Joseph Ellicott and the Holland Land Company

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VI. Problems of an Expanding Population

During Ellicott’s score of years service as Resident-Agent of the Holland Land Company, the population of the nation continued its phenomenal increase. The country’s population nearly doubled, but the state and city of New York exceeded the national growth. Between 1800 and 1820, the state vaulted from third position to first, while New York City jumped from second place to first.

The rise of New York to the position of the nation’s leading city came about through an alliance of nature’s handicraft and man’s industry. New York’s port had many advantages. An ocean vessel, approaching New York, passed through an entrance some six miles wide. The ship then continued two miles by way of The Narrows, which sheltered the great port and kept it ice free; the last recorded freeze had occurred during the winter of 1779–80. The boat now anchored at a harbor that was navigable, deep, and 650 miles long. From New York, there was a serviceable water route to western markets by way of the Hudson and the Mohawk.

Capitalizing on their beautiful harbor, energetic New Yorkers introduced two features in 1817 that strengthened the city’s leadership. In the first one, the state legislature passed a bill which ordered the auctioneers to accept the highest bids offered. Previously, the common practice was to offer goods at auction, but to withdraw them if the bids were unsatisfactory. Passed the same day as one that created the Erie Canal, this law helped make New York a favorite for buyers and sellers from all over the country. The second innovation was the announcement on October 24 of the first regular ocean liners that would sail on schedule to Liverpool. True to its promise, the Black Ball Line went into operation during the first week of 1818, and thereafter its ships ran on a set schedule from America to Europe. Heretofore, ocean travel had depended on the weather, the caprice of the captain, and the size of the load; now merchants could be assured of regular sailings. The trustworthy service attracted shippers, increased the city’s trade, and helped keep New York the foremost urban center in the nation.

Dependable auctions and scheduled sailings attracted not only
businessmen and goods, but also immigrants. The population rose sharply in New York City, spilling over into the rest of the state. The census figures of 1800, 1810, and 1820 disclosed that, while the established cities in the East had sizable population increases, certain areas west of Albany showed marked gains, too.

Where the people built their homes in upstate New York was determined largely by geography. The Hudson Valley, for example, was naturally the first region to be settled. In the early economic development of the state, the cities below Albany were important. Settled in the seventeenth and eighteenth centuries, Newburgh, Poughkeepsie, Kingston, and Hudson tended to reach a population plateau by 1820, but resumed their growth a decade later. Between 1800 and 1820, Albany was second only to New York in population, trade, and wealth. In 1800, Albany’s population was 5,289, then doubled to 10,762, and increased more slowly to 12,630 by 1820. To John Melish, the alert Scotch textile manufacturer who in 1811 was making his second trip to the United States, Albany was a progressive city. Melish noted that Albany had three banks, a city library, ten churches, and a theater. But Melish’s keen eyes saw, too, the city’s uneven streets, some of which were “spacious,” while others were “rather narrow and irregular.” This traveler, likewise, recorded that Albany had about 1,300 houses, most of them built of brick and many of them “elegant.”

Geography, too, influenced the settlements west of Albany. The Mohawk Valley, for those traveling from New York City to the Great Lakes, was in a sense an extension of the Hudson Valley. After 1800, the towns along the Mohawk Valley grew considerably.

However, measuring the expansion of new communities by statistics alone can be misleading. Originally, the population of many of these cities-to-be had been counted as part of other townships. After the villages split off from townships and emerged with independent charters, the growth of the new communities over the previous census report often gave the impression of phenomenal increase. A good case in point was Utica. Located on the south side of the Mohawk River and a hundred miles west of Albany, Utica in 1787 had three log huts. No mention of Utica had appeared either in the federal census of 1800 or 1810, because at the time it was part of the town of Whitestown. In 1817, Utica broke away from Whitestown, and the federal census of 1820 credited Utica with 2,972 people. An analysis of Utica’s growth, based solely on the census, showed a population rise from seemingly no people in 1810 to nearly 3,000 in 1820. In reality, Utica had 200 people in 1801, and when John Melish visited that village ten years
later, the population had risen to 2,000. With this background, the census figure of 1820 for Utica makes more sense.

Whatever the census evaluation, Utica was ideally situated. Located on the Seneca Turnpike, it appealed to stagecoach drivers who made Utica a center of road travel. The boat lines on the Mohawk also did a flourishing business there. By 1811, Utica had four hundred houses, six taverns, fifteen stores, two breweries, and three printing offices. Within thirty years, the city had come a long way.

As travelers journeyed west of Utica, they found the population sparser. Fifty miles beyond Utica and near the center of the state was Syracuse. At first a part of the Town of Salina, Syracuse was incorporated as a village in 1825, was chartered as a city in 1846, and did not appear in the federal census until 1850. In its early history, much of Syracuse was a dense forest area that lay under water most of the year. Only after the land was drained did it progress. The rest of the Town of Salina, however, prospered, with salt-making its big business. The water wells were eight to twelve feet deep, supplied between fifteen and twenty thousand gallons a day, and contained 16 to 25 ounces of salt per gallon of water. But Syracuse did not flourish. As late as 1825, the year that the Erie Canal was completed, the population of Syracuse numbered only a few hundred.

Some eighty miles west of Syracuse lay Canandaigua, the springboard into western New York. Far ahead of Syracuse and well in the lead of Utica, Canandaigua, between 1800 and 1820, had the largest population of any community west of Schenectady. The number of residents in Canandaigua had doubled from 1,153 to 2,387 during the first decade and by 1820 had redoubled to 4,680. A beacon in the wilds of western New York, Canandaigua charmed nearly all visitors, including the peripatetic John Melish. In his dry methodical style, Melish recorded that in 1811, Canandaigua had about 120 "handsome" houses, most of them of wood and painted white. In the center square were an attractive brick courthouse, a jail, and "an elegant academy." He also chronicled that Canandaigua had six stores, six taverns, two tanning yards, two distilleries, six doctors, and six lawyers. Business oriented, Melish noted that land which had cost one dollar an acre twenty years ago now sold in some places for fifty times that sum.

While Canandaigua was flourishing, the neglected site of Rochester reposed some thirty miles to the northwest. In 1809, the Rochester site was pictured by a state legislator as "a Godforsaken place inhabited by muskrats, visited only by straggling trappers, through which neither man nor beast could gallop without fear of starvation.
AN EXPANDING POPULATION

or ague. Astride both banks of the Genesee River, this site was isolated by thick forests and could be reached only by poor roads or perilous waterways. By 1812, Colonel Nathaniel Rochester had staked out the city that would bear his name. Two broad avenues intersected at right angles with quarter-lots offered for $50 each, and additional streets were located off the main thoroughfares.

After a lethargic start, Rochester won the battle to free itself from dependence on Canandaigua. The population of Rochester rose to 331 by 1816 and in the next two years tripled to 1,049. Its growth now became abnormal. Incorporated in 1817, Rochester, by 1821, had four flour mills and seven sawmills. By 1827, the population soared to 7,660, seven times greater than in 1818. Canandaigua, with 5,000 residents in 1827, was outnumbered by Rochester. Meantime, Rochester gained political and economic emancipation. In 1821, after a five-year battle, Monroe County was created from Ontario and Genesee Counties. The new county seat of Monroe was located at Rochester, thus reducing Canandaigua’s political influence. And, in 1824, the Bank of Rochester was established, lessening still further Canandaigua’s economic authority over Rochester.

Fifteen miles southwest of Rochester was the burgeoning village of Batavia. Unlike Rochester, Batavia’s growth was steady, not spectacular. When Joseph Ellicott moved his headquarters to Batavia in 1802, the population totaled 56. It rose to 230 in 1803 and then increased about 100 a year until 1807. By 1810, the Village of Batavia had over 1,100 inhabitants, while the Town of Batavia numbered 3,660. During the next ten years, the Town of Batavia had declined to 2,597, but the explanation for the decrease was simple, since in 1812, the Town of Batavia had been subdivided into four smaller towns. Batavia in 1820 exceeded Rochester in population but was outnumbered by Canandaigua.

Batavia’s key resident was Joseph Ellicott, and the loveliest home in the village belonged to the Resident-Agent. Ellicott’s mansion was started in 1802, the year that he moved there. The east or right wing was completed first, and for a time Ellicott’s office was located there. After several additions, the mansion was finally finished in 1818.

On the wall of the Holland Land Office Museum in Batavia hang a copy of the architect’s drawings and an old photograph of the Ellicott home. These two items reveal that the mansion was stately, symmetrical, spacious, and carefully designed. Located on West Main Street, the house was a three-story structure with two balanced wings and six tall pillars. Apparently, the first floor had ten rooms, the second
story was similar to the first, and the third floor was a finished attic with five rooms. The grounds were extensive, formal, and functional. To the rear of the house were a pasture and a barn, and sections allocated for "early vegetables," "winter vegetables," and "fruit orchards." These were surrounded by large flower gardens and a lengthy hedge. In front of the house were huge flower gardens and a lengthy hedge. In front of the house were huge trees, and near the walk was a fence.

The Ellicott home was furnished in fine taste. The eight-foot high musical clock, built by Joseph's father and willed to him by his mother, stood in the hall and fascinated visitors. Mementos at the Holland Land Office Museum, used in the Ellicott home, included pewter dishes, Sheffield candlesticks, candelabra with crystal teardrop prisms, and English china in dark flowing blue with matching coffee pot, sugar, creamer, soup tureen, large platter, and oversized coffee cup. All told, the Ellicott mansion in Batavia was one of the most handsome in all of western New York.

Many tourists came to Batavia. One of the more caustic was Timothy Dwight, president of Yale College, energetic traveler, and forthright recorder. When Dwight visited Batavia in 1804, he criticized the climate, and in a vein reminiscent of William Bradford's classic description of the Plymouth colony, wrote: "So many persons were ill of the diseases common to this region, that those who remained well, were scarcely able to nurse the sick." Dwight found fault also with the waters which "had stagnated in the road, were very loathsome, both in their appearance and smell." But the Yale President castigated the Holland Land Company, drawing a bleak picture of the owners. "Too wealthy to feel any necessity of selling their land," noted Dwight, "and knowing that they will of course increase in values, they proposed, as I am informed, conditions of purchase, which are not very alluring." Seven years after Dwight's visit, John Melish came to Batavia and interviewed Joseph Ellicott. Without editorial comment, Melish explained in elementary terms the Company policy in the sale of its land. He recorded, too, that in 1811 the village had about fifty houses, four taverns, four stores, and a gristmill. By withholding opinion, the well-traveled Melish was seemingly less enchanted with Batavia than he had been with Canandaigua.

Neither Batavia nor Canandaigua was destined to become the Queen City of western New York; that title would go to Buffalo. Located three hundred miles west of Albany, Buffalo was at the eastern extremity of Lake Erie on the Niagara River. One day, Buffalo would outdistance Albany, Utica, Syracuse, and Rochester and would become the largest city in upstate New York.
Before the land that was to become Buffalo could be sold, however, Ellicott had to settle two issues. The first involved the need to get control over the area on the eastern end of Lake Erie directly bordering Buffalo Creek. By the Treaty of Big Tree in 1797, the Seneca nation had kept a little less than 200,000 acres for Indian reservations. These acres were scattered over western New York, and the exact boundaries were to be worked out later. The treaty, however, had specified that one portion of the reservation was to be located on Buffalo Creek. To complicate the matter further, New York State owned the Mile Strip, a one-mile-wide piece of land east of the Niagara River from Lake Erie clear to Lake Ontario. Seneca ownership of Buffalo Creek shut out the Holland Land Company from access to that harbor, while the Mile Strip excluded the Dutch proprietors from admittance to the Niagara River. It was important for the Company to gain entry to the mouth of Buffalo Creek and also to acquire enough land surrounding the harbor to establish a village. The situation was apparent even to the French tourist, Le Comte de Colbert Maulevrier, who was visiting western New York in 1798. Mr. Ellicott felt, Maulevrier recorded in his journal, “that the Holland Land Company could one day gain a great advantage from this situation,” if the Indians did not “include this place in the territory they have reserved.”

Keenly aware of the importance of Buffalo Creek, the foresighted Ellicott fought skillfully to keep it out of the Seneca reservation. He approached the one man whose help was indispensable, Captain William Johnston. An Indian trader and interpreter, Johnston had married a Seneca woman and settled near the mouth of Buffalo Creek. His sensible intelligence, high influence with the Indians, and marriage to a Seneca had brought him a gift of two square miles of land at the very mouth of Buffalo Creek. The Seneca donation included a large part of the area which today is Buffalo; it was the very land which Ellicott needed. Although Johnston’s title to the land was questionable, the Indians could, if they were so inclined, insist that Buffalo Creek be definitely included in their reservation.

The crisis called for quiet diplomacy. With complete Company support, Ellicott and Johnston, in 1799, worked out a private agreement. Johnston promised to surrender his claim to the two square miles of land and to use his influence with the Senecas to have these two square miles and the Buffalo Creek kept out of the reservation. In return, the Dutch proprietors deeded to Johnston 685½ acres in other parts where the village of Buffalo was to be. After long negotiations
and with the dexterous support of Johnston, Ellicott achieved his purpose.

Once the ownership of land around Buffalo Creek had been settled, Ellicott was ready to handle the second issue. The Dutch proprietors had refused to permit the lands in and around Buffalo to be surveyed. With an eye to the law of supply and demand, they had hoped to enhance the value of the lands around Buffalo Creek as the nearby settlements grew. After repeated urgings by both Ellicott and Agent-General Busti, the Dutch directors relented, and in the early winter of 1802–1803, granted permission. Under the general direction of Joseph Ellicott, the survey was started by his nephew William Peacock in 1803. However, the Resident-Agent finished the task personally the following year.

Ellicott's plan for laying out the streets of Buffalo was similar to the one that he and his brothers Andrew and Benjamin had followed in 1791 when doing the same for Washington, D.C. The streets radiated from Buffalo Creek like bars from a hub. When it came to selecting names for the streets, Ellicott tried to honor the Dutch proprietors and the two Agent-Generals. The avenues were called Willink, Van Staphorst, Schimmelpenninck, Vollenhoven, and Stadnitski in deference to the Dutch owners; and Busti and Cazenovia out of respect for the present Agent-General and his predecessor. Some other streets were given names after Indian tribes: Chippawa, Delaware, Huron, Mohawk, and Seneca. The Indian names and those of the Agent-Generals have been retained, but those associated with the Dutch owners and even the very title of New Amsterdam have been replaced.7

Once the survey was completed, Buffalo grew with controlled rapidity. In 1804, when Timothy Dwight visited the village, he counted “about twenty indifferent houses.” Dwight, a dogmatic Yankee Puritan, reported that the inhabitants were “a casual collection of adventurers” who had retained “but little sense of Government or Religion.”8 By 1810, Buffalo's population was 1,508 and increased to 2,095 by 1820. The growth might well have been greater were it not for Ellicott's policy of reserving some of the better lots. This practice was defensible in terms of future public buildings and better structures, but it was carried to extreme. By 1820, much of the vacant land still available in Buffalo had been set aside for the Company, for Ellicott, and for his relatives. Despite Ellicott's policies, Buffalo had doubled its 1820 population to more than 5,000 by 1825 and then increased its numbers to over 8,000 by 1830. By that year, only Albany of all
upstate cities had a greater population than Buffalo. The Queen City had arrived.

During Ellicott’s twenty years as Resident-Agent, the population growth of western New York was remarkable. When he had started to sell land in 1800, he described the territory of the Holland Land Company as “one huge Forest and extended Wilderness.” Indeed, at the time, there was only one county (Ontario) for western New York, and even though it included considerable territory east of the Genesee, its total population was little more than 15,000. As the number of land sales grew, however, the area changed from a “wilderness” to one of many small communities developed by an ever increasing number of settlers. By 1820, more than 100,000 people lived in western New York. Moreover, the percentage of increase of the population of western New York between 1810 and 1820 had soared 365 percent, while that of all of New York had grown 43 percent. (See Tables I and II, Appendix.)

The expanding population in western New York created two major problems that involved Resident-Agent Ellicott and the Holland Land Company. The first was the suffrage limitations that made it difficult to obtain a sufficient number of qualified voters to organize Genesee County properly. The second was the unwieldiness of Genesee County which necessitated the additional division of the territory. Both were problems that demanded immediate action.

From 1800 to 1820, the population of western New York rocketed to such an extent that it made almost mandatory the widening of suffrage rights to the inhabitants. In 1807, 2,267 western New Yorkers could vote; seven years later, the total number of electors tripled; but by 1821, only 14,007 men out of a population that exceeded 100,000 in western New York met the suffrage requirements.

The population surpassed the number of electors because the state constitution had set up restrictions limiting suffrage. The conservative Constitution of 1777 had required such high property qualifications for voting that comparatively few men could meet the requirements. Furthermore, the same constitution had placed electors into two voting groups: the men who owned land worth a minimum of one hundred pounds could cast their ballots for all offices, while those in the second category, who possessed land valued at twenty to one hundred pounds or who rented tenements of annual value of forty shillings, could vote for all offices except those of governor, lieutenant-governor, and state senators. To keep a more accurate record of the changes in the status of the electors, the Constitution of 1777 had provided also
for a census every seven years. In western New York, these legal restrictions permitted only one-third of the qualified voters to ballot for the highest and most significant offices. (See Table III, Appendix.)

In addition to the suffrage limitations established by the Constitution of 1777, state laws required that all state and local officials be freeholders. Positions such as assessors, town clerks, overseers of the poor, commissioners of highways, and jurors could not be held by nonvoters. A settler could become a freeholder only if he owned an estate and could prove such ownership by showing a deed. The policy of the Holland Land Company, however, resulted in the granting of few deeds, the transfer of complete ownership being withheld until the resident had paid for the land in full. Instead, the Company granted the purchaser an “Article of Agreement,” which merely explained the terms of the sale; title to the land remained with the Company. The Dutch owners justified this policy on the grounds that a state law of 1798 prevented alien landowners, such as themselves, from repossessing the land once the title had passed to the settler—even if he could not pay his debts.¹⁰ To protect itself from defaulters, the Company used the technique of withholding deeds.

Joseph Ellicott was anxious to have the newly formed Genesee County organized as efficiently as possible, and he realized that the limited suffrage resulting from the withholding of deeds prevented the county from having a wider choice of personnel to fill key offices. He therefore sought permission from Agent-General Paul Busti to modify the rigid policy of the Holland Land Company in the granting of deeds. Shortly after the legislature had created Genesee County, Ellicott explained the problem to Busti. He pointed out that there were “not more than 30 Freeholders in the whole County . . . [and this was] not a sufficient number to perform the Duties of the grand juries.” Furthermore, unless Busti promptly authorized the creation of additional freeholders, Ellicott informed him: “We shall not be able to organize the County by the time the Courthouse is erected.”¹¹ After seeking the advice of David A. Ogden, the Company’s counsel, Busti finally permitted Ellicott to grant deeds to those purchasers who had paid for one-fourth of the land.

The shortage of freeholders in Genesee County continued however, for even one-quarter of their debt was too high for some settlers to meet; and Resident-Agent Ellicott still found it “extremely difficult to Transact legally the County concerns.”¹² In 1804, he sought permission from Busti to liberalize further the transfer of deeds by reducing the requirements from 25 to 10 percent of the purchase price.
A specific criminal case had impelled him to ask for the change. At this time, the Genesee County court had to handle a serious trial of manslaughter. This "very important case" required a sufficient number of competent and unbiased jurors, and Ellicott was, therefore, forced to exceed his authority by conveying deeds to the non-freeholding jurors who were otherwise qualified to judge the trial. Despite Ellicott's pleas that the granting of deeds be broadened, the conservative Busti insisted that the Resident-Agent should continue to collect 25 percent of the purchase price before he parted with any land titles.

Ellicott persisted, however, in asking Busti to reduce the restrictions for transferring legal ownership to the land. An act passed by the legislature in 1805 provided the Resident-Agent with unexpected help. According to this law, alien companies, such as the Holland Land Company, could now repossess their "real estate" from settlers who could not meet their debts—even if titles to the lands had been given to the latter. This change was made possible by introducing a new mortgage system: the settlers could receive the deeds to the land in exchange for a mortgage; but if they did not meet their payments, title would automatically revert to the land company. Ellicott, who welcomed the opportunity to grant additional deeds and increase the number of freeholders, now saw no risk in conveying deeds in return for mortgages and told Busti: "This Law renders it perfectly safe to grant Deeds for Lands, the payment to be secured by Bonds & Mortgages—I therefore beg leave to suggest whether it would not in most cases be to the advantage of the Company to grant Deeds & take Mortgages in lieu of the present mode of giving Articles of Agreement." Despite Ellicott's suggestion, however, Busti refused to change his position and to transfer deeds on a mortgage basis.

Still convinced that his own policy was the correct one, Joseph Ellicott tried again to persuade the Agent-General to reduce the qualifications necessary for the transfer of deeds and thus extend suffrage rights. He pointed out to Busti that suffrage "among Americans . . . [was] considered as one of the most dear and invaluable Privileges." The power to vote, continued Ellicott, gave the residents "a voice in the choice of those who . . . [were] to make the Laws & the Execution of those Laws . . . [and] no settlement in any part of the United States can be considered respectable unless the People possess all those Rights & Privileges." In 1807, when Resident-Agent Ellicott presented these views, only one-fifth of the potential voters on the purchase, or exactly 2,267 residents, had the legal qualifications to vote.
Continuing his explanations to Busti on the need for liberalizing deed transfers, Ellicott ominously predicted that "Anarchy" would result if the residents were denied the right to vote. The Resident-Agent did not use this argument merely to frighten Busti, for Ellicott genuinely feared that unless the settlers obtained legal suffrage right "Anarchy . . . will be the effect in such Settlements." In the 1807 election, Ellicott's fears of anarchy were realized when the trouble-laden question of suffrage restrictions produced physical violence. The majority of the settlers on the purchase by 1807 had come from Vermont and had brought with them their strong Republican convictions. The constitution of that state had none of the property qualifications for suffrage that were required by New York. Accustomed to vote, they went to the polls as though their articles of agreement were deeds and they were entitled to the ballot. In an effort to reduce the number of Republican votes in Genesee County, the Federalists in this election decided to place qualified challengers at the voting places to see that only the legally qualified residents balloted.

Unaware of the Federalists' intentions, the Vermonters came to town to cast their ballots. Many of them had traveled as far as twenty miles over almost impassible roads to reach the voting headquarters. After refreshing themselves at the local taverns, they made their way to the polls to give "their Suffrages to a favorite Candidate." When the Federalist checkers challenged their right and demanded deeds as evidence of their status as freeholders, the Vermonters ignored the niceties of law and order and used their fists to express their point of view. "The Consequences," Ellicott later reported to Busti, "was that more quarreling and Blows passed which occasioned bloody Noses and black Eyes than has been done . . . ever since the Commencement of the Sales on the Company's Lands." 17

Fearing that the hard feelings engendered by the 1807 fist fight would spread to the rest of the purchase, Ellicott pleaded with Busti to modify the present 25 percent cash requirement for the transfer of deeds. The Resident-Agent proposed that Busti should convey titles to settlers who had bought a minimum of 240 acres of land, had improved ten to fifteen of these acres, and who resided on the property with their families. Ellicott suggested two safeguards to protect the Company against loss: one, the deed should not cover the entire property, but should include that part which the resident had improved; two, the settler should give the Company a mortgage on the undeeded land toward which he had made partial payment. Ellicott believed that this plan should be put into effect at once, for he realized that while
the Vermont settlers had directed their wrath at the Federalists in 1807, eventually they might vent their rage on the Holland Land Company. Paul Busti, who had lived through the excesses of the French Revolution and knew of the great expropriation of land that had followed in France, understood this kind of reasoning. The brawl between the Vermonters and the Federalists had frightened the prudent Agent-General, and he finally acceded to Ellicott’s wishes.

Although Ellicott had at last persuaded Busti to alter the manner of granting deeds, an unexpected complication arose in putting the plan into effect. Most of the settlers had cleared lands which were located in the middle of their properties, and the leveled portions were frequently oddly shaped. As a result, Ellicott found it difficult to measure the cleared lands on which to grant deeds. Realizing the complexity of the problem, he decided not to concentrate on exact measurements of land, but granted deeds without giving too much attention to the accuracy of the number of acres of cleared land involved.

The more liberal plan of transferring titles of ownership aided Ellicott and the settlers. This new program furnished additional incentives to the residents to cooperate with the Company, and many of them paid their debts on the mortgages more punctually than on the articles of agreement. What is more, they worked harder to get a deed under these easier terms because they now saw the possibility of becoming freeholders. Ellicott was satisfied, too, because county affairs could be run more efficiently. By enlarging the electorate, he made the county more respectable, removed a source of trouble, and helped to postpone the uprising against the Company for another decade. His fight for broader suffrage also strengthened his position with the democratic-minded settlers and consolidated his leadership of the Republican party in western New York.

In addition to producing the difficulty of deeds and suffrage, the expanding population also pointed up a second problem—the need for more counties. The motives behind the specific demands for the division of Genesee County varied with the individuals who would profit from the new boundaries. Since 1802, this county had been the only one west of the Genesee, and the county seat was located at Batavia. With settlements springing up in various parts of the five-thousand-square-mile territory and with travel so difficult, additional counties and county seats closer to the settlers would expedite county business. Dividing Genesee County would favor some settlers over others because it would enhance the value of the land nearest to the new county
seat. The legislators themselves realized that the longer they delayed the creation of the new counties, the greater would become the dissensions among the growing population. In 1806, under the pressure of a mounting number of petitions, the lawmakers took action.

Philip Church was one of those who, in 1806, sent his petition to the legislature for the division of Genesee County. A grandson of General Philip Schuyler and a nephew of Alexander Hamilton, Church was serving as sales supervisor for his father's 100,000-acre tract that bordered the southeastern boundary of the purchase. He wanted a new county because he believed that it would stimulate his lagging land sales. Church, therefore, sought the help of his influential relatives in creating a county south of Batavia and north of the Pennsylvania line that would include the Church tract. He suggested specifically that the legislature should locate the county seat at Angelica, the heart of his property. Church introduced his petition as quietly as possible, as if he feared to arouse opposition. Such caution was unnecessary, however, for when Ellicott learned of Church's plans through private channels, he did not oppose the creation of this county. On April 7, 1806, the legislature approved the Church petition creating the county of Alleghany, and designated Angelica as the temporary county seat.

James Wadsworth, who owned much of the land around Geneseo and had been a candidate for the office of Resident-Agent of the Holland Land Company, also submitted a petition to the legislature for the creation of a new county. Wadsworth proposed that the legislature should organize a county by taking "a slice off the Western Part of the County of Ontario & [another piece from the] Eastern Part of the County of Genesee." Thus Geneseo would be located almost in the middle of the new governmental unit, and the Genesee River would "run nearly through the Center of the County." Ellicott opposed the Wadsworth plan because it would have increased the value of Wadsworth's holdings rather than those of the Holland Land Company. However, the Resident-Agent had nothing to fear because the legislature did not act on Wadsworth's petition in 1806.

Like Church and Wadsworth, Joseph Ellicott wanted the legislature to divide Genesee County and accordingly sponsored a petition to that effect. He realized that it was "becoming more and more urgent" to achieve his goal quickly if he was "to prevent the new County of Genesee from being dismembered and subdivided in an improper manner." Agreeing completely with Ellicott, Agent-General Busti gave him only the most general instructions for boundary changes, suggesting that he "endeavour to effect at the ensuing session of the
Legislature the Division of the County of Genesee into as many Counties as its geographical limits ... [seemed] to point out as necessary." Ellicott therefore petitioned the legislature in 1807 to divide Genesee County into four counties of almost equal size: Genesee, Niagara, Chautauqua, and Cattaraugus. Inasmuch as the boundaries of the proposed counties of Niagara, Chautauqua, and Cattaraugus covered "about three-fourths of the Company's whole Territory," Ellicott felt that such a division would improve further the administration and organization of Company property.

Joseph Ellicott chose a poor year to hope for legislative action on his petition to divide Genesee County. Although the Clintonians and the followers of Livingston had worked hard to defeat Burr in the 1804 election, they had split shortly after their victory. DeWitt Clinton had precipitated this cleavage in 1805 when he had opposed a bank charter favored by the friends of Livingston and Governor Lewis. Joseph Ellicott had consistently sided with Clinton, and he paid the price for this loyalty when the Lewisites and Federalists combined to defeat his measure to divide Genesee County.

The Clintonians, however, made a clean sweep of the 1807 elec-
tions, when the voters chose Daniel Tompkins governor and gave the followers of Clinton control of the assembly. In addition, several candidates who were quite friendly to Ellicott also gained positions in the legislature. William Rumsey, for example, whom Ellicott had employed as a surveyor, won a seat in the assembly, and Alexander Rea was chosen to the senate. Pleased with the election results, Ellicott confided to Busti: "To be candid I am very happy with the Result, because I do know that the leading men of our Party are favourably disposed to the Holland Land Company." The Resident-Agent now felt confident that when he resubmitted his petition for the division of Genesee County, the Clintonian-dominated legislature would give its approval.

Carefully, Ellicott prepared for the passage of his petition. He examined the wishes of the other parties interested in dividing Genesee County and made compromises. He bargained with Philip Church and agreed to support a proposal for an enlarged Alleghany County where the Church tract lay, if Church would swing behind the Ellicott petition. He consented to a modified plan for a county division that James Wadsworth desired and pledged his cooperation in its attainment in return for Wadsworth’s help. Throughout all these maneuvers, however, the Resident-Agent never lost sight of his goal—to divide the county in a manner “most conducive to the Company’s Interest.”

To make certain that his petition would receive favorable action in the legislature, Joseph Ellicott also introduced his friends in both houses on his plan of attack. He directed Senator Alexander Rea “to originate the Bill fo Dividing the County of Genesee in the Senate” for in that way he “would no Doubt continue to . . . [be named] as one of the Committee.” “By that means,” explained Ellicott, “the Business might be carried through without Delay.” He assigned the task of guiding the bill through the assembly to his friend William Rumsey, who represented Genesee County. To coordinate the passage of his bill in both houses, Ellicott notified Rea: “Letters that I send to yourself . . . [should be] considered as directed to Col. Rumsey and yourself jointly.”

Ellicott was so concerned over the passage of his bill that he employed the services of David Thomas, a lobbyist. A strong Republican, Thomas had served four years in the state legislature and eight years in Congress. Shrewd and careful, he understood practical politics, knew many of the local political leaders, and had direct contact with DeWitt Clinton. Ellicott notified Rea of his plans to enlist the aid of Thomas and admitted that he would “compensate him for his Trouble
as far as it" concerned the "Business in which we were interested in the Issue." Moreover, explained Ellicott, if the bill ran into unexpected snags, Thomas would "be a proper character to amend or alter it as it ought to be done." 25

Despite all of Ellicott's careful preparations, an unexpected difficulty arose. In his compromise with Philip Church, Ellicott had agreed that the legislature should take two parcels of land from Steuben County, east of the Genesee River, and add them to Alleghany County. Robert Troup, agent for the Pulteney Estate which adjoined the Holland Land Company, complained that such a move to enlarge Alleghany County would hurt the Pulteney interests and he opposed it. Ellicott needed Troup as an ally; yet, if he refused to support the addition to Alleghany County, he would lose the equally valuable support of Philip Church. Ellicott therefore found himself being pressured by two conflicting points of view.

Upset at Troup's opposition, Senator Rea suggested that Ellicott should abandon Church and accede to the wishes of the Pulteney agent. Rea maintained that Troup had more political influence than Church and that the loss of the latter's support would not be too
serious. The Senator, however, respectfully awaited further orders from Ellicott, assuring the Resident-Agent that he could "delay any proceedings for some time from any party." 26

Replying to Rea, Ellicott gave him and Rumsey further instructions. He told them that they were to continue to support the division of Genesee into four counties, and that he had no intention of reneging on his promises to Church. Recognizing, however, that without Troup's support it might be difficult to push through the bill, he suggested to the two legislators that they delay the fight for its passage until the time was more propitious. So many details needed to be ironed out, Ellicott explained, "between all Parties interested in the Event . . . [that] it had better be postponed to the next session of the Legislature, at which Time we shall be more generally prepared for such a measure." Along with these instructions to Rea and Rumsey, Ellicott optimistically enclosed a list of nominations for officers of Niagara County, so that it would be available when the legislature approved the partition of Genesee County. 27

Shortly afterwards, Rea again tried to persuade Ellicott to forsake Church and his plan for enlarging Alleghany County, because he would alienate Troup by such a stand. He pointed out to the Resident-Agent that Troup had strong allies. George Hornell, for example, a Federalist representative in the legislature from Troup's district, supported the Pulteney agent. And Henry Townsend, Republican friend of DeWitt Clinton and a relative of the veteran State Senator John Taylor, warmly defended Troup and the existing boundaries of Steuben County. Even though Ellicott was "apprehensive" that his bill would not pass, he again ignored Rea's suggestion, stating that unless the legislature passed the bill in its present form, "it would be much better off that the General Arrangement had never been thought of." 28

Ellicott's loyalty to Church and his firm advocacy of the passage of the bill finally brought him the reward that he sought, for on March 11, 1808, the legislature passed an act that completely incorporated his petition. The lawmakers divided Genesee County into the four counties of Genesee, Cattaraugus, Niagara, and Chautauqua and chose Buffalo and Mayville as the county seats for the latter two counties. The act of 1808 also enlarged Alleghany County and made Angelica its permanent county seat.

After the legislature divided Genesee County, the minor matter of fixing the sites of the courthouses and jails in the counties of Cattaraug-
gus and Chautauqua had to be handled. For this task, Governor Tompkins appointed commissioners whom he told Ellicott were “recommended by Genl. Rea and Colonel Rumsey before they left Albany & I believe [were] the same you recommended.” After Tompkins had made the appointments, Ellicott informed Asa Ransom: “I took the liberty to mention yourself, Isaac Sutherland, and Jonas Williams for those Commissioners to the Governor, who has forwarded your Commission to me to be presented to you.” Dutifully, the commissioners proceeded to select the sites that Ellicott wanted.

Between 1805 and 1812, Joseph Ellicott had thus successfully handled his two major problems that had stemmed from the expanding population in western New York. He had increased the number of people who could legally vote by convincing Agent-General Busti to liberalize the Company policy of granting deeds. And he had facilitated the administration of Company land by convincing the legislature to adopt his plan for the division of Genesee County into four counties.

He had achieved his objectives by careful planning, political insight, and a willingness to persist in his demands. He had compromised when such action would not violate his basic principles; and he had remained firm on points that he had considered to be vital to his interests. He had demonstrated, in brief, that he possessed the ability and purpose necessary to maintain his effectiveness as a political leader in western New York. It was fortunate, indeed, that he had been able to settle the many problems that so far faced him in his position as Resident-Agent of the Holland Land Company—for the War of 1812 was about to break out and he would have to concentrate all of his strength to meet this new test.