

CHAPTER XIII.

RE-ORGANIZATION.

Division of Genesee County Necessary — Inconvenient Towns — Captain Bemis' Strategy — Erection of Niagara, Cattaraugus and Chautauqua Counties — Short Courts — Town Changes — Clarence — Willink — Destruction of the Town of Erie — Actual Beginning of Erie County — First Officers — Attorneys — Court House.

IN the beginning of 1808, there was a re-organization of the counties and towns of the Holland Purchase, so thorough, and in some respects so peculiar, as to merit a brief chapter by itself.

Hitherto the boundaries of Genesee county had remained as at first defined, except that Allegany had been taken off in 1806, but by 1808, the inhabitants felt that they were sufficiently numerous to justify a subdivision, and what was more important, Mr. Ellicott became satisfied that the interests of the Holland Company would be promoted by such a change, even though they should have to erect the new county buildings.

The towns, too, eighteen miles wide and a hundred miles long, which had done well enough when nearly all the settlers were scattered along the Buffalo road, were now found to be inconvenient in the extreme. Going from Fort Niagara to Buffalo, nearly forty miles, to town meeting, was a little too much, even for the ardent patriotism of the American voter. Scarcely less troublesome was it to cross the reservation for that purpose. Besides, there was already a settlement at Olean in the town of Willink, the inhabitants of which, if they ever went to election, which is doubtful, must have traversed a distance of sixty miles, and twenty miles further to town meeting, which was always held north of the reservation.

A story was told the writer in Hamburg, which was quite in harmony with the circumstances, to the effect that the Buffalonians were converted to the project of dividing the town of Erie by a piece of strategy on the part of Captain Jotham Bemis, then resident near Abbott's Corners. They had opposed a division, as all the town business was done at their village, bringing them more or less trade, and making unnecessary, so far as they were concerned, the expense of new towns.

So, in the spring of 1807, Captain Bemis made arrangements for all the south part of the town of Erie to be fully represented at Buffalo, by men prepared to stay over night. It was then customary to fix the place of the next town-meeting in the afternoon, just before closing the polls.

Accordingly, all the south-country people duly appeared at Buffalo, and every man of them remained. Most of those from north of the reservation started for home early, and the villagers alone were in the

minority. When the time came for appointing the next place of meeting, the gallant Captain rallied his men, and it was fixed at John Green's tavern, in the present town of East Hamburg. Then the Buffalo people were willing the town should be divided, and used their influence also in favor of a division of the county.

Whether this story be true or not, certain it is that on the 11th day of March, 1808, there was a complete municipal re-organization of the Holland Purchase. On that day a law was enacted by which all that part of the county of Genesee lying north of Cattaraugus creek, and west of the line between the fourth and fifth ranges of townships, should form the county of Niagara. The counties of Cattaraugus and Chautauqua were erected at the same time, with substantially the same limits as now, but it was provided that neither of them should be organized until it should have five hundred voters, and meanwhile both, for all county purposes, were attached to Niagara.

It was also enacted that the county seat of the latter county should be at "Buffaloe or New Amsterdam," provided the Holland Company should in three years erect a suitable court house and jail, and should deed to the county at least half an acre of ground, on which they should stand. Three terms annually of the Court of Common Pleas and two of the Court of General Sessions were provided for, and in order to give time for the Court of Sessions it was enacted that two terms of the Common Pleas, all of which were to be held on Tuesday, might be extended till the Saturday following. The first court was directed to be held at the tavern of Joseph Landon, in Buffalo.

By the same act the town-lines of the Purchase were changed to a very remarkable extent. A tier of townships off from the east side of Willink had been left in Genesee county. This, together with old Batavia, was cut up into the three towns of Batavia, Warsaw and Sheldon.

All that part of Niagara county north of the center of Tonawanda creek, being a part of the former towns of Willink and Erie, and covering the same ground as the present county of Niagara, was formed into a town by the name of Cambria. All that part between Tonawanda creek and the center of the Buffalo Creek reservation, also comprising parts of both Willink and Erie, was formed into a town by the name of Clarence, which as will be seen included the village of Buffalo. The first town-meeting was directed to be held at the house of Elias Ransom, (near Eggertsville.) All that part of Niagara county south of the center of the reservation, being also a part of Willink and Erie, was formed into a town which retained the name of Willink.

In the new county of Cattaraugus a single town was erected named Olean, while Chautauqua county was divided into two towns, Chautauqua and Pomfret.

It will be seen that by this act the town of Erie was completely obliterated from the map, while Willink, which had previously been eighteen miles wide and a hundred miles long, extending from Pennsylvania to Lake Ontario, was changed into a town bounded by the Buffalo reservation, Lake Erie, Cattaraugus creek, and the east line of the county, having an extreme width north and south of twenty-five miles, and an extreme length east and west of thirty-five. So great was the complication caused by the destruction of the old town-lines, while retaining one of the town names, (as well as by the subsequent revival of "Erie" as a town name, as will be hereafter related,) that all the local historians and statisticians have got lost in trying to describe the early municipal organization of this county. Even French's State Gazetteer, a book of much merit and very great labor, is entirely at fault in regard to nearly all the earlier town formations of Erie county.

Although "Erie" was plainly laid down on a map of the Purchase made by Ellicott in 1804, the writer was half disposed for a while to regard it as a myth, and mentally designated it as "The Lost Town." The old town-book before referred to, however, gave him considerable faith in it, and at length an examination of the laws of 1804 and 1808, proved its existence and showed how completely the previous organization was broken up by the statute creating Niagara county.

It will have been seen that, by that law, there were but three towns in Niagara county, two of which were in the present county of Erie. As, however, Cattaraugus and Chautauqua were temporarily united with Niagara, the new board of supervisors which met in Buffalo must have been composed of six members, representing a territory a hundred miles long and from twenty to seventy-five miles wide.

This was substantially the beginning of the present Erie county organization, although the name of Niagara was afterwards given to that part north of the Tonawanda. Erie county formed the principal part of old Niagara, both in territory and population; the county seat of old Niagara was the same as that of Erie, and such of the old Niagara county records as are not destroyed are retained in Erie county.

The governor appointed Augustus Porter, living near Niagara Falls, as "first judge" of the new Court of Common Pleas, having jurisdiction over Niagara, Cattaraugus and Chatauqua counties. His four associates were probably * Samuel Tupper and Erastus Granger of Buffalo, James Brooks of Cattaraugus county, and Zattu Cushing of Chautauqua county. Asa Ransom was appointed sheriff, Louis Le Couteulx county clerk, and Archibald S. Clarke surrogate. The latter gentleman was also elected the same year as member of assembly from the district composed of the three new counties.

* Tupper and Granger we are very certain were two of the new judges, but are not quite so sure about Brooks and Cushing. The last named was certainly a judge within a short time afterwards.

In July, 1808, there were but four attorneys in Niagara county, as we learn from a letter of Juba Storrs, a young man bred to the law, who was preparing to go into practice at Buffalo, but soon abandoned the intention. Of these Walden was one, and the others were probably Bates Cooke of Lewiston, and John Root and Jonas Harrison of Buffalo.

Immediately after the formation of the new counties, the Holland Company began the erection of a frame court-house in the middle of Onondaga (now Washington) street Buffalo, directly in front of the site of what this generation has known as the "Old Court House," which was built five or six years later. The company gave half an acre of land, lying in a circle around the new structure, to the county. It was finished in 1809.

The first court was held in Landon's tavern in June, 1808. No record of the proceedings remains, but at the session in November, 1808, an indictment was presented which survived all the accidents of war and time, and was still on file in Erie county clerk's office, just previous to the latest removal of the records. It charged five men, described as "laborers of the town of Erie," with stealing a cow in 1806. As the "town of Erie" had ceased to exist when the indictment was found, the description must have referred to the time when the crime was committed.

The document was commendably brief, containing only a hundred and one words. Peter Vandevanter was foreman of the grand jury. The district attorney was William Stewart, of one of the eastern counties, for the territory in charge of a single district attorney then extended more than half way to Albany.

CHAPTER XIV.

PIONEERS AND INDIANS.

Poverty — An Aristocratic Mansion — A Horse Bedstead — Oxen — A Raising — Clearing Land — The Logging Bee — The Rail Fence — The Barn — The Well — The Sweep — Browse — Sheep and Wolves — Sugar-Making — Money Scarce — Wheat and Tea — Potash — Social Life — Schools — The Husking Bee — Buffalo Society — Indians — Describing a Tavern — Old King and Young Smoke — Anecdotes of Red Jacket.

WE have now shown the general course of events, as accurately as we could, down to a time when settlement had got pretty well started in Erie county. Still everything was in the rudest form, and the daily lives of the settlers was of the very hardest description. We have not gone into details to any great extent because the experiences of the various pioneers very closely resembled each other.