

## CHAPTER II

### WAR, LAW, AND THE SEXTANT

CHARLES' YOUNGEST SON IS BORN  
THE ULSTER SETTING  
GEORGE'S SCHOOLING AND CHURCHING  
HE GOES PRIVATEERING  
A HEROIC TRADITION BLASTED  
GEORGE AND LORD JEFFREY AMHERST  
HIS NAVAL VICTORY  
HE PREFERS THE LAW  
HE SURVEYS THE NEW JERSEY BOUNDARY

GEORGE CLINTON, the youngest child of Charles the immigrant and the subject of this book, was born on July 26, 1739 at the homestead in Little Britain. In 1739 dull, methodical George II had been king of Britain for twelve years; little George Washington had just passed seven; and of George Clinton's great rivals of later years, John Adams was a chubby tot of four, while Jefferson's birth was four years in the future, Burr's seventeen and Hamilton's a full eighteen. The American Revolution was in the cradle.

Little Britain, then in Ulster County and later made a part of Orange County, was a tiny frontier settlement situated southwest of Newburgh and two or three miles west of the Hudson and west of the little village of New Windsor. It was so near to the unsettled Indian country that Charles Clinton is said to have fortified his home for protection against attack—as well he might. Neither reds nor whites had much regard for the distant hand of the law in those primitive days. In the early months of the French and Indian War, for instance, we find Charles Clinton informing the governor that the

Indians had killed a certain Morgan Owen of Ulster County and that the whites had avenged the killing with compound interest by massacring four Indians, three squaws, and two papooses!<sup>1</sup> Ulster in 1756 was no peaceful Arcadia. It was a part of the first American frontier.

Although the Clinton family possessed some good meadow land, the country was generally rough and the soil thin and uncongenial to the plow. According to William Smith, the eighteenth century historian of the province, Ulster County was noted more for the fine quality of its millstones than for its other products: flour, beer, and draught horses.<sup>2</sup> It is not surprising that most of the Clintons turned to other occupations to supplement the meagre income that they wrung from their lands.

The sterility of Ulster's agriculture had its compensations, however. The county was not overrun with great manorial estates like those to the east and north which monopolized the finest lands and settled them with a subservient tenantry. There were no haughty patroons. Although a prosperous country gentleman like General James Clinton might have a negro slave or two,<sup>3</sup> and other men of means might rent small holdings of fifty to one hundred acres to their tenants, the Ulster farmers, unlike the patroons of Westchester, Dutchess, and Albany Counties, usually worked their own fields and milled their own flour. They were of many stocks—~~Scotch-Irish~~, English, Dutch, Huguenot, and Palatine. A serious, earnest folk, they were "not so gay a people as our neighbors in Boston, and several of the southern colonies."<sup>4</sup> The Anglican Church, which had been established in other less primitive counties of the province, had only a few communicants in Ulster. Such a region was almost certain to be democratic in its politics.

<sup>1</sup> Letter of March 4, 1756, in Historical Society of Pennsylvania.

<sup>2</sup> S. W. Eager, *An Outline History of Orange County* (Newburgh, N.Y., 1846-47), 608; William Smith, *History of the Province of New York to 1762* (2 volumes, New York, 1830), I, 315f.

<sup>3</sup> James Clinton to DeWitt Clinton, November 4, 1793, DeWitt Clinton Letters, Columbia University Library, Col. James McClaughry who married a sister of George Clinton also kept slaves. Rutenber, *op. cit.*, 128.

<sup>4</sup> William Smith, *op. cit.*, 328; E. M. Rutenber, *Obstructions to the Navigation of Hudson's River* (Albany, 1860), 110-11.

George Clinton's birthplace was an unpretentious, story-and-a-half cottage, an eminently proper birthplace for a man of his democratic convictions. It had a large living, eating, and cooking room on the ground floor and one large bedroom under the rafters on the second floor. It was built like so many of the houses in provincial New York, of stone, with board siding on the gable ends and clumsy stone chimneys. As the Clintons prospered, additional rooms and kitchens were added. General James was the last of the Clintons to occupy the old house which was finally demolished later in the nineteenth century.

There were no public schools in the province and were to be none worthy of the name until Governor George Clinton himself should recommend them to his legislature a half century later. George Clinton's early education was therefore entrusted to a young Scotch clergyman named Daniel Thain who had graduated from the University of Aberdeen. It was said by an amiable contemporary of Governor George that "the activity and strength of the intellectual faculties of the young student became very perceptible at an early period, which caused him to be caressed by all his friends."<sup>5</sup> Nevertheless, it was only in his later years that he learned to write correct English and to spell passing well, and he was never an eager reader. We may suspect that he took more readily to mathematics, which was to make him a good surveyor, than to the classics.

Clinton's boyhood association with tutorial clergymen seems to have developed in him no enthusiasm for institutionalized religion, no piety in the orthodox sense. Yet he showed a proper interest in the church. The Clintons had been Presbyterians for three generations and Presbyterianism was very naturally the outstanding creed of the Scotch-Irish district in which George was brought up. It was the Bethlehem Church on the road to New Windsor that the Clintons attended. In 1773, George Clinton, then a leading citizen of the county, was made a Presbyterian trustee for the New Windsor district.<sup>6</sup> The Loyalist Thomas Jones called him a "rigid, true Presbyterian," but

<sup>5</sup> Dr. Joseph Young, *loc. cit.*

<sup>6</sup> Historical Society of Newburgh Bay and the Highlands, Publication Number III (1896), 9-10. Clinton's daughter Martha was baptized at the New Windsor Presbyterian Church, April 3, 1783. *Ibid.*, p. 27.

we may suspect that the "rigidity" that Jones had in mind was not Clinton's orthodoxy but his dislike for Anglicans—so many of whom were to turn Tory in the Revolution. There is no evidence that he attended church regularly or had any considerable interest in church affairs. Some years after the Revolution his followers in New York City were accused of propagating deism and flouting orthodox Christianity. Probably Clinton's religion, like that of certain even more famous Americans of his era, was in fact deistic and little more. He referred vaguely to "the Supreme Dispenser of all good," to our "becoming gratitude to the great ruler of nations, on whose favor all our happiness depends," and hoped that he might "be able in some Measure to promote the Exercise of virtue and Religion which [he would] always consider as essential to the Existence of Freedom." Apparently "the Existence of Freedom" was the end to be achieved and virtue and religion (he mentioned virtue before religion) only the means. Clinton was brought up in a secular age in a province that had never been deeply touched by the religious currents of the time.<sup>7</sup>

The oft-told tale that George ran away in 1755 at the age of sixteen to go privateering against the French is in all probability only an interesting myth. The French and Indian War did indeed involve the American colonies as early as 1755, but it was not until the summer of 1756 that any considerable number of privateers went out from the port of New York.

George did, however, go privateering when he was eighteen. The newspapers in 1756 and 1757 carried alluring advertisements inviting "Gentlemen, Sailors and others" to ship on "private ships of war." Some of George Clinton's neighbors, such as old Captain Anthony Rutgers, went to sea to attempt to win fortunes at that highly respectable trade which was then recognized as a legitimate part of any war. Lieutenant de Lancey complained that "the Country is

<sup>7</sup> Ruttenber, *op. cit.*, 37; Thomas Jones, *History of New York during the Revolutionary War* (2 vols., New York, 1879), II, 326; George Clinton, *Public Papers of . . .* (10 vols., New York and Albany, 1899-1914), II, 268; C. Z. Lincoln, ed., *Messages from the Governors*, Vol. II, 1777-1822 (Albany, 1909), 506, 541. John Wood's "A Full Exposition of the Clintonian Faction" (1802) exposes the deistic tendencies of the Clintonians in New York City.

drained of many able bodied men, by almost a kind of madness to go privateering," and in the first year and a half fifty-nine prizes were brought into New York. The valiant, greedy privateersmen from British ports played havoc with French shipping. A French officer at Quebec lamented that of the thirty-six ships that recently sailed from Bordeaux, twenty-four were missing. "The sea swarms with English privateers, and we have not one."<sup>8</sup> It was on October 4 in the fall of 1757 that young Clinton shipped on the *Defiance*, Captain Francis Koffler, of New York.<sup>9</sup>

During the spring of 1757 Koffler had commanded the privateer *Revenge*, a snow of 14 guns, on a West Indian cruise. His new ship, which carried 16 guns probably 16 pounders and 140 men, was not among the largest, but it was a sizeable vessel if compared with some of the smaller types of privateers, brigantines, and sloops, such as Alexander McDougall's *Tyger* with her 6 guns and a crew of 50 men. The owners petitioned in August 1757, for a commission for the *Defiance* and she was ready to sail the tenth of October.<sup>10</sup> George was then a big-boned, gawky lad of eighteen.

The voyage of the *Defiance*, which was principally in West Indian waters, was a long one, lasting over ten months. Clinton modestly wrote very little of himself in his diary except that on October 29 he was made "Stewarts mate." During the first few weeks the ships which they encountered proved to be too fast for the *Defiance* or turned out to be British or Dutch. Koffler did not hesitate to use the French flag, which Clinton called "the Pope's colors," to attract other vessels, or to speak to them in French.

<sup>8</sup> New York Historical Society *Collections*, 1931, III, 679; *New-York Mercury*, January 9, 1758 and *passim*; letters from de Lancey and M. Doreil in E. B. O'Callaghan, ed., *Documents Relative to the Colonial History of . . . New York*, VII (Albany, 1856), 343, and X (Albany, 1858), 718.

<sup>9</sup> A typed copy of Clinton's diary of part of his voyage, October 4, 1757-January 21, 1758, is in the State Library at Albany. This copy was certified by the Archivist, January 24, 1902, as a correct transcript of the whole of the original. The original was probably burned in the State Library fire. The copy is printed in *New York History*, Jan. 1935, 90-95, with a note by E. W. Spaulding.

<sup>10</sup> List of New York privateers, 1757, in *Historical Magazine*, Second Series, VI, 250; Stokes, *Iconography*, IV, 692, August 2, 1757; Report of New York State Historian, 1897, 508. The voyage of the *Defiance* can be followed in the *New-York Gazette*, October 3, 7, 1757 and *New-York Mercury*, January 2, 9, February 20, March 13, May 29, July 31, August 21, 1758.

native New Yorkers, and 10 natives of other colonies. They were farmers, cordwainers, weavers, blacksmiths, coopers, laborers, carpenters, and one a tailor. All were volunteers. Thirty had been enlisted by Lieutenant George Clinton. It was a company of the second New York regiment of provincials commanded by Colonel Isaac Corsa, a veteran of the Niagara expedition of 1759.<sup>15</sup>

Wolfe's great victory at Quebec had come in the previous September. Amherst planned for 1760 a decisive and systematic, but scarcely brilliant campaign that would wipe out the few remaining French garrisons in Canada, especially that at Montreal. While Murray was to come up the river from Quebec, Colonel Haviland was to advance on Montreal from Crown Point, and Amherst himself, with the Clinton brothers in his train, was to conduct the main army against that place by way of Oswego, Lake Ontario and the St. Lawrence River. In May and June Amherst was fretting at the "Sloth of the Colonies in raising their Troops," and sending them to the rendezvous. It was August 10 before he was ready to embark from Oswego with an army of nearly 11,000 men which included 706 Indians, 190 sailors for two armed vessels, 4479 provincial troops and 5586 British regulars. The three New York regiments commanded by Colonels Corsa, Le Roux, and Woodhull consisted altogether of over 1500 men.<sup>16</sup> Charles Clinton had sent his final advice to his sons, congratulating them upon their health, but suggesting that, to prevent fevers in August and September, they make use of an effective emetic.<sup>17</sup>

Accounts of the early career of George Clinton have generally been embellished with the story of a heroic naval engagement "on the northern waters, where with four gun boats, after a severe engagement, he captured a French brig of eighteen guns." Sometimes the story is related as of the campaign against Fort Frontenac and sometimes it is told in connection with the Amherst expedition of 1760. Often brother

<sup>15</sup> New York State Historian, Third Annual Report (Albany, 1897), 515, 536, 542-45. May 6, 1785 Clinton filed a claim for public land for his services as a provincial lieutenant; he withdrew the claim July 19. *Calendar of Land Papers 1643-1803* (Albany, 1864), 670, 678.

<sup>16</sup> Amherst's letters to Pitt, Library of Congress Transcripts: Great Britain, Public Record Office, C.O. 5:58 and 59; A. G. Doughty, ed., *Historical Journal of the Campaign in North America, 1757-60 by Captain John Knox* (3 volumes, Toronto, 1916).

<sup>17</sup> Charles Clinton to James Clinton, July 21, 1760; Historical Society of Pennsylvania.

James is credited with a share in the achievement.<sup>18</sup> The actual engagement seems to have taken place a week after Amherst's army left Oswego in the upper Saint Lawrence near Oswegatchie, and, as a matter of fact, it is more than likely that the New York provincials played a necessary but inglorious part in the encounter.

Of two French vessels that had been hovering about during Amherst's passage down Lake Ontario, one, a brig with ten 12-pounders and 100 men, attempted to enter the Saint Lawrence. As Amherst's two snows had been delayed, he ordered Colonel Williamson to attack the French brig with his five row galleys. One of the galleys carried a howitzer, the others 12-pounders. The calm favored the row galleys and handicapped the French brig which fought bravely for four hours and then struck her colors. She had lost three killed and twelve wounded; in the row galleys a sergeant had been killed and a New York provincial had lost a leg. Observers agreed that the engagement had been gallantly fought; but the glory seems to have gone to the royal artillery, for a contemporary has recorded that the provincials "only rowed."<sup>19</sup> It seems probable, therefore, that Lieutenant Clinton was present only to supervise the oarsmen.

On the same day Amherst took Oswegatchie, now Ogdensburg, and eight days later, on August 25, the small French garrison of Fort Lévis surrendered. Then followed a strenuous voyage down the river in bad weather through fatal rapids where boats and stores were lost and eighty-four men were drowned in one day. Probably the New Yorkers saw more than their share of laborious boat service. Murray, Haviland, and Amherst arrived almost simultaneously before Montreal and Vaudreuil, helpless before the combined forces, signed on November 8, articles of capitulation by which all of New France passed to George II. The young Ulster lieutenant might well be proud of his part in such an event.

Although his brother James served several years longer in the New York forces, George, who never thoroughly enjoyed soldiering, had had enough of the war. Perhaps he realized that the army, in those

<sup>18</sup> E.g., introduction to *Public Papers of George Clinton*, I, 16; *An Address to the People of the American States* (Washington, 1808).

<sup>19</sup> A. G. Doughty, *op. cit.*, II, 552; III, 87; Thomas Mante, *The History of the Late War in North-America* (London, 1772), 303.

days when British gentlemen monopolized the higher ranks, was not the most promising profession for the American-born. He returned home, obtained in December a reappointment as clerk of the Ulster County Court of Common Pleas, and soon went to New York City to read law in the office of William Smith the younger. For the country-bred son of a modest surveyor the months spent in the metropolis of 20,000 souls was a very satisfactory substitute for the college education that he never received. Indeed, three years in an excellent law office in the capital of the province may well have been worth far more to him than the scant Greek and laborious Latin to which he might otherwise have devoted his time.

William Smith the younger was one of the eminent lawyers of his day and, what was perhaps more important in shaping young Clinton's course, an outspoken critic of British policy, governor, and council. He had been educated at Yale, that breeding place of radicals, and he, with William Livingston and John Morin Scott, composed the republican triumvirate that by tongue and pen plagued the royal government of the province. They were Presbyterians and vigorous opponents of Anglican influence. Yet after the outbreak of the Revolution Smith was to declare for the king, exile himself from New York and become Chief Justice of Canada—the "very extraordinary and exceptional conduct of Mr. William Smith," George Clinton called it.<sup>20</sup> When Clinton went to New York Smith was in his early thirties but he had already written in 1757 his famous *History of the Province of New York*. His law office was to become a veritable school of law for promising young New Yorkers including such men as Robert R. Livingston and Gouverneur Morris.

Rural courts, justices, and lawyers in provincial New York were primitive enough. But the supreme court, the mayor's court and the bar in New York City were creditable and even distinguished. In the early sixties Clinton must have met and associated with many young lawyers of the metropolis who were later to distinguish themselves in war and politics. If we may judge from the following outline, found in the Smith papers, the training of candidates for the bar in New York City at that time was a broad one:

<sup>20</sup> Letter of 1780, George Clinton to Thomas Smith, in State Museum, Newburgh.

The sciences necessary for a lawyer are 1. The English, Latin and French Tongues. 2. Writing, Arithmetick, Geometry, Surveying, Merchant's Accounts or Bookkeeping. 3. Geography, Cronology, History. 4. Logick and Rhetorick. 5. Divinity. 6. Law of Nature and Nations. 7. Law of England.<sup>21</sup>

Clinton seems to have done more in these New York years than to witness wills and read "cronology" and divinity; for in May 1763 he wrote to his brother Charles that he kept a clerk. Charles had returned in 1762 from the siege of Havana, Cuba, to serve in the hospital at Elizabethtown before commencing to practice in 1764 in his native county.<sup>22</sup>

Returning to Little Britain the young lawyer "followed his profession with reputation, though not with distinction. He was not supposed to possess considerable talents, but upon the whole, stood fair on the score of probity."<sup>23</sup> This was the grudging admission of an illustrious political opponent of later years, during the heat of a campaign for the governorship. It was scarcely to be expected that a village lawyer in his twenties would greatly distinguish himself, yet he seems to have gained the confidence of his neighbors. On September 12, 1764, he was commissioned attorney-at-law to practice in the mayor's court at Albany and in the inferior courts of common pleas in the various counties, and on August 26, 1765, at the age of twenty-six he commenced a year's service as surrogate of Ulster County.<sup>24</sup>

Meanwhile he had followed in the footsteps of his father in practicing one of the most ancient and honorable of American professions, surveying. For a time he was surveyor of the town of New Windsor. It is, however, as the surveyor of the commons of Bergen, New Jersey, and of the disputed New York-New Jersey boundary that George Clinton the surveyor will be longest remembered. Under a New Jersey law seven commissioners were appointed to have a survey made of

<sup>21</sup> Quoted by Julius Goebel Jr., "The Courts and the Law in Colonial New York," in A. C. Flick, *History of the State of New York* (10 vols., New York, 1933-37), III, 36.

<sup>22</sup> Charles Clinton Jr. to George Clinton, October 22, 1762 and George Clinton to Charles Clinton Jr., May 23, 1763, State Museum, Newburgh.

<sup>23</sup> Alexander Hamilton, *Works*, H. C. Lodge, ed. (12 volumes, New York, 1904), I, 539.

<sup>24</sup> In the place of Petrus E. Elmendorf. Alfred B. Street, *Council of Revision* (Albany, 1859), 88.

the Bergen line, a line through rough country that had never been carefully surveyed. Charles Clinton, widely known as a competent surveyor, was one of the commissioners; and so it was that George Clinton and one Jonathan Hampton were appointed to make the actual survey. As Hampton did not serve, Clinton was the active surveyor and was the only one to sign the field book which was completed and signed March 7, 1765. He spent several weeks at the work in March to June, 1764.

It was said over a century later that the survey of 1764, "though intricate, is accurate, exhaustive, and authoritative; while the adjudications of ownership, as therein contained, have never been questioned. On questions of title it has always been held in high estimation,—in fact, final and conclusive."<sup>25</sup> Evidently George had the Clinton faculty for surveying. The surveying episode may also indicate that his law practice was not so extensive during that first year of practice in Ulster as to prevent his leaving Little Britain for three or four months.

Three years later he turned again to the sextant to survey the 4,000 acre tract in Ulster County that was the property of Sir Henry Clinton, son of the provincial governor, George Clinton. When he wrote to Sir Henry to report that he had subdivided the tract, he assured him of his desire to render every service in his power to the son of the man who had given him the clerkship of Ulster.<sup>26</sup> That was just ten years before Sir Henry was to make him a fugitive in his own Hudson Valley.

<sup>25</sup> Charles H. Winfield, *History of the Land Titles in Hudson County, New Jersey* (New York, 1872) reproduces the field book of the survey. George Clinton's notebook containing his notes for the survey is in the New York State Library.

<sup>26</sup> George to Sir Henry Clinton, October 14, 1767, in William L. Clements Library.