Joseph Ellicott and the Holland Land Company

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III. Reluctant Politician

“I give you my full and complete absolution for the sin you have committed,” in entering political life, Agent-General Paul Busti generously wrote to Joseph Ellicott on December 6, 1803. It was a pardon that proved to be as logical as it was gracious, for it was Ellicott’s decision to enter politics that was one of the basic factors responsible for the success of the program of the Holland Land Company.

Ellicott’s first political target was nothing less than the creation of a new county. He regarded the division of Ontario County as a highly desirable change. The creation of a county west of the Genesee would eliminate his uncomfortable and time-consuming journeys to Canandaigua for county business. Locating a new county seat in Batavia, which in 1803 was the heartland of the Company’s purchase, would help to pump new life into the area and enhance considerably the value of Company property. Most important of all, a new county would elect its own board of supervisors which would represent the voters in western New York, and Ellicott hoped that such a board would favor better roads and lower taxation. A new county, he was convinced, would help to increase the sales and profits of his employers.

Although this was Joseph Ellicott’s initial venture into politics, he already held well-formulated political convictions. He was a strong Jeffersonian who shared the frontiersman’s hostility to the allegedly aristocratic Federalists. When questioned about his political ideas, he stoutly defended his Jeffersonian principles and did not hesitate to expound his beliefs in a blunt and outspoken manner.

The tide was running with the Jeffersonians. The election of Thomas Jefferson in 1801 had ended Federalist control of the presidency. Not even the shrewdest men of the day, however, could foresee how far-reaching were the election results. It started the alliance of southern planters and northern big-city bosses, a partnership that has dominated the Democratic party to this day. It strengthened the principle of local sovereignty which would help bring on the sectional Civil War sixty years later. It turned the United States toward the West where the so-called destiny of the nation lay. And, it stimulated
humanitarian forces that would add dignity and worth to the common man.

The traditional view that democracy evolved with the election of Republican Jefferson has undergone great modification. A careful study of the times revealed that the ideological struggle between democratic-minded Jeffersonians and patrician-inclined Hamiltonians has been much exaggerated. In 1800, the United States, in contrast to Europe, was a classless society. Domestic servants, for example, were described as “help.” American children stood less in awe of their parents, and women often went about unchaperoned. The federal constitution specifically prohibited the granting of titles. Much before the election of Jefferson, then, Americans were determined not to create an aristocracy.

Likewise, the conditions of life in the United States worked against an aristocracy. In colonial days, some sizable fortunes were accumulated, but few if any were vast or permanent. Moreover, whatever fortunes were amassed did not prevent others from similar material acquisition. Even in the South, with its landholding base, society was surprisingly fluid for the white man. Land wore out, mobility was considerable, and “dynasties” were difficult to establish.

Politics in America were equally fluid. It is true that the Federalists did represent social, political, and economic privilege which Republicans impugned. The Federalists identified themselves as “gentlemen,” and by dress, manner, speech, and profession formed a group that differed from the Republicans. To the Federalists, democracy was rule by the mob, and they sought stability after the American Revolution. Not all the Federalists, however, were rich men, and not all agreed with the policies of Hamilton. Many a small farmer in upstate New York, western Pennsylvania, and Virginia was a Federalist without aristocratic convictions. He might be a Federalist because he idolized Washington, or liked the federal constitution, or opposed the seemingly excessive freedom of Republicanism. In the 1790's, the party label stirred lively competition. However, there was no absolute cleavage between Federalist and Republican, nor was there an inflexible identity between party and policy.

In a real sense, Thomas Jefferson fitted the stereotype of what Joseph Ellicott and other Republicans wanted America to be. Jefferson was a virtuous husbandman at a time when the great majority of the population lived in rural areas, and the freeholding farmers comprised the great proportion of the American people. Furthermore, Jefferson was an ardent expansionist. American democracy in 1800
implied constant change and an expanded economy; the people were flexible, restless, and acquisitive. Marcus Cunliffe, the British historian, colorfully summed up the drives of American society in 1800 as “a perpetual discontent, an itch to try the cards at the next table, the view from the next ridge.” On March 4, 1801, Thomas Jefferson, whose Declaration of Independence encouraged “a perpetual discontent,” delivered his beautifully phrased inaugural address. Defining democratic principles in terms of majority-minority relations, Jefferson encouraged Americans to seek “the view from the next ridge.”

At the time of Jefferson’s inauguration, politics in New York state reflected the nation in its lack of genuine ideological differences. The political parties in New York did not correspond to definite classes, for no party was thoroughly homogeneous in its composition. As in most of the nation, the state had a fluid society, high in social mobility and imprecise in class distinction. New York had its respected aristocrats and its degraded types. However, the vast majority of the people, whether living in the city or the country, fitted in the category of the flexible middle class.

Another alleged similarity between state and national politics was the traditional classification of the Federalists and the Republicans in terms of aristocratic and democratic. Historical evidence of state politics seems to disprove this conventional interpretation. For example, George Clinton, a Republican and New York’s first and only governor from 1777 to 1795, had many laudable achievements. Yet this Republican behaved undemocratically in the election of 1792. John Jay, his Federalist opponent, was winning when Clinton’s men invalidated ballots from three counties. Thus Clinton “filched” the election. Another case was that of John Jay, Clinton’s successor as governor between 1795 and 1801. Jay did not fit the stereotype of the leader from the superior class who looked down on the mass of society. During his two terms, he was nonpartisan in his appointments; few officials were dismissed because of political affiliation. Moreover, he urged the democratic measure of maintaining the common schools. And, under Jay’s leadership, the Federalists pushed through a law in 1799 that provided for the gradual abolition of slavery in New York.

During this time, there was greater interest in state than in national politics. Most political leaders preferred to hold state offices over federal ones. Such partiality can be found in many instances. John Jay resigned as Chief Justice of the United States Supreme Court in 1795 to become governor of the state. DeWitt Clinton vacated the office of United States senator in 1803 to accept the appointment of mayor of
New York City. Daniel Tompkins relinquished his seat in Congress in 1804 to take the post of associate justice of the New York Supreme Court.

Political parties in New York state were made up of heterogeneous groups of men who banded together to elect certain candidates to office. Because this was their primary goal, party activity was seasonal. Intent on electing particular candidates, political organizations were highly personalized. Elections rarely turned on matters of principle, but revolved rather around chosen figures. The death of a leader often brought dissolution to the political party. So fluid was the situation that political factions constantly formed, disintegrated, and reformed.

The plasticity of state politics could be clearly seen in Albany. In 1797, politics consisted of the Clintons, the Livingstons, and the Schuylers. Assessing the situation, James Parton, the historian, made the famous quip: “The Clintons had power; the Livingstons had numbers; the Schuylers had Hamilton.” Disappointed at being passed over in political appointments, the Livingstons now split with the Federalists, joined the Clintons, and ran Robert R. Livingston for governor against Jay in 1798. The Schuyler and Federalist influence reached a peak in 1799 and declined the following year because of two serious setbacks: Hamilton’s badly timed attack on Adams that split the party, and Jay’s refusal to seek a third term as governor. Meantime, Aaron Burr’s star rose among the Republicans. In 1800, Burr had given valiant and decisive aid to Jefferson, using the Society of Tammany to help carry New York. Catapulted to the vice-presidency, Burr became a serious threat to the Clintons and Livingstons. When George Clinton won his seventh term as governor in 1801, the power of the Republicans was divided among three factions—the Clintons, the Livingstons, and the Burrs.

For different reasons, the Clintons, the Livingstons, and Jefferson set out to reduce Burr’s influence. The motive most bandied about related to Jefferson’s election. When the Federalists had supported Aaron Burr during the electoral stalemate in 1801, it cast suspicion on him, a man already known as a slippery intriguer. In this situation, however, Burr had apparently behaved honorably, and the accusation became a smoke screen to hide less honorable purposes. Never comfortable with Burr, Jefferson distrusted him and probably believed the rumors about his deal with the Federalists. DeWitt Clinton, the young and vigorous leader of his faction, was talented, ambitious, and ruthless. Jealous and apprehensive of Burr’s power, Clinton was determined
to undermine him. The Livingstons, friendly to Burr, but ambitious for office, were easily won over by Clinton and Jefferson.

Surrounded by powerful enemies, Aaron Burr was isolated, a man marked for political ruin. Hamilton, leader of the Federalists, was relentless in harassing Burr. The Republican attack was a sorry spectacle. Jefferson subtly deferred to Governor Clinton in distributing federal patronage. But the Governor’s nephew, DeWitt Clinton, dominated the Clinton faction, and he and Jefferson teamed up in favoring the Livingstons. Clinton’s followers shared the spoils of office with the Livingstons. Jefferson appointed Chancellor Livingston as minister to France. DeWitt Clinton arranged that Edward Livingston be chosen mayor of New York City; Brockholst Livingston, judge of the supreme court; Morgan Lewis, brother-in-law of Edward Livingston, chief judge of the supreme court; Thomas Tillotson, another brother-in-law of Edward Livingston, secretary of state in New York; and Smith Thompson, son-in-law of Gilbert Livingston, judge of the supreme court. William Stewart, brother-in-law of Governor Clinton, was named district attorney of Tioga and several other nearby counties; Sylvanus Miller, a Clinton lieutenant, was appointed surrogate of New York County; and DeWitt Clinton held successively the offices of United States senator from New York and mayor of New York City when that position became vacant. Few appointments went to any known follower of Aaron Burr. Clinton had made a clean sweep of the federal and state appointive offices. The Federalists had introduced the spoils system, but DeWitt Clinton taught them how extensively it could function.

This was the political situation that prevailed in 1802 when Joseph Ellicott, Resident-Agent of the Holland Land Company, entered politics. Ellicott staunchly supported the Republicans, but realized that he was too inexperienced to rely exclusively on his own judgment in concrete political affairs. Aware of the thorny thicket of Republican factionalism, he sought the guidance and suggestions of more experienced individuals.

Since the responsibility for dividing the county lay in the domain of the state legislature, Ellicott asked advice from those of his associates who were familiar with state politics. Paul Busti, Ellicott’s immediate superior, concurred with him that such a county was desirable and possible. David A. Ogden, the Company’s counselor, was optimistic about the possibilities of effecting such a project. Dudley Saltonstall, Ellicott’s lawyer from Canandaigua, recommended that Ellicott himself travel to Albany to lobby for the new county rather than forward a petition.
Armed with these suggestions, Joseph Ellicott started the move for the division of Ontario County. First, he instructed Saltonstall to draw up a petition for a new county which would cover only the land west of the Genesee. Then, although he was reluctant to make the uncomfortable trip to Albany, Ellicott yielded to its necessity. He planned to meet David Ogden in Albany and to work with him there in perfecting their plans.

In all such activities, the Resident-Agent informed Busti of his actions and the Agent-General gave his approval. Benjamin Ellicott, for example, reported to his brother Joseph that Busti “was anxious for the division of the County and wishes you to use your influence to procure it if possible.” Busti also directed Ogden to support Joseph Ellicott in Albany, advising him that the Company would grant concessions in the form of money and buildings, if the legislature approved a new county. In his instructions, Busti authorized Ogden to “make the volunteer offer of the Holland Company to contribute a sum of $1,000 besides the usual contributions for erection of the Court and gaol. You may even propose that the building of the Courthouse will be made the private expense of the Company.”

In return, David Ogden counseled Ellicott on the procedure and tactics for lobbying in Albany. When the Resident-Agent reached the New York State capital, he was to “call on the leading members of the Legislature, and became acquainted with them, particularly the Republican Members.” Knowing the Jeffersonian convictions of the Resident-Agent, Ogden suggested that Ellicott “had better intrust to my care the Federal Members.” In regard to individuals, he informed Ellicott that the Resident-Agent would receive letters from Ezra L’Hommedieu and E. Watson. L’Hommedieu, Ogden described, as “a Senator from the Southern District and a man of considerable influence, and property, of your Politics, an Honest man, and disposed to what is Right; he is a friend of mine, and I am well assured will do all in his power to serve us.” While Watson was not in the legislature, Ogden explained to Ellicott that he was “an industrious man, has considerable influence over the Lieut. Governor and others, and I think will be of service, and for this reason employ him—we must employ him.” David Ogden also urged Ellicott to secure the support of Ambrose Spencer. “Mr. Spencer, the Attorney General, is a politician; to secure your interest, he will take great pains; he can be of essential service, and therefore you must not omit making use of the advantages, that your growing influence and situation must naturally give you, over the politics of the Western part of the State; he will immediately perceive the policy of obliging you, and will become an active partisan.” Finally,
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Ogden pointed out that Peter B. Porter, the Ontario County clerk, would probably resist the creation of a county because it would diminish the income of his office; he therefore recommended that Ellicott call on Porter in an effort to win his support. Confident that their lobbying would succeed, Ogden concluded: “On the whole, I have little doubt that our exertions will be successful, if we proceed with caution and industry, particularly, when I reflect that the measure we are advocating is just and proper, and that we shall probably secure the leading men of both parties.”

Despite Ogden’s optimism, there was some opposition to Ellicott’s plan to divide the county. James Wadsworth, for example, who had failed to obtain the position of Resident-Agent and who owned much land near the Genesee River, favored a new county but opposed Ellicott’s proposal for the division. Wadsworth wanted the eastern boundary of the projected county to run between Canandaigua and the Genesee, rather than alongside of the river itself. He envisaged that the county seat would be located at Hartford (Avon) and not at Batavia; and, since Hartford was nearer to the Wadsworth land holdings, he would profit by the establishment of such a new county. Under the Wadsworth plan for division, the new county board of supervisors might also favor the sale of Wadsworth’s property, and thus indirectly delay the development of the Holland Land Company’s program of sales. Ellicott therefore felt that such a new county as Wadsworth proposed would perpetuate, and not correct, his problems.

It was Ellicott’s good fortune, however, that Wadsworth was away from Albany at the time that the legislature voted on the Resident-Agent’s plan for the new county. Because of Ellicott’s and Ogden’s careful preparation, the legislature on March 30, 1802, passed Ellicott’s bill. Genesee County was created with Batavia the county seat.

In the establishment of the new county, a variety of tactics was employed, including bribery to the extent of $200. Busti paid the bill for the “$200 gratification at Albany,” and asked only that Ellicott keep a separate account of his expenses at the state capital. Watson had received part of this sum, but later he compelled Ogden to give him an additional $50. David Ogden explained this squeeze to Ellicott: “I found it necessary in order to satisfy W——n [sic] to pay him $50 in addition to the sum which you delivered him in my letter. He drew on me for the same and I thought it best to pay his draft. He declared if the thing is known it will be Ruinous to him and has made me promise most sincerely that I will not communicate his agency in the Business to any Person; as his service may be useful in the future,
you will of course keep this business secret. This sum I have charged to your account." In addition to the use of bribery, Ellicott promised that the Company would later support the legislators of the Republican party, if they would vote for his bill.

While Ellicott was delighted that the legislature had finally created Genesee County, he did not yet feel completely secure. His concern stemmed from the fact that the Governor, who belonged to the powerful Council of Revision, had had a disagreement with one of the Holland Land Company agents. The Council of Revision at that time possessed constitutional authority to veto any law within ten days of its passage, and Ellicott feared that Governor George Clinton might urge its members to oppose the law in retaliation. Ellicott, therefore, took steps to avert this possibility. He visited Governor Clinton and did his best to mitigate any ill-feelings which the Governor might have harbored against the Company. It was only after the required ten days following the passage of the law had elapsed that Ellicott relaxed, secure in the fact that no one could now contest the creation of Genesee County.

The division of Ontario County greatly pleased Paul Busti and he praised Ellicott generously for his role in its creation. In glowing terms, the Agent-General thanked the Resident-Agent for his prudence, loyalty, and decisiveness in the establishment of Genesee County. Due to the subsequent split between these two friends, an excerpt to Busti's letter of appreciation to Ellicott deserves quoting:

We are indebted to Your foresight, and to Your Sagacious Conduct for the Salutary effects, which this arrangement has for the proprietors. You were the first, who, revolted by the vexations and injustices of the Commissioners of Ontario County, have formed the plan to detach the lands of the Holland Comp. from it, which were unmercifully taxed for the benefit of a Small corner of the County. From the Very beginning of Your administration, your attention was bent on getting them out of the reach of these rapacities; in this you were Sincerely assisted by Mr. Ogden, but without your influence with the Governor, and the Council of Revision, I am afraid that the business would have failed.

On his part, Joseph Ellicott graciously maintained that Busti's shrewd offer to erect a court house and jail at Company expense helped to get the bill through the legislature.

Turning from his lobbying activity in Albany, Ellicott next con-
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cemed himself with the organization of the new county. Only through a friendly board of supervisors could he solve his remaining two problems: the construction of better roads and the reduction of taxes. The Ontario County tax increase in 1802 spurred Ellicott to greater action to start the operation of the governing agencies of Genesee County. If this were not done, the unfriendly supervisors of Ontario County would continue to rule western New York. It was imperative, Ellicott pointed out to Busti, "to see the County of Genesee first organized and fairly out of the clutches of these unprincipled Fellows." 11

The first step in the organization of Genesee County was the erection of a court house and county jail at Batavia, for the law that had created the county had also specified that such construction be completed before appointments could be made and elections held. The Holland Land Company had promised the legislature to construct both buildings, the adequacy of which was to be determined by the governor of the state.

Ellicott proceeded to do everything that he could to hasten the construction of the required buildings. In the process, he met some unexpected obstacles. First, a tornado caused some damage, and later the sawmill broke down. The latter problem prevented him for a month from getting the necessary timbers. Finally, in March, 1803, the carpenters completed their work, and Ellicott had overcome the initial obstacle to the organization of Genesee County.

Governor George Clinton then appointed three commissioners and authorized them to certify that the Company had erected the required court house and jail and to accept these buildings legally on behalf of Genesee County. To perform this task, the Governor selected Lemuel Chipman, Richard Stoddard, and John Thompson as commissioners; the approval of two of these three men could make the transfer official. To speed up this legal consequence, Ellicott urged Stoddard, an old employee of the Resident-Agent, to contact Chipman as quickly as possible so that both commissioners could judge the adequacy of the buildings without delay. Stoddard complied with Ellicott's request, and the two commissioners "prevailed on Mr. Chipman" to approve unanimously the court house and jail.12 The Governor then accepted the certification of the commissioners.

With the Governor's acceptance of the court house and jail, Ellicott involved himself in the next move for the organization of Genesee County: the appointment of officials to transact county business. The filling of these offices, however, lay in the province of the Council of Appointment, and this organization functioned with open political partiality.
By 1803, the Council of Appointment had evolved into an important machine that dispensed political patronage, despite the fact that John Jay, the father of the New York State Constitution of 1777, had originally designed the council simply to limit the appointive power of the governor. Under this constitution, the governor nominated most of the appointive candidates for state, county, town, city, and village offices, but the council had the power to approve or disapprove the nominations. Since five members made up the council—the governor, who belonged ex officio, and four state senators—any three allied senators on the council were able to control the governor's appointments and thus wield considerable influence. 18

The power of the Council of Appointment was particularly great in New York State because the voters elected comparatively few officials and many posts were filled by appointment. Qualified voters cast ballots for the governor, lieutenant-governor, members of the state legislature, and state treasurer; but they elected only the aldermen in the cities and chose only the supervisors in the counties. The constitution, on the other hand, empowered the council to make numerous appointments on all levels of government. On the state level, these positions included the adjutant-general, state printer, comp-
troller, collector of customs, surveyor of customs, inspector of prisons, superintendent of schools, port wardens, harbor masters, judges of the state supreme court, and circuit judges. For the counties, the council selected the surrogates, judges, district attorneys, sheriffs, clerks, and coroners. In the cities, the council assigned the mayors; for the towns, it chose the justices of peace; and it also appointed officers in the state militia. In addition to these powers, the council controlled many sinecures; for example, it selected “scullers of staves and headings,” “packers of beef,” and a bewildering variety of inspectors of flour, pearlash, and potash.¹⁴

In 1792, the appointments of the council numbered more than 1,200, and this sum increased steadily. As the patronage grew, the fight to control the assembly, which selected the four senators on the council, intensified. This struggle became even more accentuated in 1801, when the Constitution of 1777 was amended so that additional power was granted to the senators on the Council of Appointment. Now these senators could nominate, as well as approve the appointments of candidates.¹⁵

From 1800, the Republicans had gained a series of striking victories in the state legislature. Winning the elections in 1800, 1801, and 1802, they got control of the assembly, and with that, dominated the Council of Appointment. Although the council members were not “eligible to the said Council for two years successively,”¹⁶ the Republicans rotated enough of their followers to keep firm control of this substantial patronage-dispensing machine. Becoming increasingly known as Democrats, the Republicans won a smashing triumph in 1803 when they increased their total to eighty-three seats in the assembly while the Federalists dropped to only seventeen. In that year, George Clinton was governor, the Council of Appointment was in Republican hands, and DeWitt Clinton was the acknowledged leader in state politics. Joseph Ellicott, Resident-Agent of the Holland Land Company, was aware of the political power structure in 1803 when the question of nomination of officers for the newly created Genesee County arose.

Inasmuch as the appointment of county officers was essential to the organization of Genesee County, Ellicott felt impelled to return to Albany in 1803 to encourage the Council of Appointment to fill the new posts quickly and with men who would be friendly to the Company. “As the appointment of the officers is important to the respectability of the County,” Ellicott explained to Busti, “I shall remain here until these appointments are made.”¹⁷ Ellicott’s patience was
rewarded when the 1803 Council of Appointment announced the first officers of Genesee County. This Republican-dominated Council appointed James W. Stevens as county clerk and Richard M. Stoddard as county sheriff. Joseph Ellicott knew each of these men and rejoiced at their appointments.

James W. Stevens, the first clerk appointed to the newly created Genesee County, had had a long and friendly association with Ellicott. At the start of the land sales in 1800, Stevens had joined the Company as office assistant to Ellicott and remained with it until he died forty years later. The two men got along well together. Ellicott respected the quiet efficiency and unflagging industry of his clerk, and admired the careful and methodical way in which Stevens kept an exact account of all facets of the business. In addition, Ellicott appreciated the sensible advice that Stevens offered him. He even admitted to Busti that his clerk also served him as a close advisor. In fact, when Ellicott went to Albany to lobby for the creation of Genesee County, he took Stevens with him as a special aide. If he could not have continued the trip, Stevens would have substituted for Ellicott. Furthermore, Ellicott enjoyed the companionship of his clerk. Stevens had graduated from Princeton College, had fine cultural taste, and, prior to coming to western New York, had contributed to a literary magazine in Philadelphia. In the lonely frontier life of the purchase, Stevens' healthy sense of humor and his keen observations, based on a hard core of incorruptible honesty, added to the pleasure of his company. Ellicott regarded Stevens as his "invaluable Friend." 18

Many of Stevens' governmental duties as county clerk dovetailed with his tasks as Ellicott's office assistant. The law required that the county clerk record all deeds, mortgages, and wills; thus, he registered each land sale. As Company clerk, Stevens already kept a record of all deeds and mortgages on the purchase. So, to perform most of the duties of county clerk, he simply had to prepare an additional copy of many of the entries that he had already made in the Company books. In Stevens' appointment Ellicott therefore felt confident that the land records so vital to his business would be kept accurately at the county clerk's office. Moreover, Ellicott would know at all times any changes that occurred in deeds and mortgages elsewhere in western New York. The county clerk also had the duty of keeping the minutes of the meetings of the board of supervisors. This particularly interested Ellicott, for through Stevens, he would have a direct line to the board and its actions. The council reappointed Stevens to this office annually until 1810. While serving as county clerk, he continued
his work as office assistant to Ellicott, giving invaluable aid to the Resident-Agent and to the Holland Land Company.

Like Stevens, Richard M. Stoddard, the new county sheriff, had worked for Joseph Ellicott. When Ellicott had headed the survey of the purchase between 1798 and 1800, Stoddard had served as one of his principal surveyors. He enjoyed working for Ellicott more than for another employer in the field, and the Resident-Agent, on his part, respected Stoddard for his character and competence. When LeRoy, Bayard, and McEvers, the Company's banking house in America, sought the Resident-Agent's help to survey their recently purchased lands, Ellicott employed Stoddard for this important task, acknowledging his "especial Trust and Confidence" in Stoddard's integrity and ability. In addition to his gratitude for this favor, Stoddard also felt indebted to Ellicott because the latter had loaned him $400 in 1801. Later, Stoddard married the daughter of Dudley Saltonstall, Ellicott's legal advisor in Canandaigua. Thus, the new sheriff of Genesee County had friendly feelings and several concrete ties to Joseph Ellicott, who considered Stoddard to be another important political ally of the Holland Land Company. Certainly, it would prove valuable to Ellicott to have as a friend the man who was primarily responsible for carrying out court orders and preserving the peace of the territory.

Joseph Ellicott, himself, had had several opportunities to hold political office and assist Stevens and Stoddard in supporting Company policies. At first, he rejected them. His contract with the Company had stated clearly that he could not take another job which would in any way interfere with his work as Resident-Agent, unless his immediate superior approved such action. Specifically, the agreement that he signed in 1800 stated that Joseph Ellicott was not to "accept or retain any employment interfering in the remotest degree with the Duties of the said Agency without the same consent obtained in the same manner, and the said Agent-General for the Time shall be the judge of such interference." When Judge Phelps wished to have Ellicott appointed one of the judges of Ontario County in 1801, the Resident-Agent refused. The following year, Ellicott declined the request of the Republicans of Ontario County who wanted him to seek the office of assemblyman.

Joseph Ellicott continued to reject all political offices until 1803, when the newly elected Genesee County Board of Supervisors offered him the position of county treasurer. In this instance, he felt that he could not refuse, for he saw the many opportunities that such an office would give him. It would reveal to him the budgetary opera-
tions of the county; it would bring him into regular contact with all the supervisors; and it would create occasions for him to increase his influence over them. Inasmuch as the board decided the amount of taxes, as well as the allocation of moneys for road construction, Ellicott realized the power that the office of county treasurer would give him.

Contrary to the explicit terms of his contract, Ellicott accepted the post of county treasurer without first obtaining Busti's approval. After he had agreed to take the office, however, he informed the Agent-General of his action, reviewing for him some of the reasons that had influenced his decision. Busti endorsed Ellicott's conduct in accepting the treasurer's office, and also offered him additional support in that position. He would permit Ellicott to continue as county treasurer so long as it did not take too much time from his duties as Resident-Agent: "I give you my full and complete absolution for the sin you have committed in accepting against the literal construction of your engagement of the office of treasurer of the County. You may even continue to act in that Office if the duties of the charge do not considerably interfere with the time you have to devote to the Agency." 21

Busti went a step further and instructed the banking firm of LeRoy, Bayard, and McEvers to pay to the new county treasurer nearly $5,000 in back taxes that the Company owed to the county. He then notified Ellicott of this action, candidly admitting that he had made this move to demonstrate to the other county officers that the Holland Land Company was willing to cooperate with Ellicott in his new official position.

Originally, Ellicott had intended to keep the office of county treasurer for a one-year term, but before the year had expired, he became convinced that, as Resident-Agent, he should continue to hold this post. As the largest taxpayer in the county, the Holland Land Company, he felt, should control the position of county treasurer. If he kept this office, he could inform the Company in detail how the board allocated its tax money, he could recommend to the supervisors the best ways in which to spend the revenue, and he could help to limit unnecessary expenditures. Summarizing the reasons for his desire to remain in office, he wrote Busti that the county treasurer's office ought to be held by the Company's Agent, especially as the major part of the money raised is immediately from the Company. It affords me an opportunity of being informed for what
objects this money is expended, and also to advise the supervisors what sums may be expedient to be raised for County purposes, and also in some measure to be a Check on their Prodigality, if they should be disposed to raise more money than the exigencies of the County might require as well as to inform the Agent-General annually of the true State of all Taxes raised and in what manner expended, which I presume by doing this in my last report was not unpleasing. 22

On this matter, for the time being at least, Busti agreed with the reasoning of his Resident-Agent, and Ellicott therefore accepted the board's annual reappointment as county treasurer for the next six years.

Despite his outward expression of full support for Ellicott, Paul Busti retained some nagging apprehensions. By 1804 three matters had developed that worried the stable, conservative Agent-General. One had to do with the sale of land. In full agreement with the Company Directors, he believed the land should be sold quickly and in large blocks. As early as 1798, the Directors had tried without success to dispose of the land in the state of New York; the attempt was made once again in 1802 (that is, when Ellicott was Resident-Agent), as the Company was to do many times more in the future. But instead of large-block sales, the Company's land was being sold in small parcels on long-term credit, and both of these departures from the original policy were being made with Ellicott's full approval.

A second foreboding grew out of the scattered reports of Ellicott's mercurial behavior with customers, of conduct that was nearer to rude than blunt. To Busti, unfailing courtesy, especially in Company dealings, was a way of life. And the third was Ellicott's growing political involvement. Busti tried to face the situation pragmatically but could not overcome his deep anxiety that neither the Company nor its employees should ever become involved in politics. On the issues of land sales and Ellicott's manners, he lacked at this point sufficient evidence that was tangible enough to permit him to act. Also, he was aware that Ellicott had entered politics reluctantly and only in the best interests of the Company. In 1804, then, the Agent-General suppressed his misgivings and permitted his Resident-Agent to hold the post of county treasurer.

Although he served as county treasurer for a number of years, Ellicott felt that his obligations to the Company were too great to permit him to accept other political offices. As a result, he refused most of
the other political positions that were offered to him. In 1803, the same year that he became treasurer, the Council of Appointment chose him a judge in Genesee County, but he declined the position. The following year, the Republicans urged him to try for the assembly. In 1805, his party encouraged him to run for a seat in the state senate, and later that same year, it sought his candidacy for Congress. Each time Ellicott rejected the honor. He did, however, accept his appointment as a presidential elector in 1804 because he saw no way of evading his duty. Besides, this office required only that he travel to Albany once to cast his ballot. For the rest, he preferred to devote himself almost exclusively to his task as Resident-Agent, for he considered that position more important than any other one and assured Busti: "I [neither] seek, nor wish for any greater honor than that of being one of the subordinate Agents to the Agent-General of the Holland Land Company, [that] being in my opinion more honorable than any office the Government can bestow." 23

When the question arose of encouraging his brother, Benjamin, to hold political office, Joseph applied the same criterion that he used for himself: Benjamin could accept a political office to the extent that holding the position would benefit the Company. Such an opportunity arose in 1804, when the Council of Appointment chose Benjamin as a judge of Genesee County. Benjamin preferred to reject this appointment; Joseph, however, knew that a judge had the authority legally to recognize deeds and mortgages. With Benjamin serving in this office at Batavia, Joseph could eliminate the need to travel over those poor roads in quest for a judge. Therefore, Joseph persuaded Benjamin to accept the judgeship, and explained his logic to Busti: "I conceive it would tend to our convenience for him [Benjamin] to serve in that capacity, although it is not with his inclination, but have a Character of that description in the office for the purpose of taking the acknowledgment of Deeds and Mortgages Saves us much trouble in going some distance for that purpose." 24

Being satisfied that key political positions in the organization of Genesee County were filled with men who were favorable to the Holland Land Company, Joseph Ellicott now proceeded to use such political strength to remedy a situation that was troubling the Company. For some time, Ellicott had objected to the inadequate representation that the town of Batavia had on the board of supervisors. The Holland Land Company owned about three-fourths of all the land in Genesee County, but their holdings were concentrated about one town, Batavia. The remaining one-fourth of the county lands
were located in three towns—Northampton, Southampton, and Leis­ter. Yet, in 1803 Genesee County had four supervisors, one from each of the four towns, who made up the county board of supervisors. Neither the area of the town nor the size of its population altered its representation on the county board. Ellicott considered this arrange­ment unfair, since the area of Batavia was far greater than any of the other three towns. To him, the ratio on the board of three supervisors to one did not adequately protect the interests of the Company.

To redress this inequality of representation, Ellicott suggested that the legislature should divide the town of Batavia into four smaller towns. According to his plans, the board would then number seven supervisors, four of whom would come from the area of the Company lands. This change, he felt, would “prevent the ¼ Part of the County from having too great an ascendancy over the Part owned by the Dutch Company.” Ellicott, therefore, planned to instigate lobbying activities in Albany for such a reorganization of town representation. Busti endorsed Ellicott’s plans completely, and again complimented him on the valuable role that he was playing in the organization of Genesee County.

Ellicott was not satisfied with mere praise from Busti; he insisted that the Agent-General also assist him by altering the Company’s land sales program. Specifically, Ellicott recommended that Busti open the rest of the Company’s land for sale, so that the settlers would spread out more evenly on the purchase. With the additional settlements that would result from such action, Ellicott would have a valid reason to petition the legislature to create new towns in Company areas. This, in turn, would increase the number of supervisors on the board, a majority of which might soon represent towns that were located in the Company’s territory. Ellicott, realizing the advantages of such a change in board membership, contacted Busti and pointed out: “We should thereby at a much earlier period be enabled to subdivide the Company’s Territory into such a Number of Corporate Towns as to have a Majority of Supervisors residing within the Territory of the Company to dictate where Monies raised by Taxes Should be expended, and for what purposes, as well as a Number of other important Objects, regarding the Policy of the County.” Busti approved of Ellicott’s idea and increased the amount of land that the Resident-Agent offered for sale from the original 500,000 acres to over 3 million acres, an area which included all of the Company’s lands west of the Genesee.

Joseph Ellicott’s friends and business associates, cheered by Busti’s
cooperativeness, now drafted a petition that sought to divide the town of Batavia into four towns, and submitted it to the officials of Batavia. In this document, the petitioners specifically suggested that the legislature should "erect the Town of Batavia into four Separate towns." 27 Five men signed the petition: Alex Rea, Ebenezer Cary, Isaac Sutherland, Benjamin Ellicott, and James W. Stevens. On September 8, 1803, the town meeting took place and endorsed the idea of dividing Batavia; however, it changed the number of towns to be created from four to five. The town officers then forwarded this revised petition to the legislature for its official action.

Independent of the actions of the Batavia town meeting, Joseph Ellicott sent a petition to a state senator, Lemuel Chipman, urging the division of Batavia. This request was identical with the one that his five friends had originally submitted to the town: it advocated the division of Batavia into four separate towns. Chipman was confident that the legislature would approve Ellicott’s petition and assured the Resident-Agent that “there can be no doubt that the result will be favorable.” 28

After studying the two petitions, the legislature on April 11, 1804, divided the town of Batavia into four separate towns. Effective February, 1805, the town of Batavia was to become the towns of Batavia, Willink, Erie, and Chautauqua. By this act, membership on the Genesee County Board of Supervisors was increased by three. Four of the seven board members now resided in the area of the Company lands and were in a position to support politically the policies of the Holland Land Company, if these supervisors could be made sympathetic to the Company’s interests. The new law delighted Busti, of course, who recognized that Ellicott had strengthened his position. In a congratulatory note, he expressed his appreciation to Ellicott: “I shall only add that in affecting the division of Batavia Town you have given a new convincing proof of your attention to the interest of the Company for it is evident that by servicing the majority of the County officers no vexation can be imposed upon you.” 29

Busti’s comments concerning Ellicott’s role in the division of the town of Batavia might well have been applied to nearly all of Ellicott’s political activities; for the latter had indeed “given . . . convincing proof of attention . . . to the interest of the Company.” First, Ellicott had played an important role in the creation and organization of Genesee County. With the help of David Ogden, he had influenced many members of the state legislature to divide Ontario County and to run the new boundaries along the line recommended by the Resident-
Agent. To hasten the organization of Genesee County, he had speeded the construction of the court house and jail and encouraged the officials to approve the building quickly. Second, he had persuaded the Council of Appointment to choose his friends and employees, James Stevens and Richard M. Stoddard as the first officers of Genesee County. Although Ellicott had shunned political office for himself, he had accepted the post of county treasurer because he had felt that such a position would help the Holland Land Company. Finally, to insure the Company’s hegemony over the Genesee County Board of Supervisors, Ellicott had persuaded the legislature to divide the town of Batavia into four towns.

These were achievements that strengthened the Company’s position west of the Genesee and pointed toward a solution of the multiple problems involved in the sale of Company land. These accomplishments, too, helped to solidify Ellicott’s personal reputation in the affairs of western New York. Little wonder, then, that Paul Busti should grant him “complete absolution” for his participation in political life; for when politics brought dividends, Busti was only too ready to serve as cashier for forgiveness and compliments. Ellicott accepted his praise and pardon with graciousness and modesty, and calmly readied himself for his next task—the strengthening and expanding of his newly won political power.