



The New York Public Library
Manuscripts and Archives Division

Guide to the

William Smith Jr. papers

1665-1912 [bulk 1750-1793]

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Compiled by Susan P. Waide, 2016

Summary

Creator: Smith, William, 1728-1793

Title: William Smith Jr. papers

Date: 1665-1912 [bulk 1750-1793]

Size: 4.18 linear feet (6 boxes, 10 volumes)

Source: Various purchases and gifts, 1915-1938

Abstract: William Smith Jr. (1728-1793), an American Loyalist of New York and Quebec, was a prominent jurist, statesman, journalist and historian. The William Smith Jr. papers comprise the papers of William Smith Jr., 1683-1793; those of his son William Smith III (1769-1847), a Canadian government official, historian and militia officer, 1797-1848; and Smith family land and estate papers, 1665-1912. The bulk of the collection consists of William Smith Jr.'s papers pertaining to his activities as a lawyer, journalist and historian, and as a Councillor and Chief Justice in the British provinces of New York and Quebec (later Lower Canada). Papers include his correspondence and documents, writings for publication, and the diaries he kept from 1753 to 1783, known as his Historical Memoirs. Volumes documenting his law practice in New York are also present.

Access: Advance notice required.

Preferred citation: William Smith Jr. papers, Manuscripts and Archives Division, The New York Public Library

Processing note: Compiled by Susan P. Waide, 2016 The auction house sold the papers in a topical arrangement by lot number. The Library initially retained that order, noting the lot and item numbers on documents. In 2016, the collection was reprocessed to facilitate access and digitization.

Creator History

William Smith Jr. (1728-1793), an American Loyalist of New York and Quebec, was a prominent jurist, statesman, journalist, and historian.

Smith was a member of the royal Council of the Province of New York from 1767 to 1783, and was the Province's last royal Chief Justice, from 1780 until his departure for England in December, 1783. He served as Chief Justice of the Province of Quebec (later Lower Canada) from 1786 until his death, in addition to holding other offices.

A prolific writer as well as a formidable lawyer, Smith contributed to the Whig periodicals the *Independent Reflector* (1752-1753) and the *Occasional Reverberator* (1753), which he co-founded with William Livingston and John Morin Scott. He also wrote the *History of the Province of New-York*, the first comprehensive history of the region, published in London in 1757. The diaries he kept throughout his adult life remain an important record of colonial and revolutionary-era politics in New York.

Smith was the eldest son of English emigrant William Smith (1697-1769), a wealthy New York City lawyer, and Mary Het of New Rochelle, New York. William Smith Sr. was appointed to the royal Council in 1753, resigning in favor of his son William in 1767, and was appointed a judge of the New York Supreme Court of Judicature in 1763.

After graduating from Yale College in 1745, William Smith Jr. trained for the law in his father's office, working with John Morin Scott (1730-1784) and William Livingston (1723-1790), later Governor of the State of New Jersey. All three were Presbyterians, politically aligned with Whig principles. Smith further cemented his ties with the Livingston family by marrying William's cousin Janet Livingston (1730-1819) in 1752.

Smith was admitted to practice before the New York Supreme Court of Judicature in 1750. He prepared two digests of the laws of New York, published in 1752 and 1762 in collaboration with William Livingston. With John Morin Scott, they were leaders in the professionalization of legal practice in New York.

New York politics in the mid-eighteenth century were shaped by the rivalry of two powerful families and their supporters: the Anglican De Lancey family, with strong ties to London and the British government, and the Livingston family, associated with dissenting Protestants of Whig principles. Both groups, however, defied easy categorization by their actions or alliances. William Smith, father and son, belonged to the Livingston group, known as the "Presbyterian Whigs."

In the early 1750s, Smith, Livingston and Scott became known as the "New York Triumvirate," distinguished for their use of the press to achieve political aims. Led by William Livingston, they produced weekly journals of essays called the *Independent Reflector* (1752-1753) and the *Occasional Reverberator* (1753), printed by James Parker of the *New York Gazette*, as well as pieces intended for the *Gazette* and *New-York Mercury*. The controversial essays commented on conditions in the Province, and argued for the separation of church and state. The Triumvirate led a movement to prevent the establishment of the College of New York (now Columbia University) as an Anglican institution, and were also founding members of the New York Society Library in 1754. William Smith Jr. continued to write for the press throughout his time in New York. Also during this period he wrote the *History of the Province of New-York* (1757).

William Smith Jr. was appointed to the royal Council in 1767. As a member of the upper house he was also a legislator. In 1767 and again in 1773, William Smith Jr. served as one of the Province's commissioners to settle boundary disputes between New York and Massachusetts.

Smith's status and deep knowledge of the law made him a useful advisor to a succession of royal governors, especially Sir Henry Moore (1765-1769), James Murray, Lord Dunmore (1770-1771), and William Tryon (1771-1780). He played a similar role with British commanders General Sir Henry Clinton

(1776-1782), Governor and Major General James Robertson (1780-1783), and General Sir Guy Carleton (Clinton's replacement), who arrived in New York in May 1782 to take command of British forces in North America. Chief Justice James De Lancey (1703-1760) and Cadwallader Colden (1688-1776), both Lieutenant Governors and New Yorkers, wielded power over many years in the absence of appointed royal governors.

The provincial Assembly was prorogued in May 1775; the Governor and Council remained in tenuous power. Smith and his family left for the safety of their country seat at Haverstraw in March 1776, and later that year, with Smith under parole, they moved to Livingston Manor at the invitation of Janet Smith's sister, Margaret Livingston (1738-1809). During that time, Smith wrote a continuation of his 1757 *History of the Province of New-York*, and maintained his diaries. Smith was finally banished to British lines after refusing to take an oath of loyalty to New York State in July 1778.

Smith arrived in Manhattan with his family in August 1778, and resumed his position on the Council, advising the British military government. He met with Lord Carlisle, head of the Peace Commission sent from Britain earlier that year. Smith was involved in unsuccessful efforts to bring Vermont into royal allegiance, beginning in 1779, and he was an advisor to Benedict Arnold after Arnold defected to the British in September 1780. Smith was made Chief Justice in the spring of 1780. New York remained under martial law, although Smith tried to restore some forms of civil order. During his time in New York, Smith actively worked against the Revolution, collecting intelligence and offering strategies for defeat of the patriots. Nevertheless, through his position, correspondence, publications, and personal influence, Smith tried to effect reconciliation between Great Britain and the Colonies, believing such a thing was possible until the very eve of the Evacuation. He envisioned a British vice-regal commonwealth of self-governed North American colonies, and saw the separation from Great Britain as a failure of both sides.

William Smith Jr. left New York for England in December 1783 with Sir Guy Carleton (1724-1808), assured of the position of Chief Justice in Canada. His son William left on a separate ship; his wife Janet and daughter Harriet joined them later in Quebec. After political delays, Smith was appointed Chief Justice of the Province of Quebec in the summer of 1786, arriving there later that year with Carleton, now Lord Dorchester, Captain-in-Chief and Governor of the Canadian provinces.

Under the Constitutional Act of 1791, the province of Quebec was split into the provinces of Upper Canada and Lower Canada. John Graves Simcoe and Alured Clarke were their respective Lieutenant-Governors, and Carleton was now Governor General. At that time, Smith became Chief Justice of Lower Canada at Quebec. He was also a member of the Executive Council, and Speaker of the Legislative Council, having previously served on the Council of Affairs for the Province of Quebec. He died December 6, 1793.

Custodial History

The Library purchased the papers from Lathrop C. Harper in 1920, made possible by donations from Lewis Cass Ledyard and George Peabody Wetmore. Volumes were purchased from Francis Edwards, 1915, and Classic Book Shop (volume 10), 1938. Harper acquired the papers at the Sotheby, Wilkinson & Hodge sale of June 2, 1919 through his agent Stevens & Stiles. The papers were the property of P.A.S. Hickey, a Smith descendant.

Scope and Content Note

The William Smith Jr. papers comprise the papers of American loyalist William Smith Jr. (1728-1793),

1683-1793; papers of his son William Smith III (1769-1847), a Canadian government official, historian and militia officer, 1797-1848; and Smith family land and estate papers, 1665-1912.

The bulk of the collection consists of William Smith Jr.'s papers: his correspondence and documents, writings for publication, his diaries, and legal volumes, 1683-1793. These pertain to Smith's activities as a lawyer, journalist and historian, and as a Councillor and Chief Justice in the British provinces of New York and Quebec (later Upper Canada). Notable writings include essays for the periodicals *Independent Reflector* and *Occasional Reverberator*, some written in collaboration with William Livingston and John Morin Scott; the draft *Continuation* of Smith's published *History of the Province of New-York*; and his *Historical Memoirs*, diaries kept from 1753 to 1783. The diaries form an important political record of colonial and revolutionary New York. Legal volumes comprise a commonplace book, a register of cases before the New York Supreme Court of Judicature, and an index rerum.

The papers of William Smith III, 1797-1848, contain personal and professional correspondence, a journal of a trip to England in 1803-1804, certificates of appointment, a checkbook, receipts, notes pertaining to Canadian history and government, and an incomplete edited proof copy of his *History of Canada*.

Smith family land and estate papers, 1665-1912, consist of family wills, property records, correspondence and other papers regarding the land holdings and finances of William Smith Jr. and his heirs.

The collection also contains miscellaneous documents concerning legal and land transactions in Lower Canada not directly related to the Smith family, 1788-1804, and a small amount of loose printed matter, 1767-1844.

Key Terms

Subjects

American loyalists
Constitutional history -- Canada
Indians of North America -- History -- 18th century
Journalism -- New York (State) -- New York
Real property -- Canada
Real property -- New York (State)
Real property -- Vermont

Geographic Names

Canada -- History
Great Britain -- Colonies -- America -- Administration
Great Britain. Army -- Colonial forces -- America
New York (N.Y.) -- History -- Colonial period, ca. 1600-1775
New York (N.Y.) -- History -- Revolution, 1775-1783
New York (N.Y.) -- Politics and government -- To 1898
New York (State) -- Boundaries
New York (State) -- History -- Colonial period, ca. 1600-1775
New York (State) -- History -- Revolution, 1775-1783

Genre/Physical Characteristic

Certificates
Diaries

Legal documents
Manuscripts for publication
Military commissions
Minutes (administrative records)
Property records
Receipts (financial records)
Wills

Occupations

Clergy
Historians
Journalists
Judges
Landowners
Lawyers
Politicians
Soldiers
Statesmen

Names

Burr, Aaron, 1716-1757
Carlisle, Frederick Howard, 1748-1825 -- Earl of
Clinton, George, 1739-1812
Colden, Cadwallader, 1688-1776
Dorchester, Guy Carleton, Baron, 1724-1808
Dunmore, John Murray, 1732-1809 -- Earl of
Edward Augustus, 1767-1820 -- Prince, Duke of Kent
Leisler, Jacob, -1691
Livingston, William, 1723-1790
Moore, Henry, 1713-1769 -- Sir
Robertson, James, 1717-1788
Scott, John Morin, 1730-1784
Smith, William, 1769-1847
Tryon, William, 1729-1788
Delancey family
Livingston family
Smith family
College of New Jersey (Princeton, N.J.)
King's College (New York, N.Y.)
New York (Colony). Supreme Court of Judicature

Container List

I. William Smith Jr. papers 1683-1793

The William Smith Jr. papers comprise his correspondence and documents, 1683-1793; his writings, consisting of works chiefly intended for publication and his diaries (*Historical Memoirs*), 1749-1785; and three volumes pertaining to his legal practice in New York, 1740s-1760s.

Correspondence and documents 1683-1793

William Smith Jr.'s correspondence and documents chiefly relate to his professional work as an historian and lawyer, and as royal Councillor and Chief Justice in New York City and Quebec. His time in the New York countryside under parole, 1776-1778, is also represented. The collection contains only a few items written during this stay in England, pertaining to American and Canadian affairs.

Correspondence (1750s-1793, items 1-94) consists of letters and documents received by Smith, and Smith's drafts and copies of letters and memoranda sent, chiefly in his hand. Unless otherwise stated, letters are written to or from Smith, and documents are written by him. There is also original and copied correspondence between third parties.

Documents (1683-1793, items 95-234) include drafts and copies of his own professional writings as well as documents written by others. The latter were either sent to Smith, or collected or copied by him for professional or historical purposes. In his professional work, Smith often drafted material (e.g., letters, petitions and proclamations) for use or consideration by others. Pertinent notations by Smith to this effect are noted in the container list. Smith's endorsements sometimes contain brief memoranda providing further context.

Correspondence and documents are each listed in chronological order. Additional correspondence and documents are recorded or interleaved in his *Historical Memoirs*, found in volumes 2-8, Writings.

Smith's importance as a provincial official and influential policy advisor to a succession of British administrators is reflected in his correspondence with those officials and drafts written on their behalf, and in memoranda, written for himself or others, on the state of political and military affairs, particularly during the military occupation of New York. Smith's correspondence with revolutionary committees and New York State governor George Clinton regarding his political status, 1776-1778, and documents relating to his parole, are among the items demonstrating his political principles and rejection of the Revolutionary cause. Memoranda written by others to Smith include Peter R. Livingston's 1776 statement of principles for a New York state constitution (item 176).

Smith's adherence to the Presbyterian Church and his opposition to an Anglican establishment are evident in correspondence regarding the founding of the College of New York, charters of colleges and churches, and drafted petitions for New York counties requesting relief from financial support of the Anglican church (1750s-1760s). His personal land interests, especially in the Kayaderosseras patent in New York, are also represented.

Notable journals or minutes of meetings kept by Smith concern the New York-Massachusetts boundary commission meeting at Hartford, Connecticut, 1773, and Provincial Council meetings related to proroguing the Assembly, 1775.

His legal career is illustrated by a New York Law Society agreement signed by Smith, Livingston, Scott, and others, 1764 (item 115); pleadings in the case of Attorney General vs. Cadwallader Colden, 1770s (items 153-158); legal opinions and notes on various trials; and legislative acts and dissenting opinions drafted in New York. A few items concern legal and government affairs in New Jersey (1750s-1760s). Smith's role in the shaping of Canada's government and legal system during his tenure there, from 1786 to 1793, is notably represented in letters and drafts prepared for Lord Dorchester regarding the Canada Bill (Constitutional Act of 1791), as well as documents concerning the compatibility of English and French law, land tenure, government revenues, and other matters.

Source material for his work and historical writings includes collected original correspondence of Jacob Leisler, dated 1689 to 1690 (items 96-99); copied colonial charters and records defining provincial boundaries; and copied correspondence of Provincial agent Robert Charles (item 107).

- b. 1 f. 1 Letter to Domine Johannes Ritzema 1752 November 3
1 (In Latin)

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

Papers relating to the College of New York and the College of New Jersey
Items grouped in Sotheby lots 189-190. Many of the items are numbered and called for as
enclosures in Smith's "Account of the College" (item 11)

- b. 1 f. 1 Correspondence with Aaron Burr, Sr 1754 September
2
- b. 1 f. 1 Correspondence with Reverend Chauncey Graham 1755 June 28, July 11
3
- b. 1 f. 1 Correspondence with Benjamin Hinchman 1754 July 8 and 12, August 6
4
Item nos. 7, 8 and 10 respectively in Account of the College
- b. 1 f. 1 Correspondence with Reverend Silas Leonard 1754-1755
5
Smith's copy of his letter with initial date of [1754] July 5, to Chauncey Graham, was used
as a template for his letter of 1754 September 11 to Silas Leonard, with added text, copied
in the same document. The document is identified as item no. 4 in Account of the College.
The letter of 1754 August 23 is item no. 5 in Account of the College
- b. 1 f. 2 Letter from Peter V.B. Livingston approximately 1754
6
The text of this letter was copied between items 2 and 3 in Account of the College
- b. 1 f. 2 Letter to [Eleazer] Miller and Cornwell [Thomas Cornell] 1754 May 29
7
Assembly members for Suffolk and Queens Counties respectively
Item no. 1 in Account of the College
- b. 1 f. 2 Letter to [Eleazer] Miller 1754 September 20
8
Item no. 15 in Account of the College
- b. 1 f. 2 Letter to Domine Van Bright 1755 July 26
9
- b. 1 f. 2 Petition to be signed by the voters of Ulster to their members relating to
the College approximately 1754
10
Item no. 3 in Account of the College
- b. 1 f. 2 Account of the College approximately 1754
11
Draft account of political measures taken by Smith and others, identifying documents for
inclusion
- b. 1 f. 2 Protest intended to have been made by [James] Alexander and [William]
Smith [Sr.] approximately 1754
12
- b. 1 f. 2 Charter of Incorporation of the Trustees of the College of New Jersey
dated 1748 September 14 1750s
13 (Three copies)
- b. 1 f. 3 Letter to an unidentified recipient approximately 1757
14 (Incomplete)
Smith's instructions for conducting business in England related to the Province of New Jersey
- b. 1 f. 3 Letter to Reverend [Chauncey] Graham 1758 December 22
15
- b. 1 f. 3 Letter to Cadwallader Colden 1759 February 1
16 (Draft and copy)
The copy was made by Smith on December 17, 1777, "the former draft being scarce legible
after having been long under ground last summer." Both items appear to be incomplete.
- b. 1 f. 3 Letter to Mrs. [Maria] Farmer 1759 July 7
17

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 1 f. 3 Letter from Elihu Spencer to an unidentified recipient [William Smith Jr.]
1750s
18
- b. 1 f. 3 Correspondence with Robert Ogden 1760 February
19
A copy of an order of the Court of Chancery in New Jersey dated 1760 January 10 is enclosed with Ogden's letter of 1760 February 6
- b. 1 f. 3 Letter of thanks to the Borough of West Chester for their freedom 1761
November 10
20
- b. 1 f. 4 Letter to Lord [Robert] Monckton 1764 November 5
21
Letter sent is held in the NYPL's George Chalmers Collection, New York Volume 4
- b. 1 f. 4 Letter from Sir William Johnson to Benjamin Kissam 1765 September 16
22
- b. 1 f. 4 Letter to Sir Henry Moore 1767 February 21
23
- b. 1 f. 4 Letter from Benjamin Kissam and others to Sir William Johnson 1767 May 15
24 (Draft in an unidentified hand, edited by Smith)
- b. 1 f. 4 Letter from John Tabor Kempe to an unidentified recipient 1768 February 7
25 (Incomplete)
- b. 1 f. 4 Letter from Lord Hillsborough [Wills Hills] to Sir Henry Moore 1768 March 5
26 (Copy of circular letter)
- b. 1 f. 4 Letter from Sir Henry Moore 1760s
27
- b. 1 f. 4 Letter to Sir William Johnson from a committee of the Kayaderosseras Proprietors 1760s
28 (Fair copy, not in Smith's hand, of an unsigned letter)
- b. 1 f. 4 Letter to Lord Dunmore [John Murray] 1770 November 6
29
- b. 1 f. 4 Letter to Lord Dunmore [John Murray] [1770] November 26
30
Brief note dated November 26, no year, sending his notes on their recent discussion relating to "old and doubtful Patents"
- b. 1 f. 5 Hints to Lord Dunmore [John Murray] relating to an instruction for confirmations of old doubtful patents [1770 November]
31
See entry for 1770 November 27 in: Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith, ed. William H.W. Sabine (New York: New York Times and Arno Press, 1969), vol. 1, 88-89 (2 v. in 1)
- b. 1 f. 5 Thoughts on the state of things, sent to Colonel [John] Reid 1770 December
23
32 (Incomplete document. A related draft, undated, is also present)
- b. 1 f. 5 Letter from Isaack Keeler, Richard Armstrong and James Raymond, Committee at Ridgefield, Connecticut 1771 April 9
33
- b. 1 f. 5 Letters from R. Mackintosh 1771 December 31
34 (Two letters of the same date)
- b. 1 f. 5 Letter to Reverend Dr. [Samuel] Auchmuty 1772 February 13
35

I. William Smith Jr. papers (cont.)

Correspondence and documents (cont.)

- b. 1 f. 5 Correspondence with William Robertson 1772 November 7, 1773 May 6
36
Draft letter 1772 from Smith to Scottish historian William Robertson (1721-1793) as identified by William H.W. Sabine, and fragment of 1773 letter from Robertson
- b. 1 f. 5 Letter from Robert Yates to John Watts, William Smith, Robert R. Livingston, and William Nicoll 1773 May 10
37
- b. 1 f. 5 Letter from [Henry] White and other agents to Captain of Tea Ship 1773 December 29
38 (Draft by Smith)
- b. 1 f. 5 Letter from Governor [William] Tryon to Lord Dartmouth [William Legge] relating to New Hampshire lands 1773 July
39 (Draft by Smith)
- b. 1 f. 5 Letter to [William] Thom 1774 November 14
40
Probably Reverend William Thom (1710-1790), minister of Govan, Scotland. See: Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith, ed. William H.W. Sabine (New York: New York Times and Arno Press, 1969), vol. 1, 198 (2 v. in 1)
- b. 1 f. 6 Letter recounting debates in Parliament relating to America approximately 1775 January
41 (Incomplete)
Correspondents are unidentified. Date is inferred from reference to petitions by merchants from London, Bristol and other cities
- b. 1 f. 6 Letter from William Knox to John Blackburn 1775 February 15
42
William Knox (1782-1810), British Under-Secretary of State for the American department
- b. 1 f. 6 Letter to Lewis Morris 1775 June 5
43
Lewis Morris (1726-1798), at that time a New York delegate at the Second Continental Congress in Philadelphia
- b. 1 f. 6 Letter to General [Frederick] Haldimand 1775 October 6
44
- b. 1 f. 6 Notes for Mr. Hamilton on the American dispute 1775 November
45
Probably William Gerard Hamilton, Member of Parliament for Wareham. See Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith, ed. William H.W. Sabine (New York: New York Times and Arno Press, 1969), vol.1, 247 (2 v. in 1)
- b. 1 f. 6 Letter in answer to summons of 27 June from Committee of the Congress of New York 1776 July 4
46
Smith's draft and fair copy of his letter, with draft cover letter to John Haring, also dated 1776 July 4
- b. 1 f. 6 Extract of a letter written to [Ebenezer Hay] 1776 October 2
47
Recipient identified in entry for 1776 October 2 in: Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith, ed. William H.W. Sabine (New York: New York Times and Arno Press, 1969), vol.2, 13-14 (2 v. in 1)
- b. 1 f. 6 Letter to Governor George Clinton 1777 October 28
48
- b. 1 f. 6 Letter to Governor George Clinton 1778 July 25
49
Smith's copy of his letter sent also copies Clinton's response of 1778 July 26
- b. 1 f. 6 Letter from Samuel Wells 1778 June 18
50

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 1 f. 7 Hints to Lord Carlisle [Frederick Howard] delivered into his own hand [1778 November]
51
- b. 1 f. 7 [Paragraphs] to be part of a letter from Governor [James Robertson] to Lord [George Germain] 1780 August 23
52 (Draft by Smith)
- b. 1 f. 7 Letter to General [William] Tyron 1781 September 24
53
- b. 1 f. 7 Letter to General [William] Tryon 1782 September 10
54
- b. 1 f. 7 Extract of a letter from Lord [Frederick] North to Governor [Frederick] Haldimand 1783 July 24
55 (Extract initialled "F.H.", with extensive notes by Smith dated 1789 November 28 at Quebec)
- b. 1 f. 7 Letters from William Samuel Johnson 1783 September 3, October 25
56
- b. 1 f. 7 Letters to John Ryland 1787 August 14, 1788 November 4
57
The 1787 letter, incomplete, is identified and published as a letter from William Smith to John Ryland in: *Diary and selected papers of Chief Justice William Smith, 1784-1793*, vol. 2, ed. L.F.S. Upton (Toronto: Champlain Society, 1965), 222-225. The handwriting, which is not Smith's, is identical to a 1787 November 8 letter to Brook Watson, below, and a few other documents from this period. The 1788 letter to Ryland, in Smith's hand, is published at pages 244-245
- b. 1 f. 7 First sketch of a letter from Lord Dorchester [Guy Carleton] to Lord Sydney [Thomas Townshend] 1787 November 9
58
Draft by Smith
- b. 1 f. 7 Letters to Brook Watson 1787-1789
59 (Items are incomplete except for letter of [1788] October 24)
Letter of 1787 November 8 identified and published in: *Diary and selected papers of Chief Justice William Smith, 1784-1793*, vol. 2, ed. L.F.S. Upton (Toronto: Champlain Society, 1965), 236-239
- b. 1 f. 7 Letter to Lord Dorchester [Guy Carleton] 1788 November 7
60
- b. 1 f. 8 Letter requested by Lord Dorchester [Guy Carleton] for his letter to Lord Sydney [Thomas Townshend] to be laid before Parliament 1788 November
61 (Draft by Smith)
Endorsement includes brief note dated 1788 November 7
- b. 1 f. 8 Analysis of the paragraphs in Lord Dorchester's letter to Lord Sydney [Thomas Townshend] 1788 November
62
Endorsed "Taken from the draft I corrected 7 November 1788"
- b. 1 f. 8 [John] Collins's answers to [William Smith's] queries concerning the territory between the St. Lawrence and the Latitude 45 degrees 1788 December 6
63 (Copy with notes by Smith)
- Correspondence and drafts relating to the Canada Bill [Constitutional Act of 1791]
Papers concern William Wyndham Grenville's letter of 1789 October 20 to Dorchester, sending draft legislation for his review and comment, and Dorchester's response of 1790 February 8, with amendments and suggestions. Smith's assistance in the process is represented in drafts and copies of correspondence, legislative text, and notes and analyses of the draft Bill

I. William Smith Jr. papers (cont.)

Correspondence and documents (cont.)

Correspondence and drafts relating to the Canada Bill [Constitutional Act of 1791] (cont.)

- b. 1 f. 8 Letter from [William Wyndham] Grenville to Lord Dorchester [Guy Carleton] 1789 October 20
64 (Copy in Smith's hand)
Grenville's letter No. 2. The original document enclosed a draft of the Canada Bill, Adam Lymburner's plan for representation for the Province, and the Board of Trade's plan of 1765 for the same
- b. 1 f. 8 Abstract of [William Wyndham] Grenville's letter and [e]nclosure 20th October 1789 1790 January 27
65
Document includes abstracts of the Lymburner and Board of Trade plans
Smith's endorsement of 1790 January 27 states that Grenville's letter was received only 7 days earlier. See item 223 for Smith's copy of the Lymburner plan
- b. 1 f. 8 Abstract or analysis of the Bill approximately 1790 January
66
- b. 1 f. 8 Notes on the Bill approximately 1790 January
67
- b. 1 f. 8 Analysis of the clauses for the general Government approximately 1790 January
68
- b. 1 f. 8 An Act for the constitution, regulation, and government of the Province of Quebec and to repeal part of an Act approximately 1790 January
69
Partial draft by Smith
- b. 1 f. 8 Letter to Lord Dorchester [Guy Carleton] 1790 February 5
70
- b. 1 f. 9 Letter to Lord Dorchester [Guy Carleton] 1790 February 6
71
- b. 1 f. 9 Letter from Lord Dorchester [Guy Carleton] to [William Wyndham] Grenville 1790 February 8
72
Dorchester's letter No. 15 in reply to Grenville's letter No. 2, identifying enclosures A through G. Some are present below as copied or drafted by Smith
- b. 1 f. 9 Letter from Lord Dorchester [Guy Carleton] to [William Wyndham] Grenville, enclosure B 1790 February 8
73
Endorsed "Clause to enable King to [declare] line between Lower Canada and New Brunswick"
- b. 1 f. 9 Letter from Lord Dorchester [Guy Carleton] to [William Wyndham] Grenville, enclosure D 1790 February 8
74
Endorsed "Additional clauses for general government"
- b. 1 f. 9 Letter from Lord Dorchester [Guy Carleton] to [William Wyndham] Grenville, enclosure E 1790 February 8
75
Endorsed "Clause for trial of foreign treason"
- b. 1 f. 9 Letter from Lord Dorchester [Guy Carleton] to [William Wyndham] Grenville, enclosure G 1790 February 8
76
Endorsed "Addition to the boundaries or clause for trial of foreign treasons etcetera"
- b. 1 f. 9 Clause for a new boundary approximately 1790 February
77
- b. 1 f. 9 Boundaries given to Upper and Lower Canada by Lord Dorchester [Guy Carleton] in the Bill 2d clause approximately 1790 February
78

I. William Smith Jr. papers (cont.)

Correspondence and documents (cont.)

Correspondence and drafts relating to the Canada Bill [Constitutional Act of 1791] (cont.)

- b. 1 f. 9 Clause for the trial of foreign murder approximately 1790 February 79
- b. 1 f. 9 Clause added for interim government approximately 1790 February 80
- b. 1 f. 10 Fragment of letter to unidentified addressee [Guy Carleton, Lord Dorchester] approximately 1790 February 81 (Combined with item 70)
- b. 1 f. 10 Correspondence with Henry Motz [1789]-1790 82
Four letters written by and on behalf of Henry Motz, secretary to Dorchester; also, Smith's copy of his letter to Motz 1790 February 7
- b. 1 f. 10 Letter from [William Wyndham] Grenville to Lord Dorchester [Guy Carleton] 1790 June 5 83 (Copy in Smith's hand)
Letter No. 25 in reply to Dorchester's letter No. 15
- b. 1 f. 10 Letter from Lord Dorchester [Guy Carleton] to [William Wyndham] Grenville September 1790 1790 September 19 84
Response to Grenville's letter No. 25. Copy made September 19 noting revisions made to an earlier draft
- b. 1 f. 10 Note to [Lieutenant-]Governor [John Graves] Simcoe in answer to his request 1791 November 22 85
- b. 1 f. 10 Extract of a letter from Henry Dundas to Lord Dorchester [Guy Carleton] dated 1791 September 16 approximately 1791 86 (Copy)
- b. 1 f. 10 Letter to Lord Dorchester [Guy Carleton] 1792 January 3 87 (Incomplete copy, endorsed by Smith)
- b. 1 f. 10 Letter to Lord Dorchester [Guy Carleton] 1792 January 10 88 (Copy, endorsed by Smith)
- b. 1 f. 10 Letter from Lieutenant Governor [Alured] Clarke to Secretary [Henry] Dundas 1792 August 89 (Draft in Smith's hand)
- b. 1 f. 10 Note to George Coffin on [James] Monk's report and draft of the commission to clerk in Chancery 1792 October 30 90
Date corrected to October 11 on endorsement
- b. 1 f. 10 Letter to Lord Dorchester [Guy Carleton] 1792 November 2 91 (Copy, endorsed by Smith)
- b. 1 f. 10 Letter from Lord Grenville [William Wyndham Grenville] to Lieutenant Governor [Alured] Clarke 1792 November 8 92 (Copy, endorsed by Smith)
- b. 1 f. 10 Letter from Lieutenant Governor Alured Clarke 1792 November 19 93
Offers the position of Speaker of the Council. Smith copied his reply of the same date onto the document
- b. 1 f. 10 Letter to unidentified recipients regarding educational institutions 1793 August 94
Endorsement is a reference note for an abstract of the edicts of 1764 and 1777 abolishing the order of Jesuits in France

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 1 f. 11 Address of thanks to James, Duke of York on granting an assembly in 1683 approximately 1683
95
Folio leaf removed from a contemporary record book, with orders of the Governor and Council of September and October 1683
Jacob Leisler correspondence
Jacob Leisler (died 1691) was acting Lieutenant Governor of New York, 1689-1691
- b. 1 f. 11 Letters to the Governor of Boston 1689 March 4, September 3 1689
96 (Drafts)
- b. 1 f. 11 Letter from Captain Joachim Staets, Johannes Wendel, Barnard Lewis, Pieter Bogardus, and Reyer Jacobse Scharmerhorne 1690 October 23
97
- b. 1 f. 11 Letter from Captain H. De Bruyn 1690 July 15
98
In Dutch
- b. 1 f. 11 Letter from [Andrew Abingdon] approximately 1690
99
Published, with introduction and editorial notes, in: McAnear, Beverly. "Mariland's Grevances Wiy The Have Taken Op Arms." Journal of Southern History 8, no. 3 (1942): 392-409. The document is assumed to be written to Jacob Leisler, by or with the approval of Andrew Abingdon
- b. 1 f. 11 Letter from Adam Hude to Gilbert Livingston 1720 April 5
100
Adam Hude (1661-1746) of Woodbridge, New Jersey; Gilbert Livingston (1690-1746) of New York
- b. 1 f. 11 Letter from Sir John Randolph to Captain Pearse 1735 May 20
101 (Contemporary copy)
Sir John Randolph (1691-1737), Virginia lawyer, Attorney General, and Speaker of the House of Burgesses
- b. 1 f. 11 Deliberandum - Restored 1749 July 29
102
William Smith Jr.'s endorsement reads: "Supposed to be my father's thoughts on Gov[erno]r Clinton's overtures to come in to his aid - on the prosecution ag[ain]st Oliver De Lancey"
- b. 1 f. 11 Mr. Robert R. Livingston's reasons against a land tax approximately 1752
103
Robert R. Livingston (1718-1775) of Claremont Manor, New York
A second endorsement reads "Mr. Robert R. Livingston's objections to a land tax." Date supplied and document transcribed in: McAnear, Beverly. "Mr. Robert R. Livingston's reasons against a land tax." Journal of Political Economy 48, no. 1 (1940): 63-90
- b. 1 f. 11 Address of the General Assembly to William Shirley, Governor of Massachusetts approximately 1756
104 (Draft in Smith's hand)
- b. 1 f. 11 Petition of the general proprietors of the soil of the Eastern Division of the Province of New Jersey to the King in Council approximately 1756
105 (Copy)
- b. 1 f. 11 Charter to the Lutheran Church of the City of New York according to the Confession of Augsburg approximately 1759
106 (Draft in Smith's hand)

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

Correspondence between the Speaker of the General Assembly of the Province of New York and the Colony's agent in London (Copies)

David Jones was Speaker from 1743 to 1758. Robert Charles (died 1770) was the Colony's agent in London, 1748-1770. Most letters written after Jones's tenure are addressed to Oliver De Lancey

See Writings, volume 3, for Smith's notes on same

- b. 2 f. 1 1748 April-1754 June 1750s-1760s
107
- b. 2 f. 2 1754 August-1760 October 1750s-1760s
107
- b. 2 f. 3 **Case of New York with [George] Hay's opinion 1750s-1760s**
108 (Copy)
Document concerns the 39th article of the King's instructions to Sir Danvers Osborn, appointed Governor of New York in 1754
- b. 2 f. 3 **Extract of a report made by the commissioners appointed in 1664 ... relating to the bounds of the Massachusetts Bay Colony 1750s-1760s**
109
Extract signed [Robert] Charles
- b. 2 f. 3 **Copy of 17th-century records pertaining to New England boundaries 1750s-1760s**
110 (50-page manuscript document)
- b. 2 f. 3 **King's Assent to the £5 Act 1760 December 24**
111 (Copy)
- b. 2 f. 3 **Report of the Lords of Trade [to the King] on two [New] Jersey acts 1761 December 22**
112 (Copy)
- b. 2 f. 3 **Charter to the Reformed Protestant Dutch Church of the Township of Orange approximately 1763**
113 (Draft partly in Smith's hand)
- b. 2 f. 3 **Memorial of the Merchants of the City of New York in the Colony of New York in America [to Parliament] approximately 1763**
114 (Copy)
- b. 2 f. 4 **[New York] Law Society agreement as to clerks 1764 January 5**
115
Agreement to prevent the unrestrained admission of clerks; article four establishes the New York Law Society as a fraternity, with James Duane, Jr. as recording secretary. Signed by William Smith Jr., William Livingston, John Morin Scott and other prominent New York City attorneys
- b. 2 f. 4 **Representation from the Lords Commissioners of Trade and Plantations, to the King 1765 September 24**
116 (Copy)
- b. 2 f. 4 **First draft of instructions proposed at a town meeting 1765 November 26**
117
Document is addressed to John Cruger, Philip Livingston, Leonard Lispenard and William Bayard
- b. 2 f. 4 **Remarks on the Act submitting civil causes to the decision of a Justice of the Peace 1766 October 22**
118
Endorsed "copy sent to the Governor 22 October 1766"
- b. 2 f. 4 **Charter to the Minister, Elders, Deacons and Trustees of the Presbyterian Church of New York approximately 1766**
119 (Incomplete copy, pages 11 and 12 only)

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 2 f. 4 **Legal opinions on writs of assistance law** approximately 1767
120
Two documents analyzing early statutes and the enactment of 1767, as to the allowance of any writs coming before the Court
In an unidentified hand
- b. 2 f. 4 **Counsellor's oath** approximately 1767
121 (Copy with Smith's notes)
Legislative acts, dissenting opinions, and notes
- b. 2 f. 4 **An act for the due and just punishment of false and malicious libels**
approximately 1767-approximately 1775
122 (Draft)
- b. 2 f. 4 **An act for the further preventing delays of justice by reason of privilege of Parliament** approximately 1767-approximately 1775
123 (Draft)
- b. 2 f. 5 **An act for the better determination of personal actions depending upon accounts** approximately 1767-approximately 1775
124 (Two copies)
- b. 2 f. 5 **A bill for the speedy trial of small causes** approximately 1767-approximately 1775
125 (Draft)
- b. 2 f. 5 **An act for the better regulating the public roads in the City and County of New York** approximately 1767-approximately 1775
126 (Draft)
- b. 2 f. 5 **An act to amend an act ... for returning of able and sufficient jurors and for the better regulation of juries** approximately 1767-approximately 1775
127 (Draft)
- b. 2 f. 5 **An act to amend an act ... to restrain unlawful and disorderly gaming-houses in the Colony of New York** approximately 1767-approximately 1775
128 (Draft)
- b. 2 f. 5 **An act to facilitate the determination of the controverted claims in the township of Schenectady** approximately 1767-approximately 1775
129 (Draft)
- b. 2 f. 5 **An act to prevent the evil practice of sheriffs taking the personal effects**
approximately 1767-approximately 1775
130 (Draft)
Endorsed "Draft of Replevin Bill"
- b. 2 f. 6 **An act for the more effectual adjustment of fires near the ferry in the township of Breucklin [i.e., Brooklyn] in Kings County** 1768 December 24
131 (Draft)
- b. 2 f. 6 **A draft of the Alien bill presented to be substituted in the stead of that put up by the House** 1770 January 25
132 (Draft)
- b. 2 f. 6 **An act to better prevent persons from entering and keeping possession of messuages lands and tenements by force** 1773 January 29
133 (Copy)
- b. 2 f. 6 **An act to settle of line of jurisdiction between the counties of Ulster and Albany** 1774 February 3
134 (Copy)
- b. 2 f. 6 **An act to regulate the administration of oaths** 1775 February
135 (Copy)

I. William Smith Jr. papers (cont.)

Correspondence and documents (cont.)

Legislative acts, dissenting opinions, and notes (cont.)

- b. 2 f. 6 Protest against the act to continue the £5 Act approximately 1767-approximately 1775
136 (Draft)
- b. 2 f. 6 Protest against the bill relating to sales of goods by way of mortgage 1768
December
137 (Draft)
- b. 2 f. 6 Protest prepared for the bill for registering sales approximately 1768 December
138 (Copy)
Related to preceding item, signed by Smith
- b. 2 f. 6 Protest on motion for a conference relating to the Militia bill 1774 March 15
139 (Draft)
- b. 2 f. 6 Protest intended against Militia bill 1775 March
140 (Two copies)
- b. 2 f. 7 [David Jones's] notes on the act relating to replevins approximately 1767-1775
141
Endorsed "Mr. Jones's notes on the Replevin Bill"
- b. 2 f. 7 Observations upon ... an act for regulating the election of representatives
in General Assembly approximately 1767-1775
142 (Draft)
- b. 2 f. 7 Notes on the Possession bill 1773 February
143 (Draft)
- b. 2 f. 7 Report of the Council of New York on the Presbyterian petition for a
charter 1768 January 29
144 (Copy (incomplete) attested by Goldsboro Banyar)
Fragment of document ending with partial text of King's Order in Council dismissing the
petition of the Presbyterian Church for a charter, dated 1767 August 26
Published in Ecclesiastical Records of New York State, vol. 6 (Albany: J.B. Lyon Company,
1905), 4098-4099
- b. 2 f. 7 Abstract of the Report of the Lords of Trade relating to Indian Affairs 1768
April
145
- b. 2 f. 7 Indian deed for the land at Sarachtoge [i.e., Saratoga] dated 1683 July 26
1768 July 21
146 (Certified copy of the original deed, in Dutch)
- b. 2 f. 7 Petition of subscribers of the City and County of New York to the General
Assembly 1769
147 (Draft)
- b. 2 f. 7 Petition of Richmond County subscribers to the General Assembly 1769
148 (Draft)
- b. 2 f. 7 Instructions from Kings County subscribers to their representatives in
General Assembly 1769
149 (Draft)
- b. 2 f. 7 Papers belonging to the Presbyterian Church of New York dated 1718-
1732 1760s
150 (Copies)
Indentures for land on Wall Street
- b. 2 f. 8 Case for the opinion of Council in England as [Kayaderosseras] 1760s
151 (Draft)
Title as endorsed

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 2 f. 8 Notes of argument to be suggested in order to procure a Chancellor in the Province of New Jersey 1760s
152 (Draft)

Papers relating to the Chancery case of the Attorney General versus Cadwallader Colden
Law suit filed in November, 1770 in New York resulting from a dispute between Governor Dunmore and Lieutenant-Governor Colden over salary and fees. John Tabor Kempe was Attorney General; William Smith was of counsel for the Crown
- b. 2 f. 8 [William Smith Jr.'s] abstract of the bill and the demurrer approximately 1770-1771
153
- b. 2 f. 8 James Duane's argument for defendant in support of his demurrer approximately 1770-1771
154 (Copy)
- b. 2 f. 8 Letter from [John Murray] Lord Dunmore to [Wills Hills] Lord Hillsborough 1771 June 11
155 (Copy)
- b. 2 f. 9 [John] Dunning's opinion on Lord Dunmore's case against Cadwallader Colden 1773 August 12
156 (Copy in Smith's hand)
- b. 2 f. 9 [William Smith Jr.'s] abstract of Lord Dunmore's case laid before counsel in England 1773
157
- b. 2 f. 9 Extract of a letter from [John Murray] the Earl of Dunmore to [William Legge] the Earl of Dartmouth 1774 March 20
158 (Copy)
- b. 2 f. 9 Notes of evidence in Council on the charge against Rosecrantz sheriff of Dutchess County for packing a jury [1771 October]
159
- b. 2 f. 9 Address of the Council to Governor [William] Tryon 1772 January
160 (Draft)
- b. 2 f. 9 Reply to the Committee appointed to enquire into the state of the Treasury 1772 February
161 (Draft)
Smith's endorsement states that the draft was "for Mr. Lott"
- b. 2 f. 9 Commission under Seal of the Massachusetts Bay to Commissaries for settling a partition line with the Province of New York 1773 April 29
162 (Copy)
- b. 2 f. 9 Journal of the proceedings of the Commissaries of New York at a congress with the Commissaries of the Massachusetts Bay 1773 May
163 (Draft)
- b. 2 f. 9 Two ways of settling the lines proposed at the verbal conferences 17 AM. - but neither adopted approximately 1773 May
164 (Draft)
- b. 2 f. 10 Copies of old grants of the colony of Connecticut 1773 September 1
165
Copies from public records at Hartford made by Benjamin Stiles of Woodbury, as transcribed by J. Ingersoll
- b. 2 f. 10 The title and location of the colony of Connecticut considered 1773 October 1
166
Signed J.I. Endorsed "Mr. [Ingersoll's] observations on the Connecticut Claim to the South Sea."

- I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)
- b. 2 f. 10 Extracts from 17th-century records of the United Colonies of New England approximately 1773
167
Documents "supplied to Mr. [Ingersoll]"
 - b. 2 f. 11 Instructions to ... Lord William Campbell ... of our Province of South Carolina in America 1774 August 5
168 (With Sign Manual George R. and paper seal over silk ties on the front page, and initials G.R. at end)
 - b. 3 f. 1 Notes on the trial of charges of piracy 1774 October 15
169
 - b. 3 f. 1 Address to Cadwallader Colden 1775 January
170 (Two drafts)
 - b. 3 f. 1 Draft Assembly's memorial to the Lords 1775 March
171 (As endorsed by Smith; document not in his hand)
 - b. 3 f. 1 Minutes of Council as reasons for proroguing the Assembly 1775 May
172 (Two drafts and fair copy by Smith)
 - b. 3 f. 1 Minutes of Council June 28 and July 1, 1775 and declaration of Governor Tryon 1775 June-July
173 (Draft)
 - b. 3 f. 1 Plan of instructions ... to introduce moderation in the American Councils 1775 December
174 (Draft)
Paper drafted by William Smith Jr. after a conversation with his brother Thomas Smith
 - b. 3 f. 1 Summons [to William Smith Jr.] from the Committee of the Congress of the Colony of New York 1776 June 27
175 (Printed form signed by Leonard Gansevoort, Philip Livingston, Lewis Graham, Gouverneur Morris, Thomas Tredwell and Thomas Randall)
Summons requiring Smith to appear at the City Hall in New York on July 6th, 1776
 - b. 3 f. 1 Maxims. As fundamentall [sic] principles on which the constitution of this state ought to be erected 1776 September
176
Smith's endorsement states that it was sent 1776 September 13 by [Peter] R. Livingston (1737-1794)
 - b. 3 f. 1 Summons requiring William Smith Jr. and [John] Patterson to attend the Council of Safety at Kingston 1777 June 3
177
 - b. 3 f. 1 Parole taken of William Smith Jr. by the Council of Safety 1777 June 7
178 (Certified copy)
 - b. 3 f. 1 Memorandum of proceedings before the Council of Safety at Kingston 1777 June
179
Smith's notes on his appearance before the Council on June 7, with the texts of his summons (June 3) and parole (June 7, with clarifying Council resolution June 9)
 - b. 3 f. 1 Parole taken by William Smith Jr. in Poughkeepsie, New York 1778 July 6
180 (Certified copy)
 - b. 3 f. 2 List of animals kept by Mr. Arnold in Connecticut 1770s-1780s
181
Tabular list of natural history specimens, with endorsement in William Smith Jr.'s hand. The document may pertain to Benedict Arnold, personally known to Smith
 - b. 3 f. 2 Proclamation by Sir Henry Clinton to restore a part of the Colony of New York to the King's Peace 1780 April 1
182 (Draft in Smith's hand)

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 3 f. 2 Notes upon the enquiry, whether it is expedient to declare any part of the Province of New York at the King's Peace, and to revive the civil government 1780 May 25
183 (Copy, not in Smith's hand)
Endorsed "Notes respecting the erection of civil authority, et cetera"
- b. 3 f. 2 Remarks on the conduct of the [campaign], 1780 1780 August 2
184
Endorsed "Notes on the Conduct of the War"
- b. 3 f. 2 The present state of the American Rebel Army, Navy, and Finances 1780
October 5
185 (Draft in Smith's hand)
Smith's endorsement: "Copy of General [Benedict] Arnold's intelligence to Lord George Germain"
- b. 3 f. 2 Instrument to establish a Board of Directors to the Associated Loyalists
1780 November
186
- b. 3 f. 2 Notes on consideration of the papers offered by Governor Franklin [1780
November]
187
Endorsed "Notes on the Commission & Instructions offered to the General by the Directors of the Associating Loyalists"
- b. 3 f. 2 Instrument to publish the Peace Commission 1780 December
188
- b. 3 f. 2 Address from the Council of New York to Governor [James] Robertson 1780
189 (Draft in Smith's hand)
- b. 3 f. 2 [Andrew] Elliot's draft of an address to Governor [James] Robertson [1780]
190
- b. 3 f. 3 Proclamation to be proposed to General [James] Robertson [1780]
191
Draft proclamation to convene a General Assembly, with draft and fair copy of a covering letter for local distribution
- b. 3 f. 3 State of the Virginia forces in Continental service, including the rank and file and noncommissioned officers only approximately 1780
192 (Tabulated list)
- b. 3 f. 3 Proclamation to the Rebel militia by Sir Henry Clinton 1781 April
193 (Draft in Smith's hand)
- b. 3 f. 3 Abstract of militia acts of South Carolina of 1737 and 1739 1781 April
194
- b. 3 f. 3 Review of operations in 1781 to 15 August 1781 August
195 (Incomplete)
With additional notes for August 23 and 25
- b. 3 f. 3 Parole to be taken by General [Benedict] Arnold from the inhabitants
approximately 1781
196 (Copy)
- b. 3 f. 3 Notes on Sir Guy Carleton's proposal 1782 May 27
197
- b. 3 f. 3 Opinion of William Smith Jr. and John Tabor Kempe upon the case of John [Lippincott] 1782 June 9
198
- b. 3 f. 3 Notes on a trial of pirates by Commission ... at City Hall 1782 June 17
199
Smith identified the pirates as Joseph Clarke, James Wigmore, and Joseph Royn

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 3 f. 3 Instructions and orders for the regulation of the police 1782 December 6
200 (Copy made by Smith)
- b. 3 f. 4 Notes for a report to Sir Guy Carleton on the low prices of bills of
exchange approximately 1782 December
201
- b. 3 f. 4 Charter for City of Guysburgh in Nova Scotia 1783 October 28
202
- b. 3 f. 4 Notes respecting Vermont 1784 August 6
203
With cover letter to the Commissioners for American Claims
- b. 3 f. 4 Solicitor-General [William] De Grey's opinion on the claim of Mr. Richard
Bradley's creditors dated 1764 December 22 1785 May 4
204 (Copy made by Smith)
Document pertains to Kayaderosseras holdings
- b. 3 f. 4 Abstract of the Quebec Petition to the King approximately 1785 May
205
- b. 3 f. 4 Abstract of an Address of the citizens and Roman Catholic inhabitants ...
of the Province of Quebec in Canada to the King approximately 1785 May
206
- b. 3 f. 4 Remarks on the Canada Petitions 1785 June 10
207
- b. 3 f. 4 An act for the regulation of the Province of Quebec 1785 June 10
208
- b. 3 f. 4 Powers to Sir Guy Carleton approximately 1785 September 19
209 (Draft)
- b. 3 f. 4 Powers to the Governor General [Sir Guy Carleton] approximately 1785
September 19
210 (Fair copy of preceding item)
- b. 3 f. 5 Additional report on the public accounts 1787 August
211 (Draft, incomplete)
Report of the Committee of Accounts in the Council Chamber to Lord Dorchester
- b. 3 f. 5 Additional report on the public accounts approximately 1787 August
212 (Incomplete fair copy of preceding item)
- b. 3 f. 5 Colonel [Henry] Caldwell's notes on the Revenue approximately 1787
213 (Incomplete)
Content is related to the Council's Committee of Accounts' 1787 report on public accounts
- b. 3 f. 5 Saisie Conservatoire as understood by the Judges of the Court of
Common Pleas in Quebec 1787
214
Copied extracts of legal proceedings, in an unidentified hand
- b. 3 f. 5 Proces verbal, et declaration du Roy a l'egard du Code Civil de 1667 dated
1679 1788 August 8
215 (In French. Copy certified by George Pownall)
- b. 3 f. 6 Opinion on laws concerning "Seigneurs et proprietaires de fiefs" 1788
October 16
216 (In French. Incomplete copy of document by [T.J.] Cugnet fils)
- b. 3 f. 6 Ordinance in Quebec [of November 6, 1764] 1780s-approximately 1793
217 (Copy)

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 3 f. 6 **Abstract of a 1769 report as to the law [state] of Quebec 1780s-approximately 1793**
218
Smith's abstract of a 1769 report by Governor Sir Guy Carlton, Chief Justice William Hey and others
- b. 3 f. 6 **Plan by [William] Hey C.J. [Chief Justice] 1760s-1770s**
219 (Incomplete letter or document addressed to Jenkyn Williams, signed by Hey, with later endorsement by Smith)
- b. 3 f. 7 **Parishes in the Province of Quebec 1780s-approximately 1793**
220
Tabular list of parishes on the Saint Lawrence River with notes by Smith
- b. 3 f. 7 **Instructions as to my private estate at New York 1790 May**
221 (Copy)
Unsigned instructions of William Smith, apparently for his son
- b. 3 f. 7 **Journal of the Committee of the Whole Council respecting a conversion of the present tenure of lands held in fief into free and common socage 1790 September 30-October 15**
222
Smith's minutes of meetings
- b. 3 f. 6 **Paper from [Adam] Lymburner to [William Wyndham] Grenville approximately 1790**
223 (Copy, partially in Smith's hand.)
Smith's endorsement identifies this document as that mentioned in Grenville's letter to Dorchester dated 1789 October 20. See items 64 and 65
- b. 3 f. 7 **Notes respecting the Executive Council of Lower Canada 1791 December 19**
224
- b. 3 f. 7 **Analysis of Governor's commission of 12 September 1791 approximately 1791**
225
- b. 3 f. 8 **Case. The Royal Commission of 12 September 1791 to Lord Dorchester [Guy Carleton] as Governor of Lower Canada approximately 1791**
226 (Incomplete draft)
- b. 3 f. 8 **Commission to a Clerk of the Crown to issue writs and receive returns 1792 October 29**
227
- b. 3 f. 8 **Notes on a meeting with Lieutenant Governor [Alured] Clarke and others**
1792 October 31
228
- b. 3 f. 8 **Commission to Speaker of Legislative Council 1792 December**
229
- b. 3 f. 8 **Commission to Usher of Black Rod to Legislative Council approximately 1792**
230
- b. 3 f. 8 **Notes for the proclamation to divide Lower Canada into counties and towns approximately 1792**
231
- b. 3 f. 8 **List of jewels sent to Robert C. Livingston, Esq. by Maturin Livingston 1793 August 17**
232
Maturin Livingston's receipt to Smith for items from the estate of Mr. Royal

I. William Smith Jr. papers (cont.)
Correspondence and documents (cont.)

- b. 3 f. 8 **Copies of French royal enactments pertaining to Canada dated 1663 1700s**
233
Copy of document establishing the Sovereign Council in Canada as endorsed by Smith, and of an act ratifying the surrender of the charter of the Compagnie de la Nouvelle France. A separate note identifies them as the earliest entries in the French records in an unidentified office; Smith's draft letter to a wine merchant is on the verso
In French
- b. 3 f. 8 **Fragments 1700s**
234

Writings 1749-1785

Writings consist of manuscript essays, articles, letters and other items written chiefly for the New York press on contemporary affairs, 1749-1785, as well as eight folio volumes containing Smith's diaries (known as his *Historical Memoirs*), draft historical works, documents copied for reference, and legal case notes, 1750s-1783.

Essays and other writings (items 235-262), 1749-1785, include essays for the *Independent Reflector* and the *Occasional Reverberator*, written by himself or with contributions from William Livingston and John Morin Scott; columns and letters for the *New-York Gazette* and the *New-York Mercury*; and other items intended for publication. Also of interest is an essay on the consequences of the American Revolution (item 262), written during his stay in England, 1785. Publication references are provided but may not be inclusive.

In his *Historical Memoirs*, 1753-1783, Smith recorded important conversations and events to order his own thinking and understanding of the political environment, thus illuminating his efforts to shape policy and influence individuals during tumultuous times. They are particularly rich in detail during his residence at Livingston Manor, where he remained in contact with important patriot friends and relations such as Philip Schuyler. Smith also explicitly intended the *Historical Memoirs* to stand as a record of the era, should he decide not to write a further installment of his 1757 *History* (volume 2, page 475). While some family matters are recorded, the *Historical Memoirs* are essentially a record of his professional and political life.

The manuscript of Smith's *History of the Province of New-York* is not present in the collection and does not appear to be extant. However, the collection does include the draft *Continuation* of the *History of the Province of New-York*.

Both the *Historical Memoirs* and *Continuation* were written in seven folio volumes. The *Historical Memoirs* are not in close chronological order. This is because Smith often left sections of blank pages for use at a later time. In addition, he sometimes wrote memoranda for the *Historical Memoirs* (diary entries or drafts of entries) on separate sheets of paper. This was especially the case during the Revolutionary period, when he did not always have access to his volumes. Tables of content inserted in the volumes were typed in the early 20th century, and may not be inclusive.

Entries in the *Historical Memoirs*, in rough chronological order, are as follows. Loose diary entries for 1769 and 1776-1778 are bound in supplemental volume 8.

1753 October 5-1760 December 5 (volume 2)
1761 October 19-1775 August 14 (volume 4)
Note of public proceedings in Assembly, 1769 (volume 8)
1775 September 4-1777 May 4 (volume 5)
1776 February 4 (volume 8)
1777 May 5-18 (volume 2)
1777 July 17-November 15 (volume 8)
1777 November 25-1778 May 5 (volume 5)
1778 May 6-July 5 (volume 3)
1778 July 2-25 (volume 8)
1778 August 26-1780 December 21 (volume 6)
1780 December 21-1783 November 12 (volume 7)

The *Continuation* of the *History of the Province of New-York*, covering the years 1732 to 1762, appears in volumes 1 and 2, with an earlier draft of the Clarke and Clinton administrations in volume 3. Smith's introduction to a planned history of Governor William Tryon's administration, covering his years in North Carolina, with transcriptions from Tryon's papers, are found in volumes 1 and 3.

Other British and colonial documents transcribed for various purposes by Smith or others are also found throughout the volumes. These include historical and contemporary sources for Smith's *History of the Province of New-York* and its *Continuation*, and items such as colonial land patents, which would have been pertinent to Smith's work as a lawyer, councillor, boundary commissioner, land speculator and historian.

Legal case notes on New York Supreme Court of Judicature proceedings, 1756-1759, are found in volume 5.

The volumes also contain inserted manuscript letters and notes, as well as printed matter. Most were inserted by Smith; others were inserted by the Library. Inserted manuscript items are

I. William Smith Jr. papers (cont.)

Smith's *Historical Memoirs* from 16 March 1763 to 25 July 1778, edited by William H.W. Sabine, were published in two volumes by Colburn & Tegg, 1956-1958. They were reprinted in one volume by The New York Times and Arno Press in 1969 (retaining their separate paginations), followed in 1971 by their publication of Sabine's edition of the *Historical Memoirs* from 26 August 1778 to 12 November 1783 (1 volume). Together these form two volumes in their *Eyewitness Accounts of the American Revolution* series. Sabine's work omits entries from October 5, 1753 through a narrative of events in early 1763 (see volumes 2 and 3 in Smith's papers); his work begins with the entry dated 1763 March 16. Sabine believed Smith's rewritten coverage of that period in his *Continuation* to be sufficient, as stated in his introduction: *Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith*, ed. William H.W. Sabine (New York: New York Times and Arno Press, 1969), vol. 2, vi (2 v. in 1).

For the publication history of the *History of the Province of New-York* and its *Continuation*, researchers should consult "A Note on the Text" in vol. 1 of *The History of the Province of New-York*, by William Smith Jr. Edited by Michael Kammen. 2 vols. (Cambridge: Belknap Press of the Harvard University Press, 1972). His edition of the *Continuation* appears in vol. 2.

Manuscript essays and other writings 1749-1785

- b. 3 f. 9 To the Publick. I am a member of the weekly Society that assembles at the house of Mr. Cook approximately 1749
235
- b. 3 f. 9 *A letter to the author of the paper signed Amicus in the last week's Gazette* [1751]
236
Signed "Roger Rough." Endorsed "Answer to the defense of Captain Amory." Published in the New-York Gazette, 1751 December 15, under the signature "Roger Plain-Truth."
- b. 3 f. 9 *Preface to the Laws* 1752 May 1
237 (In Smith's hand)
Preface by William Livingston and William Smith Jr. to Laws of New-York, from the year 1691, to 1751, inclusive (New York: James Parker, 1752)
- b. 3 f. 9 *New York in its natural advantages shortly considered* approximately 1752
October
238
Draft chiefly by Smith, "perused & approved by Z," "examined & amended" by "X." Drafted for the November 1752 issue of the New York Guardian (original title of the Independent Reflector). Published in the Independent Reflector as "A brief consideration of New-York...." (No. VIII, January 18, 1753) and "The consideration of the natural advantages of New-York, resumed and concluded" (No. LII, November 22, 1753). Scholars (Lyon N. Richardson, 1931; Milton M. Klein, 1963) have identified Z as William Livingston; X is believed to be John Morin Scott.
- b. 3 f. 9 *To the author of the letter to Goose Adrianse signed Philomathes in Mr. Parker's Gazette, No. 517* approximately 1752 December
239
Printed in the New-York Mercury, 1753 January 1
- b. 3 f. 9 *Ode for New Year 1753. In imitation of an excellent pattern lately exhibited to the world* approximately 1753 January
240
Ode in the hand of William Livingston. Endorsed "Burlesque of Smith's New Year's Ode" in the hand of William Smith Jr. Printed in the New-York Mercury, 1753 January 8
- b. 3 f. 10 *The vanity of birth and titles - with the absurdity of claiming respect without merit* approximately 1753 May
241
In the handwriting of William Livingston, signed "Z," endorsed by William Smith Jr. ("perused 26 May 1753 - A") with suggestion to the author. Published in the Independent Reflector, No. XLIII, 1753 September 20

I. William Smith Jr. papers (cont.)

Writings (cont.)

Manuscript essays and other writings (cont.)

- b. 3 f. 10 *Editor's Preface [to The Craftsmen : A sermon from the Independent Whig]* 1753 August 1
242
Signed "Philo-Reflector." In the handwriting of William Livingston and William Smith; some emendations were likely made by John Morin Scott. The manuscript draft was published in part in *The journals of Hugh Gaine*, vol. 1, ed. Paul Leicester Ford (New York: Dodd, Mead & Company, 1902), 211-218. For its contemporary publication see: *The craftsmen: a sermon from the Independent Whig* (Evans 7007)
- b. 3 f. 10 *Letter to the Independent Reflector* 1753 August 15
243
Signed "Episcopos" at New Windsor, 1753 August 15. Text in an unidentified hand; postscript written by William Smith Jr. Published in the *Occasional Reverberator*, No. III, 1753 September 21.
- b. 3 f. 10 *Preface to the Reverberator* 1753 September
244
Published in *Occasional Reverberator*, No. I, 1753 September 7
- b. 3 f. 10 *Hints on the Ministry Acts* [1755]
245
Compare with text of "The Watch-Tower," *New-York Mercury*, 1755 April 14, 21, 28, May 19
- b. 3 f. 11 *Notes on Establishment* [1755]
246
Outline related to "Hints on the Ministry Acts"
- b. 3 f. 11 *Oppressions of 1719 and 1720* [1755]
247
Signed "F." Printed in the *New York Mercury*, 1755 June 30, "The Watch-Tower" No. XXXII
- b. 3 f. 11 *The Mirror - a pasquinade set up at the coffee house to explain a caricature in January 1766* approximately 1766
248
- b. 3 f. 11 *The American Whig, No. [V]* [1768]
249
Endorsed "A paper for the Whigg (sic)." Printed in the *New-York Gazette*, 1768 April 11
- b. 3 f. 11 *[The American Whig, No. VIII]* [1768]
250 (Incomplete)
Printed in the *New-York Gazette*, 1768 May 2
- b. 3 f. 11 *To the author of the American Whigg [sic]. [The American Whig, No. XXV]* [1768]
251
Endorsed "A paper for the American Whigg [sic] signed American Churchman." Printed in the *New-York Gazette*, 1768 August 29
- b. 3 f. 11 *Thoughts relating to bishops in America* approximately 1768
252
For date attribution see: *Historical Memoirs from 16 March 1763 to 25 July 1778 of William Smith*, ed. William H.W. Sabine (New York: New York Times and Arno Press, 1969, vol. 1, 42-43 (2 v. in 1))
- b. 3 f. 12 *Hand bill in favor of elections by ballot* published in December 1769 1769
253
- b. 3 f. 12 *Letter to Boston to be printed as exposing the last session of the Assembly* 1770 February
254
- b. 3 f. 12 *[Questions]* printed on the expulsion of the judges from the House of Assembly [1770]
255
Printed in the *New-York Gazette*, 1770 February 12

I. William Smith Jr. papers (cont.)

Writings (cont.)

Manuscript essays and other writings (cont.)

- b. 3 f. 12 Paper for Parker to shew expense of the Mutiny Act [1770]
256
Letter by Smith with emendations in the hand of William Livingston
Printed in the New-York Gazette, 1770 March 12
- b. 3 f. 12 Copy of a late letter from an eminent counsellor and a friend to liberty
[1770]
257
Endorsed "A letter upon [McDougall's] commitment ascribed after it was printed to Mr. Dickinson." Printed in the New-York Gazette, 1770 March 19
- b. 3 f. 12 Extract of a letter from New York 24 February 1770 [1770]
258
Endorsed "Letter concerning [Captain McDougall] to be printed in Philadelphia." Printed in the Pennsylvania Gazette, 1770 March 22
- b. 3 f. 12 On the importance, privileges and duties of [Grand Juries] [1770]
259
Endorsed "The duty of grand jurors for Parker." Published in the New-York Gazette of 1770 April 16, with an added final paragraph concerning McDougall's trial
- b. 3 f. 12 Notes on the Lottery Bill approximately 1772
260
Letter addressed to "Messrs. Printers" concerning law against private lotteries
- b. 3 f. 12 Information to farmers and mechanics intending to remove from Europe
to America approximately 1773
261
Draft of section relating to New York in *Information to Emigrants* (Glasgow, 1773)
- b. 3 f. 12 The indifference some express on the loss of the American provinces
argues gross ignorance of the consequences of this event approximately
1785
262
Title is Smith's heading; previously identified by the Library as "Observations on the loss of the American provinces." The document bears the endorsements "On America by my Father" and "Observations by Mr. Smith, late Chief Justice on the remaining Colonies." Published in large part in Oscar Zeichner, "William Smith's 'Observations on America,'" *New York History* 23, no. 3 (1942), 328-340. For date attribution see Zeichner and *Diary and selected papers of Chief Justice William Smith, 1784-1793*, vol. 1, ed. L.F.S. Upton (Toronto: Champlain Society, 1963), xv, 182

Historical Memoirs, Continuation of the History of the Province of New-York and miscellany 1750s-1783

Volume 1 1770s (Oversize folio. Volume is foliated on the lower left hand corner of recto)

- v. 1 Notes and extracts from the papers of Governor William Tryon 1770s
(folios 1-11)
These concern his tenure as Governor of North Carolina, 1765-1771
- v. 1 Transcript of [Patrick Duff Gordon's] "A view of the polity of the Province
of North Carolina in the year 1767" 1770s (folios 12-21)
- v. 1 *Continuation of the History of the Province of New-York from 1732 to
1758* 1777 (folios 22-138)
The text of the *Continuation* from 1759 to 1762 is found in volume 2. See volume 3 for a partial, early draft of the Clarke and Clinton administrations

Volume 2 1750s-1777 (Volume paginated by Smith and by The New York Public Library)
Inserted printed matter is dated 1754-1755 and 1777

- v. 2 Transcriptions 1750s (pages 1-66)
- v. 2 "Historical Memoirs" 1777 May 5-May 18 (pages 68-87)
- v. 2 Transcriptions 1750s (pages 88-289)

I. William Smith Jr. papers (cont.)

Writings (cont.)

Historical Memoirs, Continuation of the History of the Province of New-York and miscellany (cont.)

Volume 2 (cont.)

- v. 2 "Historical Memoirs" 1777 May 18-June 11 (pages 290-316)
- v. 2 Transcriptions 1750s (pages 317-319)
- v. 2 "Historical Memoirs" 1777 June 11-July 5 (pages 320-343; 344-349 are blank)
- v. 2 "Historical Memoirs of the Province of New York" 1753 October 5-1760 December 5 (pages 350-420)
- v. 2 *Continuation of the History of the Province of New-York from 1759 to 1762* 1777 (pages 421-475)

Volume 3 1750s-1778 (Pagination by NYPL. Pages 92-176 are blank)

- v. 3 Notes and extracts from papers of Governor William Tryon 1770s (Inserted before page 1)
- v. 3 "Introduction to the History of Governor Tryon's Administration" from 1764 to 1768 1770s (pages 1-42)
- v. 3 "Historical Memoirs" 1778 May 6-July 5 (pages 43-91)
- v. 3 Notes relating to George Clarke's and Governor Clinton's administrations 1750s (pages 177-227)
An undated early draft of a portion of the Continuation as referred to by Smith on page 42
- v. 3 Notes and extracts from the letters of Robert Charles dated 1748-1760 1750s-1770s (pages 229-236)
See also Correspondence and documents, item 107
- v. 3 Notes and extracts from public letters to Sir Henry Moore dating from 1767 to 1769 approximately 1769 (pages 237-244)
- v. 3 "Introduction to the History of Governor Tryon's Administration" from 1769 to 1771 1770s (pages 245-285)
- v. 3 Some particulars relative to the life of the late Sir [Henry] Moore [Baronet] approximately 1775 (Inserted at page 236)
Endorsed by Smith: "Sir Henry Moore. Anecdotes [concerning] him from Lady Moore - 18 [Sept] 1775"

Volume 4 1761-1775 (Foliation by NYPL. Inserted manuscript documents, with their folio numbers or placement point, are listed below)

- v. 4 "Historical Memoirs of the Province of New York" 1761 October 19-1775 August 14 (folios 1-180)
- v. 4 Letter from Lord Stirling to William Smith Jr approximately 1763 February (at folio 22)
- v. 4 Letter from William Smith Jr. [to Sir Henry Moore] 1767 January 28 (folio 35)
- v. 4 Note on behalf of Sir Henry Moore to William Smith Jr [1767 February 21] (at folio 37)
See "Historical Memoirs" entry for 1767 February 21
- v. 4 Letter from William Smith Jr. to Colonel Rensselaer 1772 November 27 (folio 92, at 1772 March 5)
- v. 4 "America has recourse to arms meerly [sic] for her defense...."
approximately 1775 (follows folio 92)
Undated draft by Smith. He gave a fair copy of this document to Philip Schuyler as transcribed by Smith in his "Historical Memoirs" entry for 1775 July 3.
- v. 4 Draft indenture and "Historical Memoirs" entries for 1761 November 11-14 1761 November (folio 112a, at 1773 March 8)
Indenture between Cadwallader Colden and Robert Monckton, drafted by Smith, is dated 1761 November

I. William Smith Jr. papers (cont.)

Writings (cont.)

Historical Memoirs, Continuation of the History of the Province of New-York and miscellany (cont.)

Volume 4 (cont.)

- v. 4 **Sir Henry Moore letter to the Secretary of State** approximately 1767 (folio 113)
Copy in Smith's hand of Moore's letter recommending William Smith Jr. to a seat on the Council; see "Historical Memoirs" entry for 1767 February 21
- v. 4 **Manuscripts received from Governor Tryon 12 July 1773 1773** (folio 120)
- Volume 5 1750s-1778** (Volume is not paginated)
Printed matter dated 1776-1778 is inserted throughout. Inserted manuscript documents are listed below
- v. 5 **"Historical Memoirs"** 1775 September 4-1777 May 4, 1777 November 25-1778 May 5
- v. 5 **Letter to Janet Livingston Smith** 1777 November 22 (at 1776 July 5)
Incomplete draft letter
- v. 5 **King George III's speech in Parliament 20 November 1777** approximately 1778 (at 1777 March 24)
Copy in Smith's hand
- v. 5 **Notes on American public finances** approximately 1778 (at 1777 December 23)
- v. 5 **Case notes on New York Supreme Court proceedings 1756-1759** (Notes begin from the back of the volume, turned around)
- v. 5 **Transcriptions from early New York land papers 1750s-1760s** (These follow Case notes)
- Volume 6 1778-1780** (Volume is not paginated)
Printed matter dated 1778-1780 is inserted throughout
Loose issue of the Connecticut Courant dated June 2, 1778 was transferred to the NYPL's Rare Book Division in 1968
- v. 6 **"Historical Memoirs"** 1778 August 26-1780 December 21
- v. 6 **Note from William P. [William Peartree] Smith to William Smith Jr** approximately 1780 (at 1780 August 10)
- Volume 7 1780-1783** (Volume is not paginated)
Printed matter dated 1780-1783 is inserted throughout. Inserted manuscript documents are listed below.
- v. 7 **"Historical Memoirs"** 1780 December 21-1783 November 12
- v. 7 **Notes from James Rivington to William Smith Jr** 1781 January 30, September 30 and December 29 (Placed at entries close to those dates)
- v. 7 **Memorandum of military intelligence by Ralph Thurman, Jr** approximately 1782 October (at 1782 October 31)
- v. 7 **Notes on public finances** approximately 1782 December (at 1782 December 30)
- Volume 8 - Supplements to the "Historical Memoirs"** 1769, 1776, 1777, 1778 (Documents gathered and bound together by the NYPL, with foliation numbers)
- v. 8 **Notes of public proceedings in Assembly 1769 1769** (Folio 7 is tipped in verso/recto instead of recto/verso)
A narrative with entries for 1769 April 4-December 5, relating to the De Lancey family's efforts to gain control of the Assembly in opposition to Governor Sir Henry Moore
Document was originally located in Sotheby Lot 197
- v. 8 **Memorandum** 1776 February 4
Concerning the visit of Mr. [Thomas] Lynch, Continental Congress delegate from South Carolina
Document was originally located in Sotheby Lot 198
- v. 8 **Memoranda** 1777 July 17-November 15 (With gaps in date range. Entries for October 24 (continued)-25 are photostats (donated 1966) of manuscript held in a private collection.)
Document was originally located in Sotheby Lot 195

I. William Smith Jr. papers (cont.)

Writings (cont.)

Historical Memoirs, Continuation of the History of the Province of New-York and miscellany (cont.)
Volume 8 - Supplements to the "Historical Memoirs" (cont.)

v. 8 Memoranda 1778 July 2-25

Document was originally located in Sotheby Lot 195

v. 9 Miscellanea A approximately 1752- approximately 1764

Smith's legal commonplace book contains original writings guiding his own legal practice; copies of agreements and protocols among lawyers practicing before the New York Supreme Court of Judicature; and copies or abstracts of legal works, acts, ordinances and instructions pertaining to the practice of law in Britain and America. Writings notably include: "A scheme for drawing out bills of costs in the Supream [sic] Court of New York, digested into tables," with similar tables for the Inferior Court; a "Promptuary," listing seventeen steps to manage his case work before the Court; and "Some Directions relating to the Study of Law," known to be his father's syllabus. Among the copies (of documents dating as early as 1684) are instructions for preparing letters of marque, 1756, and instructions to Smith and others as Commissioners to depose New York witnesses in a case before the High Court of Chancery in England, 1764.

v. 10 New York Supreme Court Register A 1750-1758

Smith's register of his cases before the New York Supreme Court of Judicature (pages 1-359 with name index), noting case names, transactions and fees. Cases were initiated during the court terms of October 1750-October 1758, with related transactional notes dating to approximately 1770. Entries sometimes contain the signatures of parties involved. Also present are related documents (attached and loose) including bills of costs, receipts, memoranda from attorneys and clients, and summonses, as well as a servant's indenture (page 165). Documents contain the page number of the related case entry

See also his New York Supreme Court case notes, 1756-1759, in Writings, volume 5

b. 4 f. 1 Index rerum 1740s-1760s

Notebook containing Smith's manuscript index to an unspecified law book

II. William Smith III papers 1797-1848

William Smith III (1769-1847), of New York and Quebec, was the son of William Smith Jr. (1728-1793) and Janet Livingston Smith (1730-1819). He was a Canadian provincial government official, historian and militia officer.

William Smith left New York during the British evacuation in late 1783, and resided in London with his father until their departure for the Province of Quebec in 1786. The start of his career in government at Quebec (Lower Canada from 1791) benefitted from his father's position and influence, and the patronage of Lord Dorchester. In Canada he was known as William Smith Jr. during that time.

In 1803, Smith traveled to England to further his career and improve his finances, returning to Lower Canada in 1804. While in England he met and married Susanna Webber (called Susan; died 1850). She was the niece of his father's friend, the wealthy merchant Sir Brook Watson. He also renewed his family's acquaintance with Prince Edward Augustus, Duke of Kent.

Smith was a Master of Chancery, Clerk of the Legislative Council, and chairman of the Executive Council in the provincial government of Lower Canada. As a multiple office holder nearing retirement, he negotiated the relinquishment of positions required by British colonial reforms that culminated in the consolidation of Upper and Lower Canada in 1841. In addition to his work in government, Smith served as an officer in the Quebec militia for many years.

Smith emulated his father's work as an historian, writing the *History of Canada from its first discovery to the year 1791*. It was printed in two volumes in 1815, but he delayed its publication until 1826 for political reasons. Smith also edited his father's manuscript *Continuation of his History of the Province of New-York (1757)*, published in 1826 as *Continuation of the History of New-York* by the New-York Historical Society, followed by their revised edition.

During his father's lifetime Smith gradually took on responsibility for the family's landholdings in New York State and Vermont, and later managed his parents' legal estate, aided by his brother-in-law Jonathan Sewell (1769-1839), Chief Justice of Lower Canada.

The papers of William Smith III, 1797-1848, contain personal and professional correspondence, a journal of a trip to England in 1803-1804, certificates of appointment, a checkbook, receipts, notes pertaining to Canadian history and government, and an incomplete edited proof copy of his *History of Canada*. Smith's correspondence contains personal letters from Prince Edward Augustus, Duke of Kent, and letters from British officials concerning his provincial offices and efforts to obtain a pension. Also present are a few letters to his wife Susan written by others, and papers relating to the estate of William Osgoode. Smith's correspondence and accounts concerning the family's property are found in Series III, Smith family land and estate papers.

- b. 4 f. 2 William Smith III correspondence, A-W and unidentified 1797-1845, undated
- b. 4 f. 3 Susan Webber Smith correspondence 1823, 1848, undated
- b. 4 f. 4 Journal 1803-1804
Journal and note book kept by Smith during a trip England, recording visits with Lord Dorchester, the Duke of Kent, and others
- b. 4 f. 5 Notes and extracts on Canadian history and government 1802-1839, undated
Proof copy of The history of Canada, by William Smith
Unbound signatures of William Smith III's two-volume work, incomplete. The first volume is heavily emended in an unidentified hand; revisions do not appear in the published work. A few loose pages from Smith's 1826 edition of his father's work, entitled *Continuation of the History of New York*, are found at end.
- b. 4 f. 6 Volume 1 approximately 1815
- b. 4 f. 7 Volume 2 approximately 1815
- b. 4 f. 8 Certificates of appointment 1812-1830
Appointments of rank in the Quebec militia, 1812-1828, to the Executive Council of Lower Canada, 1823 (signed by George IV), and as Clerk of the Legislative Council of Lower Canada, 1830 December 13, sworn and attested 1831 January 3
- b. 4 f. 9 Checkbook 1842-1844
- b. 4 f. 10 Receipts 1797-1834

II. William Smith III papers (cont.)

- b. 4 f. 11 **William Osgoode estate 1817-1827**
William Smith held power of attorney for the estate of William Osgoode (1754-1824), Chief Justice of Lower Canada
- b. 4 f. 12 **Fragments 1814-1815**

III. Smith family land and estate papers 1665-1912

In 1752 William Smith Jr. married Jennet (called Janet) Livingston (1730-1819). She was the daughter of James Livingston (1701-1763) and Maria Kierstede (1704-1762), and the granddaughter of Robert Livingston (1663-1725; "The Nephew" of the first Lord of Livingston Manor). Janet's sister Margaret (1738-1809) married Peter R. Livingston (1737-1794), residing at "The Hermitage" at Livingston Manor. He was the son of Robert Livingston (1708-1790) the third manor lord. William and Janet Smith had ten children, of whom five survived to adulthood.

Smith's wealth was invested heavily in land holdings in New York and Vermont. Unlike most Loyalists, his lands were not confiscated, and in 1790 the State of New York granted him permission to return to resolve real estate matters, a step taken by his son William. Although Smith never returned to the United States, he and his family continued to benefit from the holdings well into the 19th century.

William Smith Jr. left his estate to his wife Janet and their children: William (1769-1847), who married Susan Webber; Jennet (called Janet, 1753-1828) who married British Army officer John Plenderleath; Mary (born 1759), who married British Army officer William Doyle of Waterford, Ireland; and Henrietta (called Harriet; 1776-1849), who married Jonathan Sewell (1766-1839) of Quebec. Elizabeth (1757-1776) died at Haverstraw.

William and Susan Webber Smith had three sons and three daughters. Their sons were British Army officer William Robert Brudenell Smith (1805-1886), Charles Webber Smith (1810-1879), and Edward Mountain Smith (1812-1823). William Robert Brudenell Smith had a son William Charles and a daughter Emily; Emily married Augustus Warren and left descendants. Charles Webber Smith left his estate to his nieces and nephews.

Their daughters were Emily Ann (born 1806), Louisa Janet (born 1808), and Caroline Susanna (born 1814). Emily married Reverend George Mackie, Louisa married her cousin Robert Shore Milnes Sewell, and Caroline married Henry Stuart. Louisa and Robert Sewell had two daughters, Emily (1831-1893) and Constance (born 1833).

Emily Sewell married, first, Ambrose Hickey; their son Percy A.S. (Percy Ambrose Sewell) Hickey (1857-1915) was a solicitor in London. In 1864 she married, second, Reverend John Hodgson, vicar of Kinver, England, who managed her financial and legal affairs. The Smith papers held by Hickey were those sold by Sotheby, Wilkinson & Hodge, London, in 1919.

Smith family land and estate papers, dated 1665 to 1912, consist of family wills, property records, correspondence and other papers regarding the land holdings and finances of William Smith Jr. and his heirs. Papers include the wills of Smith and Livingston family members; land conveyances and powers of attorney, the bulk concerning the New York land holdings of William Smith Jr. and his heirs; accounts for Vermont lands; and correspondence between William Smith III and agents for New York lands, with accounts. Also included are deeds documenting the ownership of land acquired by relative Jonathan Sewell in Quebec, chiefly in French; and papers of John Hodgson and Percy A.S. Hickey concerning Smith family estate matters and genealogy.

- b. 4 f. 13 **Wills 1762-1823 (In draft or copy)**
The wills of James Livingston, Margaret Livingston, William Smith Jr., and William Doyle; also, Smith's power of attorney to his wife Janet Livingston Smith
- Land conveyances and powers of attorney 1704-1852**
Indentures, deeds, powers of attorney and other instruments relating to lands in New York, New England and Canada, including a few bonds of personal indebtedness. The bulk of the documents concern the holdings of William Smith Jr. and his heirs, particularly the Kayaderosseras and Palmer Purchase lands in New York. Members of the Livingston family are also represented
- b. 4 f. 14 **1704-1788**
- b. 4 f. 15 **1790-1795**
- b. 4 f. 16 **1796-1799**
- b. 5 f. 1 **1801-1807**

III. Smith family land and estate papers (cont.)

Land conveyances and powers of attorney (cont.)

- b. 5 f. 2 1820-1835
- b. 5 f. 3 1842-1852
- b. 5 f. 4 Undated drafts 1780s-1840s
- b. 5 f. 5 William Smith Jr. and Thomas Smith in account with Stephen R. Bradley
1788-1796
Accounts 1788-1795 regarding Chester (Vermont) lands, certified by Bradley in 1796

William Smith III correspondence and accounts concerning New York lands
1801-1846
Letters to Smith, copies of letters sent by him, accounts, and receipts regarding the management and leasing of New York State lands held by the Smith family, mostly from Albany land agents
- b. 5 f. 6 Bleecker, H. and C.V.S. Kane 1823-1827
- b. 5 f. 7 Dexter, James A 1827-1846
- b. 5 f. 8 Fonda, Douw 1819-1823
- b. 5 f. 9 Livingston, Maturin 1830-1832
- b. 5 f. 10 Lyde & Walton 1825-1826
- b. 5 f. 11 Loose accounts and receipts 1801-1840

Jonathan Sewell farm on the Petite-Rivière Saint-Charles 1665-1841
Deeds, memoranda and other documents concerning property on the Little River St. Charles in Quebec held by Thomas Langlois, and acquired by Jonathan Sewell (1766-1839), Chief Justice of Lower Canada. (See 1818 property survey identifying "the Chief Justices farm" and receipts to Sewell.) Early landholders included the widow of Guillaume Couilliart, Pierre Sicatreau, "Louis Blanchard dit Danse à l'Ombre" and members of the Dorion family
Most documents are in French
- b. 5 f. 12 1665-1799
- b. 5 f. 13 1800-1841

John Hodgson and Percy A.S. Hickey papers 1840-approximately 1912
- b. 6 f. 1 Charles Webber Smith estate 1840-1902, undated
Notes by William Smith III for his heirs, letters to Charles Webber Smith regarding his father's estate, and loose memoranda; family and business correspondence regarding New York lands; genealogical materials; and receipts settling accounts of Reverend Mackie
- b. 6 f. 2 Recollections of Henrietta Maria Steuart Hickey approximately 1865 (15 pages)
The author (1792-1878), identified from details within, was the grandmother of Percy A.S. Hickey. She was born at Steuart's Lodge, County Carlow, Ireland and married Reverend William A. Hickey in 1813
The document is a genealogy of her father's family with recollections of her family's experiences during the Rebellion of 1798
- b. 6 f. 3 Thomas Jefferson letterbook dated 1780 approximately 1912 (Typescript copy)
Copy of Thomas Jefferson letters as Governor of Virginia, 1780 July 27-September 13; also, letter from William Pryor [i.e. Tryon] to Lord Dartmouth, 1775 August 7; letter from Brigadier General Richard Montgomery to Major General Carleton, [1775 December 7]
The original manuscript was donated to the British Library in 1912 by Percy A.S. Hickey (Letters relating to North America, 1775, 1780 in MS 38650 A-N Miscellaneous). A note states that the manuscript was taken at Richmond, Virginia by Brigadier General Arnold
- b. 6 f. 4 Miscellaneous documents 1788-1804
- b. 6 f. 5 Printed matter 1767-1844