at Catherine Slip, at their own expense." That June, he attended a council meeting to announce "that the Market House at Catherine Slip was erected & ready for the reception & accomdation [*sic*] of Butchers & Country people." Catherine Market proved popular and was subsequently enlarged several times. On Sundays in later decades, the market became a rendezvous for blacks from the city, Brooklyn, and New Jersey, where they held dance competitions. In 1789 Rutgers joined other prominent New Yorkers such as George Clinton, Alexander Hamilton, and John Jay as a subscriber to the bipartisan New York Manufacturing Society, which unsuccessfully attempted to establish textile factories to employ the "honest poor."<sup>38</sup>

### "Free by the Laws of God"

In March 1786, Henry Rutgers joined 135 other prominent men such as Alexander Hamilton, John Jay, John Lamb, Richard Varick, and Ebenezer Crosby in petitioning the New York legislature regarding those who "although free by the laws of God are held in slavery by the laws of this state." The petitioners pointed out that "it is well known that the condition of slaves in this State, is far more tolerable and easy than in many other countries." Thus, they requested a law to prevent "the practice of exporting them like cattle and other articles of commerce, to the West-Indies and the Southern States."<sup>39</sup>

Although the petition was not presented specifically under the auspices of the New York Manumission Society, it was no doubt influenced by the recent establishment of that organization in January 1785. The immediate impetus for the founding of the society was "violent attempts lately made to seize and export for

sale, several free Negroes." Its membership was a veritable social register of prominent New Yorkers; many of the members were Anglicans and Quakers. The society's purposes were benevolent, paternalistic, and socially conservative: it advocated the gradual emancipation of slaves. Ironically, nearly one-fifth of the members were slaveholders, including its first president, John Jay, who owned five slaves. It has been commented that the Manumission Society's efforts were characterized by "halting, neocolonial liberalism." One of the society's major accomplishments, however, was the founding of the African Free School.<sup>40</sup>

Although Rutgers signed the 1786 petition, he apparently was not a member of the New York Manumission Society. And, like his father and grandfather before him, Henry Rutgers owned slaves. It is unknown if he owned any slaves during the 1780s, but by 1790 he owned two. Rutgers continued to own slaves for the rest of his life. The seeming paradox would indicate that, while he opposed exportation of slaves from the state, he was not willing to support blanket manumission. Rutgers was a product of both his society and his religious denomination, which was "not unusually enlightened" regarding slave ownership. Members of the Dutch Reformed Church were, in general, more tolerant of slave owning, and as a group the Dutch opposed early legislative efforts at emancipation. Other members of Rutgers' immediate family were also slave owners.<sup>41</sup>

### **"The Localist Tendencies of Public Life"**

As a member of the affluent urban gentry, Henry Rutgers naturally involved himself in "the localist tendencies of public life" both in his neighborhood and in the larger community. In 1784 he joined other proprietors of lots fronting the East River in petitioning the Common Council to widen Cherry and Water Streets. They proposed that Cherry Street be widened 20 feet, provided they could extend their lots 20 feet farther into the river, to which the council acceded. Such improvement schemes usually had reciprocal benefits to the property owners. Probably in order to avoid trespassing, that same year Rutgers petitioned to open a road through his land to the "New Slaughter House at Corlears Hook"; several cartmen were paid by the city treasurer for digging the road. In 1785 he proposed relinquishing a well and pump in the Out Ward for public use if the city corporation agreed to keep it in repair; four years later he paid £10 toward a pump in a well recently sunk in the street near his house. Addressing a quality-of-life issue,

in 1786 Rutgers joined his neighbors in complaining about "great injury from the running at large of Swine" and requesting an ordinance to prohibit it. But his efforts were not all work: that same year a "Race Course" was established on the Rutgers Farm.<sup>42</sup>

After the war Henry Rutgers did not seek a lucrative public office in New York City, unlike several of his fellow veteran officers—Richard Varick, for instance, served as recorder and then as mayor, Marinus Willett as sheriff, and John Lamb as collector of the port. Nor did Rutgers ever serve on the Common Council as an alderman or an assistant. He was, however, well regarded for his probity. In 1785 the New York Chancery Court appointed him a master in chancery, a court official who assisted the chancellor in various duties. In June, the Chancery Court appointed Rutgers, along with Varick and John Broome, to investigate the lunacy of Francis Smith, a laborer, on a petition brought by the latter's brother. On several occasions Rutgers was appointed an election inspector, which, considering the volatile and often corrupt electioneering practices of the time, entailed considerable responsibility. In 1784 he was appointed an inspector in the Out Ward, where the polling place was at "Barnes's in Rutgers old House," probably a reference to a tavern in the original family farmhouse along the Bowery Road. In that case, however, a replacement was appointed because Rutgers "appears to be non resident in the Ward"; perhaps he was either traveling or living in one of his other residences in a different ward. In 1787 and in the following year, however, the Common Council again appointed him an election inspector in his ward.<sup>43</sup>

At war's end, Henry Rutgers transitioned from the Continental Army into the militia of the city and county of New York. In doing so, he joined other veterans such as Willett, William Malcom, and Lamb. In early 1784, Rutgers was referred to as "Captain Rutgers," which probably reflected his new militia rank. Promoted to major by 1787, Rutgers, along with Willett and Colonel Alexander Hamilton, served as a pallbearer at the funeral of a fellow officer. Then in November, "the grand annual review and inspection" of the militia and independent companies of New York was held. After being reviewed by Governor George Clinton, about 3,000 troops, "a formidably martial body of republican veterans," "marched into Rutgers's field, where they performed the several firings and evolutions ordered ... to universal satisfaction." At a review before Brigadier General Malcom in October 1788, Major

Rutgers commanded the First Regiment of New York Militia when a new standard was presented on which the arms of the state were "elegantly painted."<sup>44</sup>

On April 23, 1789, George Washington arrived in New York City amid "the loud acclamations of the people," and seven days later he was sworn in as first president of the United States on the balcony of Federal Hall. As a prominent citizen and an officer in the state militia, Henry Rutgers was no doubt in attendance. In July 1789, Malcom's brigade paraded past President Washington's house in celebration of July Fourth and then at the end of the month was again reviewed "on the grounds belonging to Col. Rutgers." In July 1790, "Lieutenant Colonel, Commandant" Rutgers commanded the legion of Malcom's brigade when it "performed a variety of firings and manoeuvres" on Rutgers' property and was reviewed by President Washington, Governor Clinton, General Henry Knox, and the chiefs of the Creek tribe. Lieutenant Colonel Rutgers continued to command the regiment until July 1795.<sup>45</sup>

### "Payments Made Easy"

According to the first census of the United States in 1790, the population of New York City was 33,131, second only to that of Philadelphia. In future decades, the former would eclipse the latter and become the preeminent port and urban center in the nation. The same census recorded Henry Rutgers' household in the Out Ward as consisting of himself, three "free white males under 16 years," two "free white females," and two slaves. Two of the three free white males were most likely Rutgers' adopted grandnephews, John P. and William B. Crosby. The free white females were probably women hired to care for the children. His ownership of two slaves was the mean for slaveholders in New York City. And 1790 marked the reopening, after seven years, of the war-damaged Middle Dutch Church, with a sermon by Archibald Laidlie's protégé, the Reverend John H. Livingston. Henry Rutgers likely attended the rededication of the church where he had been christened.<sup>46</sup>

Henry Rutgers' business had indeed increased since the economic dislocation of the early and mid-1780s. Several factors formed the basis of his future success: the shrewd purchase of the Rutgers Farm by his grandfather Harmanus; improvements made to the property by his father, Hendrick; his own stewardship and entrepreneurship after inheriting the property; his careful property

transactions in the early 1780s; the burgeoning urban population; and the general upswing in the economy. Both the nation and Rutgers the person had weathered the crisis of the 1780s.

The lumber business was good to Henry Rutgers. In January 1791, he advertised "a large and very convenient Lumber yard" near his house on the East River. He had been induced to establish the yard, he noted, "by the frequent applications of the dealers in lumber, and the advantageous situation of the ground for the purpose." Vessels of any burden could load or discharge cargoes in all seasons; it was "perfectly secure from the violence of storms." As many as five "stave rafts" could discharge cargoes at the same time. Rutgers could either store or sell staves, shingles, boards, planks, and square oak and pine timber "upon the usual terms." Sometimes, he dealt in huge amounts of lumber. In 1792, for example, he offered for sale "80,000 Pipe Staves, of the first quality," and in 1796 he offered 50,000 white oak pipe staves. After starting up lumber businesses, Rutgers would lease "Lumber Yards and Ship Yards of various dimensions, and very conveniently situated." Public auctions of lumber were also conducted at Rutgers' lumberyard "above the Ship-yards."<sup>47</sup>

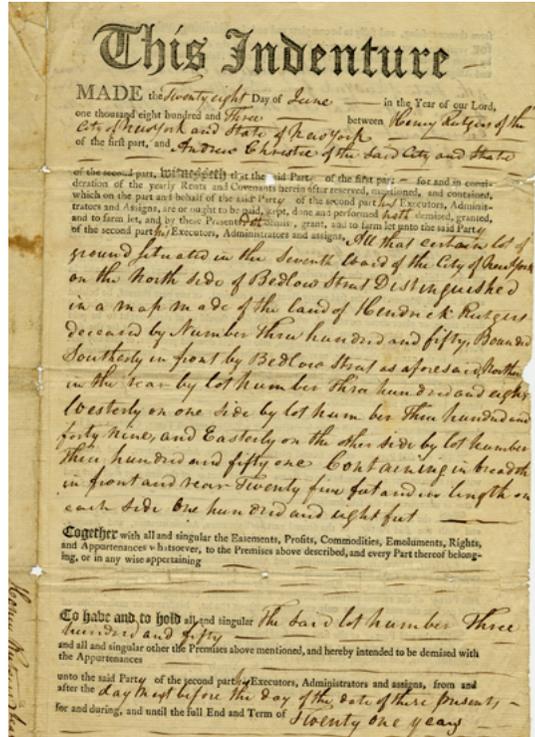
Late 18th- and early 19th-century Manhattan has been described as an "irregular collection of mostly regular grids." One of the most distinctive of those "regular grids" was found on the Rutgers Farm. Because the property had been laid out in plots in the mid-18th century, as the new century approached Henry Rutgers stood poised to capitalize on both the booming economy and the growing population. The Rutgers Farm was ultimately defined by Montgomery, Division, Catherine, and Cherry Streets, which in later years comprised a significant portion of the Lower East Side neighborhood. Actual development of the property proceeded cautiously during the 1780s but accelerated during the 1790s. Over time, hills were leveled, marshy areas filled, and the shoreline extended into the East River.<sup>48</sup>

Rutgers' modus operandi in developing the property was to grant "ground leases" (long-term leases) either for buildings he himself had constructed or to stipulate that the lessees construct buildings according to specifications. An important method of controlling development was to require compliance with specified conditions, such as using brick to guard against the ever-present danger of fire. Rutgers also required his permission for leaseholders to sell their leases and reserved to himself the first option to



buy. Thus Rutgers maintained some control over the density of development and related quality-of-life issues. It was, after all, his neighborhood, too. Some of the buildings were used as residences or as residences combined with stores or shops; Rutgers advertised "Payments made easy." In 1794 Rutgers leased a lot to Simon van Antwerp at £15 for 21 years; in 1796 James Harrison, a cotton manufacturer, leased six lots from Rutgers for £120 per annum; and in 1799 Rutgers auctioned improvements on a lot with a lease for 16 years at an annual ground rent of \$24, to be paid quarterly. Leases such as these guaranteed Rutgers an annual income.<sup>49</sup>

At the time, it was thought that wealth was supposed to be used, not hoarded. Like most contemporary entrepreneurs, Henry Rutgers had several irons in the fire. In 1791, he established "near his dwelling house at the ship-yards" a "Bleach-field & Thread Manufactory" that contained "every apparatus necessary for carrying on the business in an extensive manner." In typical fashion, after starting the enterprise he leased it to Matthew Adam, who advertised that he was conducting it "on the most approved and satisfactory method ... upon the Dutch plan." Two years later, Rutgers advertised the lease of a large stone two-story building measuring 30 by 100 feet, "formerly used for a Brewery and Malt house," which was no doubt the former Rutgers brewery. The building could be used, he pointed out, either as a brewery or as a grain distillery. Also for lease nearby was a stone mill house in



Henry Rutgers' lease to Andrew Christie, 1803.  
Source: Henry Rutgers Collection (MC 1369).

which had been erected a new "double geared horse mill." Rutgers may also have been involved in 1795 in a sailcloth and duck manufactory that was across from his house, as well as a button factory in Bedlow Street. As a result of a fire at one of his buildings the next year, Rutgers built a fireproof brick building on Rutgers Wharf, which he leased to a "Flax Seed Store and Works."<sup>50</sup>

### "The Emolients of Democracy"

Despite his numerous business ventures, during the 1790s Henry Rutgers continued to be involved in the civic life of his hometown. This involvement was expressed on many levels, such as when in 1791 he joined other prominent men in subscribing to the *New York Magazine, or Literary Repository*. In September 1790, Rutgers was elected an assessor in the Bowery division of the Out Ward, a role in which he had first entered civic life in 1775; he was again elected assessor in 1797. That same month, he was also appointed an election inspector; the designated polling place was the Bull's Head (or Varian's) Tavern. He was appointed an inspector in 1792, 1794, 1796, 1797, and again in 1802. During the yellow fever epidemic in 1793, Rutgers superintended the night watch in his ward in order to prevent boats from landing during the night. In 1791—the year the Out Ward was renamed the Seventh Ward—Rutgers petitioned for the erection of a bulkhead across Rutgers Slip. That same year, he and others petitioned the legislature for a law regulating docks and wharves in the city. The next year, he petitioned for grants of "soil under water" opposite two parcels he owned. In 1796 and 1797, he was involved in surveying, laying out, excavating, filling in, and paving streets on his property. In 1800, he was paid for fortifications built on his property. And there were also the usual annoyances of urban life: in 1796, some persons had deposited a manure pile on Rutgers' property, which would result in a fine if not removed.<sup>51</sup>

In various ways, Rutgers continued to evince populist tendencies and empathy for the common people. When he made a cession of land to the Dutch Reformed consistory for building a church in 1792, for instance, he stipulated that a certain proportion of pews "remain free of rent forever as an encouragement to the poor to attend divine worship." In November 1796, he complained to the Common Council that large sea vessels "occupy Rutgers's Slip to the exclusion of River boats," thereby hindering poorer citizens' access to markets. Continuing an association started in

1771, in the mid-1790s Rutgers was several times elected a governor of the New York Hospital. In 1799, he was also elected a trustee of the City Dispensary, which furnished "the indigent sick with medical assistance." That same year, he joined hundreds of others from Albany and New York City in petitioning the legislature to pass a law for the relief of those imprisoned for debt. Rutgers was a prominent member of a committee that in 1803 petitioned the legislature to amend the city charter in order "to extend the right of suffrage."<sup>52</sup>

The late 1780s and 1790s were a period of Federalist ascendancy in New York City. Despite his affluence, Henry Rutgers was snubbed in Federalist social circles. He was active as a committeeman in supporting George Clinton's reelection as governor. As noted, Rutgers ran for assemblyman in 1788 on the Clintonian Antifederalist ticket but was defeated when the Federalists swept the election. In 1794 the Democratic Society of New York, which espoused Jeffersonian principles, was founded; Rutgers was elected a vice president, and the following two years he served as the organization's president.<sup>53</sup>

Citing "the increase of my business and the consequent daily avocations in which I am necessarily engaged," on March 3, 1795, Rutgers resigned his commission as commander of the First Regiment. Thus ended nearly 20 years' military service on behalf of his city, state, and country. The Council of Appointment eventually accepted Rutgers' resignation. In addition to the press of business, politics probably played a part: Rutgers' resignation coincided with Federalist John Jay's election as governor. Shortly after Rutgers submitted his letter of resignation, he was toasted, tongue-in-cheek, at an "entertainment" in his honor at the Tontine Coffee House: "May the Council of Spirits only receive the resignation of the Commandant of the first regiment." Similarly, at an Evacuation Day banquet the following December, the officers and soldiers of his brigade offered the following toast: "Colonel Henry Rutgers—may the council of appointment not *tear from us* the men whom we love and revere. 6 cheers." For the remainder of his life and beyond, Rutgers was referred to as "Colonel."<sup>54</sup>

By the mid-1790s, there was a real chance that the fledgling country could again go to war with Great Britain. As part of its larger conflict with revolutionary France, Britain had committed depredations on American vessels and commerce; moreover, there were still unresolved issues related to the peace treaty of 1783. In

New York 3 March 1795

Sir

The increase of my business, and the consequent daily avocations in which I am necessarily engaged, renders any future attention to Regimental duty extremely inconvenient; And as the Law makes it the duty of the Officer wishing to Resign, to acquaint the Commanding General of the Division to which he is annexed, with his intentions; And as General Monro who commands the Division to which I belong is gone to the Southward, I am therefore constrained to make immediate application to Your Excellency, and Request your acceptance of my Resignation, as Lieut Colo Commandant of the First Regiment of Militia in the City and County of New York — This is not the result of a moment, but of a determination taken some time past. — Being the only Field Officer in the Regt at that time, I waited patiently for an appointment of Majors, whose abilities and Experience might be relied on. This has succeeded to my wishes, and I feel confident, That the Regt under their directions will maintain ~~the~~<sup>its</sup> Military character — I remain with sentiments of Esteem

Your Excellency's most Obedt Servant  
 His Obedt Servant  
 George Clinton — Henry Rutgers Lieut Colo

Henry Rutgers to George Clinton, March 3, 1795. Letter of resignation as commandant of the New York City militia. Source: Henry Rutgers Collection (MC 1369).

February 1794 a public meeting was held in front of Federal Hall "concerning the vexations and embarrassments under which our foreign commerce labors, by reason of British spoliation." Colonel Rutgers was a member of the "Committee of 20," who were charged with preparing resolutions. Democratic Society members, such as himself, wanted "a nearer connection between France and the United States"; the thought terrified conservatives and Anglophiles such as Alexander Hamilton.<sup>55</sup>

In an attempt to avoid war over the depredations on American commerce and other issues, John Jay was sent to negotiate with Britain. The Senate debated the treaty in secret. When its provisions were made public, it became a very divisive issue. Jay's Treaty was seen by many as too favorable to the British and injurious to American interests; the fact that Jay was a Federalist did not help. Colonel Rutgers' opinion of the treaty is evident in a "volunteer" (i.e., toast) he gave at a dinner on July 4, 1795: "The *Patriotic Ten* in the Senate of the United States, who were opposed to the late treaty in its *present form*. 15 cheers." Later that month Rutgers attended a chaotic meeting at Federal Hall regarding the treaty, with both sides in attendance. He was appointed to a committee to draft resolutions "expressive of their disapprobation of the treaty." In April 1796 Rutgers was part of the "Republican Whig" state assembly ticket that lost to the Federalists over Jay's Treaty and other issues. At an Independence Day celebration he chaired that July, resentment over the treaty, and the Federalists in general, still smoldered. He offered a toast: "May the film of aristocracy, which at present prevails, be removed only by the emolients [*sic*] of democracy." After he retired from the dinner, the assemblage toasted him.<sup>56</sup>

One example of how highly charged partisan politics intersected with international relations was the passage in 1798 of four laws known as the Alien and Sedition Acts. When war with Republican France seemed imminent, the laws were chiefly used as a weapon against opposition newspaper editors who attacked John Adams's Federalist administration. On Independence Day 1798, Henry Rutgers offered a toast at a Democratic Society dinner that expressed the hope that the "reasonings [of Edward Livingston, New York's congressman] on the Alien Bill meet with the attention not only of his constituents, but of the Republicans throughout the Union." After he left the dinner, Rutgers himself was toasted as "the worthy and Independent citizen." Around that same time, John D. Burk and James Smith, who edited the opposition paper

the *Time Piece*, were arrested "for a most infamous libel against the President of the United States." Burk, an Irish émigré and virulent Anglophobe, was singled out in particular because of his volatile nature and radical republican views. Colonel Rutgers apparently joined Aaron Burr in posting bail for the accused, which is an indication of the extent of Rutgers' own commitment to republican ideals.<sup>57</sup>

One major problem in the late 1790s developed out of Rutgers' relationship with John Lamb, a former leader of the Sons of Liberty and commander of the famous Lamb's Artillery during the late war. In 1789 Lamb received a lucrative federal appointment as collector of customs for the Port of New York. In compliance with law, Rutgers and three others stood surety for Lamb in the amount of \$50,000. In 1796, however, an audit revealed that a dishonest clerk in Lamb's department had embezzled a large sum of money. Lamb was forced to resign in 1797, and in 1799 the U.S. attorney for New York sued him, Rutgers, and the other sureties; Aaron Burr represented Rutgers. In 1801 and 1802, Rutgers and the other sureties petitioned Congress for a release from their obligation, but in 1803 the U.S. District Court offered a judgment in favor of the government. To his credit, Rutgers did make a good-faith effort to settle the matter, which was not accomplished until 1808.<sup>58</sup>

In May 1799, a precursor of the slings and arrows Henry Rutgers would be subjected to by his political opponents was put in the mouth of "An Old Citizen" who related a conversation supposedly overheard in the street between two members of the numerous Livingston clan. In response to the question "How does the colonel come on?" the reply was "Trust me for him—between you and me he is not much a head of the most stupid of them; I know how to manage him well enough—I have his weak side—flattery, flattery, with him is everything; leave him to me." This was relatively tame compared with what would come in ensuing years.<sup>59</sup>

After a hiatus of 16 years, Henry Rutgers rode the wave of Jeffersonian ascendancy when he was again elected to the New York assembly for 1800–1801 as a Republican representative for the City and County of New York. Rutgers expressed his delight at the inauguration of Thomas Jefferson on "the memorable 4 March" and took pride in the fact that the voters in his ward "gave a Republican Presidency." He seemed confident that "Republican exertions at this time will terminate the reign of Federalism." During his tenure in the legislature, Rutgers was not known as an eloquent orator

or debater but instead, "by his sterling good sense, he acquired an influence." He reputedly exerted a meliorating influence: "His unimpeachable moral character and uniform consistency gained him the confidence and respect of those who were his opponents." He often used his influence "in moderating animosity, and suppressing the feelings of rancor." Despite this, he was subjected to slander and personal attacks by Federalist newspaper editors. Typical of the era, Rutgers also was not above using his position to try to influence the legislative process in order to facilitate a family matter.<sup>60</sup>

The year 1800 also marked the second federal census, which recorded Rutgers as owning five slaves, the most he ever owned. In 1817 he was elected a vice president of the American Colonization Society, which sought to resettle free and freed blacks in Africa; he remained involved with the organization until his death.<sup>61</sup> Perhaps he, like others, was able to compartmentalize his slave ownership as separate from his renowned piety and profession of Christian values. But it would be hard to believe that there was not some inherent conflict. On the other hand, despite his privileged background and his affluence he maintained a lifelong empathy for populist principles and causes. As in any person, there were contradictions.

Building on the shrewd economic decisions of his forbears, during the past two decades Henry Rutgers had laid the groundwork for rebuilding his, and his posterity's, fortunes. As the new century began, he was poised to capitalize on his cautious stewardship of the property. During the early decades of the 19th century Rutgers became one of the leading developers, landlords, and rentiers in New York City; he had also groomed his adopted grandnephew and heir, William B. Crosby, to act as his agent. A lifelong Knickerbocker, Colonel Rutgers remained active in the affairs of his hometown, as well as his state and nation. During the War of 1812, when there was a real possibility that the enemy could again invade his city, he took part in defensive preparations. An epitome of the "Age of Benevolence," Rutgers applied his wealth to support numerous religious, educational, and humanitarian organizations, as well as liberally distributing charity to the poor. As a college student during the colonial period, as an army officer during the Revolutionary War, and as a politician in the postwar era, Henry Rutgers had both experienced and participated in some of the most tumultuous and consequential events in American history.

## NOTES

Unless otherwise stated, manuscript collections are held by Special Collections and University Archives, Rutgers University Libraries, New Brunswick, New Jersey.

1. On the embarkation of loyalists, see Sir Guy Carleton (writing from a warship off Staten Island) to Lord North, November 29, 1783, enclosing a list of loyalists who had left New York on November 24, 1783, in K. G. Davies, ed., *Documents of the American Revolution, 1770–1783*, 21 vols. (Shannon: Irish University Press, 1972–81), 19: 452–53 and 21: 225–26. On black émigrés, see Graham Russell Hodges, ed., *The Black Loyalist Directory: African Americans in Exile after the American Revolution* (New York: Garland, 1996). The poem is in James Riker, “*Evacuation Day*,” 1783 (New York, 1883), 17–18. For “*Brutus*,” see *To All Adherents to the British Government and Followers of the British Army Commonly called Tories, Who are at present within the City and County of New-York*, August 15, 1783, *Early American Imprints* (Evans), series 1, no. 44464.
2. George Washington, “*The Address of the Citizens of New York, who have return’d from their Exile*,” November 22, 1783, *George Washington Papers at the Library of Congress, Series 4: General Correspondence, 1696–1799*, *American Memory* online, <https://memory.loc.gov/ammem/gwhtml/gwhome.html>, and Geo. Washington to The Citizens of New York Who Have Returned from Exile, November 27, 1783, in John C. Fitzpatrick, ed., *The Writings of George Washington*, 39 vols. (Washington, DC: U.S. Government Printing Office), 27: 250. On plans for re-entering the city, see the broadside *The committee appointed to conduct the Order of receiving their Excellencies Governor Clinton and General Washington*, November 24, 1783, *Early American Imprints* (Evans), series 1, no. 44426. On the evacuation in general, see Riker, “*Evacuation Day*,” 1783; John Austin Stevens, “*Historical Introduction*,” in *Report of the Joint Committee on the Centennial Celebration of the Evacuation of New York by the British* (New York, 1885), and I. N. Phelps Stokes, *Iconography of Manhattan Island*, 6 vols. (New York: Robert H. Dodd, 1915–28), 5: 1173–74 (hereafter cited as Stokes, *Iconography*). For a firsthand account of the transfer of power and celebrations in the city, see Lyman C. Draper, “*Memoir of Major Samuel S. Forman*,” in Samuel S. Forman, *Narrative of a Journey Down the Ohio and Mississippi in 1789–90* (Cincinnati, OH, 1888; reprint Bowie, MD: Heritage, 1990), 12–15. On the postwar celebration of Evacuation Day, see, for example, *Minutes of the Common Council of the City of New York, 1784–1831*, 19 vols. (New York: M. B. Brown, 1917), 1: 187, 688,

- and 690 and 2: 51, 53, 117, 120, 202, 204, 305, 410, 411, 484, 585, 689, and 691 (hereafter cited as *Min. Common Coun., 1784–1831*).
3. Writing two days before the British evacuation, a Hessian officer noted, "The city was all full of Rebels," *Journal of Lieutenant John Charles Philip von Krafft*, in *Collections of the New-York Historical Society for ... 1882* (New York, 1883; reprint New York: Arno, 1968), 198 (hereafter cited as *Journal of Philip von Krafft*). See also Draper, "Memoir of Major Samuel S. Forman," in Forman, *Narrative of a Journey*, 12–13. And also *Independent New-York Gazette*, November 29 and December 6 and 27, 1783, and *New-York Journal*, March 25, 1784, both in *America's Historical Newspapers: Early American Newspapers, 1741–1922*, [www.readex.com](http://www.readex.com) (hereafter cited as AHN online).
  4. On the fire at the Elizabeth Rutgers brewery in Maiden Lane, see the *Connecticut Journal*, December 3, 1783; the *Norwich Packet* (CT), December 4, 1783; and the *Boston Gazette*, December 15, 1783, all in AHN online; Stokes, *Iconography*, 5: 1173; *Min. Common Coun., 1784–1831*, 1: 182, 186, 376; and *Journal of Philip von Krafft*, 199.
  5. *Min. Common Coun., 1784–1831*, 1: 8, 35, 49. On the North Dutch Church and the Middle Dutch Church, see Stokes, *Iconography*, 5: 1183, 1196.
  6. The quote is from Richard B. Morris, ed., *Select Cases of the Mayor's Court of New York City, 1674–1784* (Washington, DC: American Historical Association, 1935), 302, quoting the contemporary pamphlet *Arguments and Judgment of the Mayor's Court of the City of New-York, in a Cause between Elizabeth Rutgers and Joshua Waddington* (New York, 1784).
  7. On the case of *Rutgers v. Waddington*, see especially Henry B. Dawson, *The Case of Elizabeth Rutgers versus Joshua Waddington Determined in the Mayor's Court in the City of New York* (Morrisania, NY, 1866); Sidney Pomerantz, *New York, An American City, 1783–1803* (New York: Columbia University Press, 1938), 84–87; Morris, ed., *Select Cases of the Mayor's Court*, 57–59, 302; and especially Julius Goebel Jr. et al., eds., *The Law Practice of Alexander Hamilton: Documents and Commentary*, 2 vols. (New York: Columbia University Press, 1964), 1: 282–419. The quote is from Morris, *Select Cases from the Mayor's Court*, 302, quoting the contemporary pamphlet cited in the previous note (emphasis in original). Newspaper accounts of the trial and the decision appear in the *Independent Journal* (New York), August 18, September 4 and 11, and November 18, 1784; the *Connecticut Journal*, August 25, 1784; the *Connecticut Courant*, August 31, 1784; *Freeman's Journal* (Philadelphia), September 8, 1784, and July 13, 1785; *New-York Packet*, September 30 and November 4, 1784; *Pennsylvania Packet*, November 20, 1784, and July 12, 1785; *Columbian Herald* (Charleston, SC), November 23 and December 28,

1784, and June 17, 1785; and the *Daily Advertiser* (New York), July 14, 1785, all in AHN online.

8. On De Lancey's prewar plan to develop his property, see Elizabeth Blackmar, *Manhattan for Rent, 1785–1850* (Ithaca, NY: Cornell University Press, 1989), 33–39. On the sale of De Lancey's confiscated estate, see Harry B. Yoshpe, *The Disposition of Loyalist Estates in the Southern District of New York* (New York: Columbia University Press, 1939), 28–32. An abstract of De Lancey's postwar claim for compensation from the British government is in Peter Wilson Coldham, *American Migrations, 1765–1799* (Baltimore, MD: Genealogical Publishing, 2000), 217–18. Coldham confuses the claim of James De Lancey of New York City with that of his kinsman, James De Lancey of Westchester County, New York.
9. On the purchasers of the De Lancey estate, see Yoshpe, *Disposition of Loyalist Estates*, 29–32. A map of the East and West Farms and the names of prominent purchasers appear between pp. 28 and 29. In October 1765, Hendrick Rutgers Sr. and James De Lancey had made an agreement regarding a partition line and opening a public street between their properties; in February 1789, Henry Rutgers (hereafter HR) presented the agreement to the Common Council, which in July 1790 ordered the city surveyors to lay out Division Street. See *Min. Common Coun., 1784–1831*, 1: 430, 569. The street by that name that is depicted on several maps prior to that date was most likely an unimproved lane.
10. The quote is from Gordon Wood, *The Creation of the American Republic* (New York: Norton, 1972), 400. The society's institution is transcribed in Minor Myers Jr., *Liberty without Anarchy: A History of the Society of the Cincinnati* (Charlottesville: University Press of Virginia, 1983), Appendix, 258–62.
11. For HR's experiences during the Revolutionary War, see "Benevolent Patriot: The Life and Times of Henry Rutgers—Part Two: 'I Have Bestowed My Mite': The Revolutionary War Years," in this issue, pp. 1–26. The first quote is by Aedanus Burke of South Carolina, quoted in Douglas Southall Freeman, *George Washington: A Biography*, 7 vols. (New York: Charles Scribner's Sons, 1948–57), 6: 8; the second quote is in Wood, *Creation of the American Republic*, 400. George Washington solicited Thomas Jefferson's opinion on the Society of the Cincinnati; see Washington to Jefferson, April 8, 1784, and Jefferson to Washington, April 16, 1784, both in W. W. Abbot et al., eds., *The Papers of George Washington: Confederation Series*, 6 vols. (Charlottesville: University Press of Virginia, 1992–97), 1: 275–277, 287–92. On the controversy over army officers' pensions, see note 28 below. Rutgers' name does not appear on any contemporary list of society members, which, given his prominence and the fact that he knew many charter members, could not have been an oversight;

the earliest published list is in David Franks, *The New-York Directory* (New York, 1786), 70. Biographies of New York members are in Francis J. Sypher Jr., *New York State Society of the Cincinnati* (Fishkill, NY: New York State Society of the Cincinnati, 2004); Rutgers is included (pp. 410–11) in the latter, apparently because the author decided to include “a number of biographies of men who were not original members, but whose Revolutionary service appears to meet the membership requirements” (ix). In 1810 HR’s adopted grandnephew William B. Crosby joined the organization because of the membership of his late father, Dr. Ebenezer Crosby. See William Sturgis Thomas, *Members of the Society of the Cincinnati: Original, Hereditary and Honorary* (New York: T. A. Wright, 1929), 47, and Bryce Metcalf, *Original Members and Other Officers Eligible to the Society of the Cincinnati, 1783–1938* (Strasburg, VA: Shenandoah Publishing, 1938), 98. Descendants of HR are members of the organization today, claiming eligibility under his name. On the controversial nature of the Cincinnati, see Wood, *Creation of the American Republic*, 399–400; Markus Hünemörder, *The Society of the Cincinnati: Conspiracy and Distrust in Early America* (New York: Berghahn, 2006); and William Doyle, *Aristocracy and Its Enemies in the Age of Revolution* (New York: Oxford University Press, 2009), 86–137.

12. On the city’s first postwar election, see Staughton Lynd, “The Mechanics in New York Politics, 1774–1788,” *Labor History* 5 (fall 1964): 225–46, especially 235n42. Lynd seems to be in error regarding some dates for the election. See also Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763–1797* (Chapel Hill: University of North Carolina Press, 1967), 67; Anthony Gronowicz, “Political ‘Radicalism’ in New York City’s Revolutionary and Constitutional Eras,” in Paul A. Gilje and William Pencak, eds., *New York in the Age of the Constitution, 1775–1800* (Cranbury, NJ: Associated University Presses, 1992), 98–111; and Harold C. Syrett et al., eds., *The Papers of Alexander Hamilton*, 27 vols. (New York: Columbia University Press, 1961–87), 3: 483n1. Newspaper coverage related to the election appeared in the *Independent Journal* (New York), December 22, 1783; the *Political Intelligencer* (New Brunswick, NJ), December 30, 1783; and the *New-York Packet*, December 29, 1783, all in AHN online.
13. Syrett et al., eds., *Papers of Alexander Hamilton*, 3: 483n1. Voting tallies appeared in the *Independent Journal* (New York), January 1, 1784, and the *Independent Gazette* (New York), January 3, 1784, both in AHN online; the latter vote tally was apparently the last published. Other election coverage (without vote tallies) appeared in the *Pennsylvania Packet*, January 6, 1784; the *New-Jersey Gazette*, January 13, 1784; the *Independent Gazeteer* (Pennsylvania), January

- 17, 1784; and the *Connecticut Journal*, January 21, 1784, all in AHN online; and the *Pennsylvania Gazette*, January 14, 1784, available at Accessible Archives online, [www.accessible-archives.com](http://www.accessible-archives.com).
14. Lynd, "The Mechanics in New York Politics," *Labor History* 5 (Fall 1964): 236.
  15. On HR's attendance, committee assignments, and voting record, see *Journal of the Assembly of the State of New-York, At their first Meeting of the Seventh Session* (New York, 1784), *Records of the States of the United States: New York*, microfilm, A.1b, reel 4 (hereafter cited as *Early State Records*). On laws passed during this session, see *Laws of the State of New-York, passed at the first meeting of the seventh session of the Legislature, beginning the 12th day of February, 1784, and ending the 12th day of May following* (New York, 1784), available at Eighteenth Century Collections Online, <http://quod.lib.umich.edu/e/ecco/>. On the impost, see Cathy Matson, "Liberty, Jealousy, and Union: The New York Economy in the 1780s," in Gilje and Pencak, eds., *New York in the Age of the Constitution*, 118. On the New York economy in general, see Thomas C. Cochran, *New York in the Confederation: An Economic Study* (Philadelphia: University of Pennsylvania Press, 1932). On the national economy during the 1780s, see Matson, "The Revolution, the Constitution, and the New Nation," in Stanley L. Engerman and Robert E. Gallman, eds., *The Cambridge Economic History of the United States*, vol. 1 (New York: Cambridge University Press, 1996), 372–88.
  16. Entries for April 29, May 7, May 8, and May 10, 1784, in *Journal of the Assembly of the State of New-York, at their first Meeting of the Seventh Session* (New York, 1784), *Early State Records*; "An Act for the Relief of John Hubbart and Richard Varick," May 10, 1784, *Laws of the State of New-York* (New York, 1784), *Early State Records: New York* (microfilm). Henry Rutgers was not serving in the assembly when the bill regarding Varick was voted on.
  17. *Political Intelligencer* (New Brunswick, NJ) ("From the New-York Intelligencer"), January 27, 1784, in AHN online. On Rivington, see William David Sloan and Julie Hedgepeth Williams, *The Early American Press, 1690–1783* (Westport, CT: Greenwood, 1994), 171, 175–77, 181–83, and *American National Biography* (New York: Oxford University Press, 1999), s.v., "Rivington, James" (hereafter cited as ANB); and Stokes, *Iconography*, 5: 1174–75. In March 1787, Rivington advertised the sale on September 5 of the McCreas' mortgaged house and lot in the East Ward fronting Queen Street. See *Independent Journal*, March 28, 1787 (and subsequent issues), in AHN online.
  18. "A Constant Reader," in the *Independent Journal*, April 6, 1785, in AHN online. On Bayard's election, see Pomerantz, *New York, An American City*, 87.

19. See Election Circular, April 2, 1788 (emphasis in original); Appointment and Meeting of Election Inspectors, April 3 and 10, 1788; and A Citizen, April 5, 1788, all in John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, 27 vols. to date (Madison, WI: Wisconsin Historical Society Press, 1976– ), vol. 21: *Ratification of the Constitution by the States: New York, 1494–95*. The phrase is from Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760–1790* (Baltimore: Johns Hopkins University Press, 1981), chapter 9. E. Wilder Spaulding was wrong on both counts when he identified Rutgers as a merchant “with Federalist sentiments” in *New York in the Critical Period, 1783–1789* (New York: Columbia University Press, 1932), 7.
20. On the Antifederalists, see Jackson Turner Main, *The Anti-Federalists: Critics of the Constitution, 1781–1788* (Chapel Hill: University of North Carolina Press, 1961); Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788–1828* (Chapel Hill: University of North Carolina Press, 1999); John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic* (Madison, WI: Madison House, 1993); and Young, *The Democratic Republicans of New York*. Primary sources on the Antifederalists are Herbert J. Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago, 1981), especially vol. 2, which includes (pp. 15–18) the reasons that Robert Yates and John Lansing Jr., two of New York’s delegates to the Philadelphia convention, dissented from the proceedings and departed early from the convention, and vol. 6, which deals specifically with New York and includes speeches of Melancton Smith (pp. 148–76) and George Clinton (pp. 177–91); vol. 1 is titled *What the Anti-Federalists Were For*. Another invaluable primary resource is Kaminski, ed., *Documentary History of the Ratification of the Constitution*, especially *Ratification of the Constitution by the States: New York*, vols. 19–23.
21. George Washington to John Jay, August 15, 1786, in W. W. Abbot et al., eds., *The Papers of George Washington: Confederation Series*, 6 vols. (Charlottesville: University Press of Virginia, 1992–1997), 4: 212–13. See also Washington to Jay, May 18, 1786, in *ibid.*, 4: 55–56. On this period in New York’s history, see Edward Countryman, “From Revolution to Statehood,” in Milton M. Klein, ed., *The Empire State: A History of New York* (Ithaca, NY: Cornell University Press, 2001): 229–68. A general study is Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781–1789* (New York: Knopf, 1950).
22. On the re-election committees of 1789, see the *Daily Advertiser*, March 27, 1789; the *New-York Daily Gazette*, March 27–28, 1789; the *New-York Weekly Museum*, March 28, 1789; the *New-York*

- Packet*, March 31, 1789; the *New-York Journal*, April 2, 1789; and the *Independent Gazetteer* (Philadelphia), April 2, 1789, all in AHN online. The circular letter was published as part of the following: *At a meeting of a respectable number of freeholders ... in the city of New-York, on... the 9th of March, 1789*, Early American Imprints (Evans), series 1, no. 45535.
23. On HR's derangement from the muster master department, see "Benevolent Patriot: The Life and Times of Henry Rutgers—Part Two: 'I Have Bestowed My Mite': The Revolutionary War Years," in this issue, pp. 1–26. On the suggestion that he and Azariah Horton Jr. petition Congress, see Elbridge Gerry to Joseph Ward, February 8, 1780, in Paul H. Smith et al., eds., *Letters of Delegates to Congress*, 26 vols. (Washington, DC: Library of Congress, 1976–2000), 14: 396.
  24. On Richard Varick's saga, see Memorial of Richard Varick to Congress, August 25, 1780, *Papers of the Continental Congress*, U.S. National Archives, reel 52, item 41, vol. 10, 317 (hereafter cited as PCC), and John Morin Scott to Varick, April 9, 1782, and Scott to Varick, July 3, 1782, both in Smith, ed., *Letters of Delegates to Congress*, 18: 447, 622.
  25. Richard Varick to Elias Boudinot, March 4, 1783, PCC, reel 163, item 149, vol. 2, 399, and Benjamin Lincoln to Elias Boudinot, March 27, 1783, in Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774–1789* (Washington, DC: U.S. Government Printing Office, 1904–37), vol. 24, 220 (hereafter cited as JCC).
  26. Richard Varick to Elias Boudinot, August 20, 1783, PCC, reel 104, item 78, vol. 23, 199.
  27. Richard Varick to Elias Boudinot, September 26, 1783, PCC, reel 104, item 78, vol. 23, 203; Committee Report on Richard Varick, September 15 and October 30, 1783, JCC, vol. 25, 569, 760; Joseph Ward to Congress, December 2, 1783, PCC, reel 52, item 41, vol. 10, 601; "An Act for the Relief of John Hubbart and Richard Varick," May 10, 1784, in *Laws of the State of New-York* (New York, 1784), *Early State Record*.
  28. On pensions for army officers, see William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), 36–53; H. James Henderson, *Party Politics in the Continental Congress* (New York: McGraw-Hill, 1974), 121–22, 335; E. James Ferguson et al., eds., *The Papers of Robert Morris*, 9 vols. (Pittsburgh, PA: University of Pittsburgh Press, 1973–99), 5: 521n13 and 7: 248n3; and E. James Ferguson, *The Power of the Purse* (Chapel Hill: University of North Carolina Press, 1961), 156–57, 164. The quote is from Joseph Ward to Congress, December 2, 1783, PCC, reel 52, item 41, vol. 10, 601.
  29. Memorial of Henry Rutgers, Richard Lush, and Jacob John Lansing, August 1, 1784, PCC, reel 51, item 41, vol. 8, 339.
  30. JCC, 28: 91n1 and 28: 416; Charles Thomson to George Clinton,

- June 3, 1785, in Smith, ed., *Letters of Delegates to Congress*, 22: 427; "An Act for the Relief of Henry Rutgers, and others," April 15, 1786, in *Laws of the State of New York, passed by the Legislature ... at their Ninth Session* (New York, 1786), *Early State Records*; Petition of Henry Rutgers, Richard Lush, and Jacob John Lansing, August 20, 1787, PCC, reel 55, item 42, vol. 6, 528.
31. Petition of Henry Rutgers, Richard Lush, and Jacob John Lansing, August 20, 1787, PCC, reel 55, item 42, vol. 6, 528.
  32. Report of the Secretary of Congress [Charles Thomson], October 3, 1787, JCC, vol. 33, 607; Report of the Committee on the petition of Rutgers, Lush, and Lansing, JCC, vol. 33, 608–9; and also JCC, vol. 33, 744, and vol. 34, 624. "An Act for the relief of Henry Rutgers and Others," February 6, 1789, in *Laws of the State of New-York, passed by the Legislature ... at their Twelfth Session* (New York, 1789), *Early State Records*. Newspaper coverage of the progress of Rutgers, Lush, and Lansing's petition appeared in the *Daily Advertiser*, December 29, 1788, January 21 and 23 and February 7, 1789; the *New-York Morning Post*, January 1, 1789; the *Albany Gazette*, January 9, 1789; the *New-York Journal*, January 22, 1789; the *Albany Journal*, January 26, 1789; the *New-York Morning Post*, February 9, 1789; the *New-York Packet*, March 10, 24, 1789; and the *New-York Daily Gazette*, March 13, 1789, all in AHN online.
  33. In 1780, Rutgers wrote that since his father's death "the care of the family ... more immediately devolves upon me." See HR to Joseph Ward, February 21, 1780, Ward Papers, Chicago History Museum. On Ebenezer Crosby, see Sypher, *New York State Society of the Cincinnati*, 110–11; his obituary notices appeared in the *New-York Journal*, July 18, 1788; the *Impartial Gazetteer* (New York), July 19, 1788; and the *New Haven Gazette*, July 24, 1788, all in AHN online.
  34. On the Crosby family, see Ernest H. Crosby, "A Brief Account of the Ancestry and Descendants of William Bedlow Crosby, of New York, and Harriet Ashton Crosby, His Wife," *New York Genealogical and Biographical Record* 29 (October 1898): 8–10 (hereafter cited as *NYG&B Rec.*), and *NYG&B Rec.* 30 (April 1899): 73–77; the quote is on p. 74. The Crosbys were also the parents of Henry Rutgers Crosby (born June 11, 1787), who died in infancy. On HR's formal adoption of his grandnephews, see Kenneth Scott, *Records of the Chancery Court, Province and State of New York: Guardianships, 1691–1815* (New York: Holland Society of New York, 1971), 105, 106.
  35. *Independent New-York Gazette*, November 29 and December 6 and 27, 1783, and *New-York Journal*, March 25, 1784, both in AHN online. On the garden plot, see *New-York Journal*, March 18 and 25 and April 1, 1784, in AHN online. On the postwar economy in New York, see Cathy Matson, "Liberty, Jealousy, and Union," in Gilje and Pencak, eds., *New York in the Age of the Constitution*, 112–50, and Spaulding,

- New York in the Critical Period, 1783–1789*. On William Bran, see his own affidavit in David Kelso's widow's Revolutionary War pension application (W26175), Revolutionary War Pension Application Files, U.S. National Archives.
36. *New-York Journal*, January 13, 1785 (and subsequent issues), AHN online. Stokes is in error in saying that HR advertised his house for sale, not lease, in Stokes, *Iconography*, 5: 1199. On the sale of a house on an unexpired lease, see *New-York Packet*, May 16, 1788, AHN online.
  37. On the state census of 1786, see *The American Magazine, Containing a Miscellaneous Collection of Original and Other Valuable Essays, in Prose and Verse* (March 1788): 228, Early American Imprints (Evans), series 1, no. 20191. On boards for the goal, see *Min. Common Coun., 1784–1831*, 1: 110; in 1796 HR also provided a plank for a municipal project. See *ibid.*, 2: 211. On the timber raft, see the *New-York Journal*, June 22, 1786, in AHN online. On the lease of the lumberyard, see the *Daily Advertiser*, May 1, 1787 (and subsequent issues), in AHN online. On the petition for soil rights, see *Min. Common Coun., 1784–1831*, 1: 422, 482–83, 494, 551. Other references to Rutgers Slip are in *ibid.*, 2: 300, 8: 587, and 9: 22, 70, 231, 234, and 240. On municipal ownership of land, see Hendrick Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730–1870* (Chapel Hill: University of North Carolina Press, 1983), and George Ashton Black, *The History of the Municipal Ownership of Land on Manhattan Island* (New York, 1897). On the development of the waterfront, see Ann L. Buittenwieser, *Manhattan Water-Bound: Planning and Developing Manhattan's Waterfront from the Seventeenth Century to the Present* (New York: New York University Press, 1987).
  38. On Catherine Market, see *Min. Common Coun., 1784–1831*, 1: 225, and Thomas F. De Voe, *The Market Book, Containing a Historical Account of the Public Markets in the Cities of New York, Philadelphia, and Brooklyn* (New York, 1862), vol. 1, 341–70. The subscription list of the New York Manufacturing Society appears in the *Daily Advertiser*, March 17, 1789, in AHN online. The society's constitution and minutes for 1789–1792 are at the New-York Historical Society. See also Raymond A. Mohl, *Poverty in New York, 1783–1825* (New York: Oxford University Press, 1971), 222–23; Syrett et al., eds., *Papers of Alexander Hamilton*, 5: 300; and Christine Stansell, *City of Women: Sex and Class in New York, 1789–1860* (New York: Knopf, 1986), 16.
  39. The memorial was published in the *New-York Packet*, March 13, 1786, and in the *Daily Advertiser*, March 14, 1786, both in AHN online.
  40. The organization's official name was The Society for Promoting the Manumission of Slaves, and protecting some of them as have

been, or may be, liberated." On the New York Manumission Society, see T. Robert Moseley, "A History of the New-York Manumission Society, 1785–1849" (PhD dissertation, New York University, 1963); Graham Russell Hodges, *Root & Branch: African Americans in New York & East Jersey* (Chapel Hill: University of North Carolina Press, 1999), 166–67 (quote on p. 167); Patrick Rael, "The Long Death of Slavery," in Ira Berlin and Leslie M. Harris, eds., *Slavery in New York* (New York: New Press, 2005), 119–25; and Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770–1810* (Athens, GA: University of Georgia Press, 1991), 81–88. White deals specifically with the petition on pp. 84–85 and p. 236n25. He cites the *Daily Advertiser*, March 14, 1786, and counts 132 signatories (three "indecipherable"). The article actually had initially appeared one day earlier in the *New-York Packet* (in AHN online) and by my count includes 136 signatories, all decipherable. Of the 136 signatories many, like HR, were probably supporters of the petition, although not necessarily Manumission Society members. For a contemporary pamphlet, see [Samuel Hopkins], *Dialogue Concerning the Slavery of the Africans ... to which is prefixed, the Institution of the Society, in New-York, for promoting the Manumission of Slaves* (New York, 1785). On the African Free School, see Charles C. Andrews, *The History of the New-York African Free-Schools ... also a Brief account of the Successful Labors of the New-York Manumission Society* (New York, 1830; reprint New York: Negro Universities Press, 1969).

41. Rutgers' name does not appear on the manuscript list compiled by Isaac T. Hopper, "List of Members, New-York Society for Promoting the Manumission of Slaves, 1787–1827" (SC 212, Friends Historical Library, Swarthmore College, Swarthmore, PA), nor does it appear in the lists appearing in Moseley, "History of the New-York Manumission Society," 1n1, 20. On HR's slave owning in 1790, see *Heads of Families at the First Census of the United States Taken in the Year 1790: New York* (Washington, DC: Government Printing Office, 1908), 129. In 1798 Rutgers witnessed an agreement regarding an 11-year-old female slave owned by his sister, Mary McCrea, in Duyckinck Papers, New York State Library, Albany. On opposition to emancipation among the Dutch, see White, *Somewhat More Independent*, 18–21, 219n35. On the Dutch Reformed Church's attitude toward slavery, see Gerald F. De Jong, "The Dutch Reformed Church and Negro Slavery in Colonial America," *Church History* 40 (December 1971): 423–36. The quote regarding slavery is from Dirk Mouw, "Dutch Clergy in Colonial North America," in Leon van den Broeke et al., eds., *Transatlantic Pieties: Dutch Clergy in Colonial America* (Grand Rapids, MI: Wm. B. Eerdmans, 2012), 28.
42. The quote is from Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Knopf, 1992), 245. On street widening, see

- Min. Common Coun., 1784–1831*, 1: 65–66, 168. On the road to the slaughterhouse, see *ibid.*, 1: 90. On the well, see *ibid.*, 1: 193, 494; it is unclear if the well referred to in 1789 is a different well. On swine running at large, see *ibid.*, 1: 221. On the race course, see Stokes, *Iconography*, 5: 1214.
43. Regarding HR's probity, in 1828 it was pointed out that "the oath of Coll. Henry Rutgers ... cannot be doubted." See Anthony Post pension application (S46337), Revolutionary War Pension Application Files, U.S. National Archives. *Loudon's Almanac ... for ... 1785* (New York, 1784) lists "Henry Rutgers, Esq." as a Master in Chancery under "Officers in Chancery," America's Historical Imprints online, [www.readex.com](http://www.readex.com), no. 44509. A "master in chancery" is defined as one who "assists the Chancellor in various duties such as inquiring into matters referred by the court, examining cases, taking oaths and affidavits, hearing testimony, and computing damages." See *Black's Law Dictionary*, 8th ed. (Minneapolis: Thomson West, 2004), 997. On the lunacy case, see Scott, *Records of the Chancery Court, Province and State of New York*, 45. On HR as an election inspector, see *Min. Common Coun., 1784–1831*, 1: 76, 319, and Kaminski, ed., *Documentary History of the Ratification of the Constitution: New York*, 21: 1494–95.
44. *Independent Journal*, January 1, 1784, in AHN online. On pallbearers, see the *New-York Packet*, November 20, 1787, and the *Independent Gazetteer* (PA), November 23, 1787, both in AHN online. On the 1787 militia review, see the *Pennsylvania Packet*, December 4, 1787, in AHN online. On the 1788 review, see the *New-York Packet*, October 28, 1788, in AHN online.
45. On the ceremonies surrounding Washington's arrival in the city and his first inauguration, see, for example, Stokes, *Iconography*, 5: 1239–45; Martha J. Lamb, *Souvenir of the Centennial Anniversary of Washington's Inauguration April 30, 1789 as First President of the United States: Birth of the American Republic* (New York, 1889); and Clarence Winthrop Bowen, ed., *The History of the Centennial Celebration of the Inauguration of George Washington as First President of the United States* (New York, 1892). Washington had only a very brief diary entry regarding his arrival in the city:

[April 23, 1789]

The display of boats which attended and joined us on this occasion, some with vocal and some with instrumental music on board; the decorations of the ships, the roar of cannon, and the loud acclamations of the people which rent the skies, as I passed along the wharves, filled my mind with sensations as painful

(considering the reverse of this scene, which may be the case after all my labors to do good) as they are pleasing.

The entry is from Donald Jackson and Dorothy Twohig, eds., *The Diaries of George Washington*, 6 vols. (Charlottesville: University Press of Virginia, 1976–79), 5: 447–48. Washington made no diary entry at all regarding his inauguration. In 1789, HR was listed as “Lieutenant Colonel, Commandant” of the First Regiment of Militia in *The New York Directory and Register, for 1789* (New York, 1789), 127. On the July 1789 parades, see *Gazette of the United States*, July 8, 1789; the *Daily Advertiser*, July 30, 1789; the *New-York Daily Gazette*, July 30, 1789; the *New-York Journal*, July 30, 1789; and the *New-York Packet*, July 30, 1789, all in AHN online. On the July 1790 review, see the *New York Magazine, or Literary Repository* (July 1790), American Periodicals Series Online, and also *New-York Journal*, July 30, 1790; the *Herald of Freedom* (Boston), August 3, 1790; the *Pennsylvania Packet*, August 4, 1790; and the *Vermont Gazette*, August 9, 1790, all in AHN online. Even though HR had submitted his resignation in March, he apparently still commanded the regiment because the Council of Appointment had not yet met to consider it. In July he commanded the legion as it paraded on Broadway to the Brick Church, where they heard a sermon, then proceeded to the Battery, where a *feu-de-joy* was fired. See the *Argus*, July 7, 1795; the *Daily Advertiser*, July 7, 1795; *Greenleaf’s New York Journal*, July 8, 1795; the *Aurora General Advertiser* (Philadelphia), July 10, 1795; and the *Gazette of the United States*, July 10, 1795, all in AHN online. This was apparently the last recorded time that he commanded the regiment.

46. On New York City’s population according to the 1790 census, see *Heads of Families at the First Census of the United States: New York*, 9, 129 (regarding HR’s household); Ira Rosenwaike, *Population History of New York City* (Syracuse, NY: Syracuse University Press, 1972), table 2, p. 16; and Susan B. Carter et al., eds., *Historical Statistics of the United States: Earliest Times to the Present*, 5 vols. (New York: Cambridge University Press, 2006), 5: 5–655. Shane White points out that in 1790, 75 percent of slaveholders in the city owned only one or two slaves. See White, *Somewhat More Independent*, 9. He also points out (p. 5) that according to the first census, “about one in every five households in the city owned at least one slave.” On the reopening of the Middle Dutch Church, see Stokes, *Iconography*, 5: 1269, and the *New York Magazine, or Literary Repository* (July 1790), American Periodicals Series Online, <http://www.proquest.com/products-services/aps.html>. On John H. Livingston, see John W. Coakley, “John Henry Livingston (1746–1825): Interpreter of the Dutch Reformed Tradition in the Early American Republic,” in van den Broeke et al., eds., *Transatlantic Pieties*, 295–314.

47. On HR's establishing the lumberyard, see *Albany Gazette*, January 27, February 24, and March 31, 1791, in AHN online. On the sale of staves, see the *Daily Advertiser*, September 27, 1792, and the *Argus*, February 15, 16, and 19, 1796, in AHN online. On HR's leasing lumberyards, see the *Diary or Loudon's Register*, February 14 and 21, March 16, April 22 and 24, and May 13, 1793; the *Argus*, February 15, 16, and 19, 1796; the *New-York Gazette*, June 1, 1798; and the *American Citizen*, February 19, 26, and 28 and March 7, 1801, all in AHN online. On auctions held on HR's property, see the *New-York Gazette*, January 23 and February 2, 1798, in AHN online.
48. The quote is from Dell Upton, "Inventing the Metropolis: Civilization and Urbanity in Antebellum New York," in Catherine Hoover Voorsanger and John K. Howat, eds., *Art and the Empire City: New York, 1825–1861* (New York: Metropolitan Museum of Art, 2000), 5. In 1874, City Surveyor J. B. Holmes published the reconstructed *Map of the Rutger's [sic] Farm as it existed in 1784, accurately made from reliable data*.
49. The quote regarding easy payments is from the *Minerva*, April 14, 1797, in AHN online. Van Antwerp's lease is advertised in the *Diary*, November 10, 1794; Harrison's lease is in the *Daily Advertiser*, July 4 and September 6, 1796; and the auctioned lease is in the *Daily Advertiser*, July 4, 1799, and the *Commercial Advertiser*, July 8, 1799, all in AHN online. For other HR leases, see, for example, the *New-York Packet*, May 16, 1788; the *Daily Advertiser*, November 29, December 15, 22, and 31, 1794, and January 1–2 and February 23 and 26, 1795; and the *New-York Gazette*, March 9, 1799, all in AHN online. For other leases in the 19th century and HR as a developer and landlord, see David J. Fowler, "Benevolent Patriot: Henry Rutgers 1745–1830," in *Benevolent Patriot: Henry Rutgers 1745–1830* (exhibition catalog), 16–17, 32n35–36, available at <http://dx.doi.org/doi:10.7282/T3KS6PQ8>.
50. On the bleach-field, see Rita Susswein Gottesman, comp., *The Arts and Crafts in New York, 1777–1799: Advertisements and News Items from New York City Newspapers* (New York: New-York Historical Society, 1954), 299. The ad ran in the *Daily Advertiser* on May 12, 1791 (and in several subsequent issues), in AHN online. On the brewery building, see the *Diary or Loudon's Register*, February 14 and 21 and March 16, 1793, in AHN online. On the sailcloth and button manufactories, see the *Argus*, October 1, 1795, and February 15–16 and 19, 1796, in AHN online. On the fireproof building, see the *Daily Advertiser*, December 17, 1796 (and subsequent issues), in AHN.
51. On HR as an assessor, see *Min. Common Coun., 1784–1831*, 1: 600 and 604 and 2: 391 and 396. On HR as an election inspector, see *ibid.*, 1: 592 and 744, 2: 69, 278, and 333, and 3: 144. On the night

- watch, see the *Diary or Loudon's Register*, September 23, 1793, and the *Columbian Gazetteer*, September 26, 1793, both in AHN online. On the erection of bulkheads, see *Min. Common Coun., 1784–1831*, 1: 651, 2: 259, and 3: 386–87. On water-right grants, see *ibid.*, 1: 694, 699, 716 and 722–23 and 2: 160. On matters regarding streets, which consumed much of the Common Council's time, see *ibid.*, 1: 704–5 and 2: 172–74, 336–37, 427, and 583. On being paid for fortifications, see *ibid.*, 2: 633. On the manure pile, see the *Argus*, July 14, 1796, in AHN online; and *Min. Common Coun., 1784–1831*, 2: 254.
52. On HR's donation of land for a church, see Collegiate Church of New York consistory minutes, November 16 and 28, 1792. On the use of Rutgers Slip, see *Min. Common Coun., 1784–1831*, 2: 300. On the New York Hospital, see the *Argus*, May 22, 1795, and *Greenleaf's New York Journal*, May 23, 1795; the *Daily Advertiser*, May 19, 1796, and the *Herald*, May 21, 1796; and the *Minerva*, May 17, 1797, *Greenleaf's New York Journal*, May 20, 1797, and the *Herald*, May 20, 1797, all in AHN online, as well as William Duncan, *The New-York Directory and Register, for ... 1794* (New York, 1794); Duncan, *The New-York Directory ... for ... 1795* (New York, 1795); and John Low, *The New-York Directory ... for ... 1796* (New York, 1796). On the City Dispensary, see *Mercantile Advertiser*, January 24, 1799, in AHN online. On the law regarding debtor relief, see the *Albany Gazette*, February 8, 1799, in AHN online. On extending the right of suffrage, see *Min. Common Coun., 1784–1831*, 3: 177–78.
53. On George Clinton, see Kaminski, *George Clinton*, and ANB, s.v. "Clinton, George." John Jay's wife excluded HR from her "dinner and supper list" for 1787–88. See Young, *Democratic Republicans of New York*, 51n5. On HR as a Clintonian committeeman, see the *Daily Advertiser*, February 28 and July 19, 1792, the *Albany Register*, March 5, 1792, the *Argus*, November 30, 1796, and *Greenleaf's New York Journal*, April 18, 1798, all in AHN online. John Jay graduated from King's College one year after HR. See ANB, s.v. "Jay, John." On the election of 1788, see Stephen L. Schechter, "A Biographical Gazetteer of New York Federalists and Antifederalists," in Schechter, ed., *The Reluctant Pillar: New York and the Adoption of the Federal Constitution* (Albany, NY: New York State Commission on the Bicentennial of the United States Constitution, 1987), 157–206, especially p. 194. See also Schechter and Richard B. Bernstein, eds., *New York and the Union: Contributions to the American Constitutional Experience* (Albany, NY: New York State Commission on the Bicentennial of the United States Constitution, 1990). On the Democratic Societies and the rise of the Jeffersonians, see Noble E. Cunningham Jr., *The Jeffersonian Republicans: The Formation of Party Organization, 1789–1801* (Chapel Hill: University of North Carolina Press, 1957); and Young,

- Democratic Republicans of New York*. On HR's involvement with the New York Democratic Society, see the latter book, p. 393–94, 404. See also Eugene P. Link, *Democratic-Republican Societies, 1790–1800* (New York: Octagon, 1973), and Philip S. Foner, ed., *The Democratic-Republican Societies, 1790–1800: A Documentary Sourcebook of Constitutions, Declarations, Addresses, Resolutions, and Toasts* (Westport, CT: Greenwood, 1976), 151–252. Rutgers is listed as “1st Vice President” and then as president of the organization in, respectively, Duncan, *New-York Directory ... for ... 1794*, 280; Duncan, *New-York Directory ... for ... 1795*, 323; and Low, *New-York Directory ... for ... 1796*, 57.
54. His resignation letter is HR to Geo. Clinton, March 3, 1795, Henry Rutgers Collection (MC 1369). On the acceptance of his resignation, see the *Albany Gazette*, November 19, 1795, in AHN online. The first toast is in the *Daily Advertiser*, March 16, 1795; the *Aurora General Advertiser* (Philadelphia), March 18, 1795; and the *Independent Gazeteer* (Philadelphia), March 18, 1795, all in AHN online. The second toast is in the *Aurora General Advertiser*, December 1, 1795, in AHN online (emphasis in original). On the Council of Appointment, see Howard Lee McBain, *De Witt Clinton and the Origin of the Spoils System in New York* (New York: Columbia University Press, 1907), 26–28, and Kaminski, *George Clinton*, 244–46. Even though he resigned his commission, HR maintained an interest in military affairs: in 1796 he subscribed to the *Monthly Military Repository*, American Periodicals Series Online.
55. On the public meeting, see the *Minerva*, February 27, 1794; the *Daily Advertiser*, February 28, 1794; the *New-York Daily Gazette*, February 28, 1794; *Greenleaf's New-York Journal*, March 1, 1794; the *New-Jersey Journal*, March 5, 1794; the *Baltimore Daily Intelligencer*, March 6, 1794; and the *Albany Register*, March 10, 1794, all in AHN online. On closer ties with France, see the *Argus*, July 7, 1795; the *Daily Advertiser*, July 7, 1795; *Greenleaf's New York Journal*, July 8, 1795; and the *Aurora General Advertiser*, July 10, 1795, all in AHN online.
56. On Jay's Treaty, see Samuel Flagg Bemis, *Jay's Treaty: A Study in Commerce and Diplomacy*, rev. ed. (New Haven, CT: Yale University Press, 1965); Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley: University of California Press, 1970); Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture* (Amherst, MA: University of Massachusetts Press, 2006); and Young, *Democratic Republicans of New York*, 445–67. An abridged text of the treaty is in Henry Steele Commager and Milton Cantor, eds., *Documents of American History*, 10th ed. (Englewood Cliffs, NJ: Prentice Hall, 1988), 165–68. On HR's toast in 1795, see the *Argus*, July 7, 1795 (emphasis in original); the *Daily Advertiser*, July 7, 1795; *Greenleaf's New York*

- Journal*, July 8, 1795; and the *Aurora and General Advertiser*, July 10, 1795, all in AHN online. On the 1796 election, see Young, *Democratic Republicans of New York*, 466. On HR's toast in 1796, see the *Philadelphia Gazette*, July 8, 1796; the *Register of the Times*, July 8, 1796, and the *Herald*, July 9, 1796, all in AHN online.
57. On HR's toast, see *Greenleaf's New York Journal*, July 7, 1798, and the *Bee* (New London, CT), July 18, 1798, both in AHN online. On the arrest of Burk and Smith, see *Gazette of the United States*, July 7, 1798; the *Daily Advertiser*, July 7, 1798; the *Aurora General Advertiser*, July 9, 1798; and the *Connecticut Gazette*, July 11, 1798 (as well as several other papers), all in AHN online. An abridged text of the four laws is in Commager and Cantor, eds., *Documents of American History*, 175–78. On Burk, see also John C. Miller, *Crisis in Freedom: The Alien and Sedition Acts* (Boston: Little, Brown, 1951); James Morton Smith, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties* (Ithaca, NY: Cornell University Press, 1956), 204–20; Carol Sue Humphrey, *The Press of the Young Republic, 1783–1833* (Westport, CT: Greenwood, 1996), 58–61; and Joseph I. Shulim, "John Daly Burk: Irish Revolutionist and American Patriot," in *Transactions of the American Philosophical Society* 54, part 6 (October 1964): 5–52.
58. On this matter, see Oliver Wolcott Jr. to Alexander Hamilton, April 4, 1800, in Syrett et al., eds., *Papers of Alexander Hamilton*, 24: 390–91 and n1; Aaron Burr to Marinus Willett, January 28, 1802; Marinus Willett to Aaron Burr, March 16, 1802; Aaron Burr to HR, April 4, 1802; Burr to Albert Gallatin, April 19, 1802; and Burr to Wm. Edgar, June 7, 1802, all in Mary-Jo Kline et al., eds., *Political Correspondence and Public Papers of Aaron Burr*, 2 vols. (Princeton, NJ: Princeton University Press, 1983), 2: 658–59, 695–96, 706–07, 718–19, and 723–24 and 1: 291; and HR to Albert Gallatin, July 16, 1807, Henry Rutgers Collection (MC 1369).
59. *Gazette of the United States* (Philadelphia) ("From the New-York Daily Gazette"), May 12, 1799, in AHN online.
60. The comments regarding Jefferson's inauguration are from HR to Wm. B. Crosby, March 5, 1801, Henry Rutgers Collection, New York State Library. The quotes regarding HR as a legislator are from William McMurray, *A Sermon Occasioned by the Death of Col. Henry Rutgers, Preached in the Church in Market Street, February 28th, 1830* (New York, 1830), 28, 35. On HR subjected to attacks by Federalist editors, see David J. Fowler, "Benevolent Patriot: The Life and Times of Henry Rutgers—Introduction," *Journal of the Rutgers University Libraries* 68, no. 1 (May 2016): 31–32, 38n8. On HR's legislative career, see Fowler, "Benevolent Patriot" (essay in exhibition catalog; see note 49), 17–18, 33–34n40. On Jefferson's presidency, see, for example, Noble E. Cunningham Jr., *The Jeffersonian Republicans in*

*Power: Party Operations, 1801–1809* (Chapel Hill: University of North Carolina Press, 1963), and Dumas Malone, *Jefferson the President: First Term, 1801–1805* (Boston: Little, Brown, 1970). Primary documents about Jefferson's election are in Barbara Oberg et al., eds., *The Papers of Thomas Jefferson*, 40 vols. to date (Princeton, NJ: Princeton University Press, 1950– ), especially vols. 32 and 33.

61. On HR's slave ownership according to federal census schedules and his membership in the American Colonization Society, see Fowler, "Benevolent Patriot—Introduction," 33, 39n12.