

## REVIEW ESSAY

THE 19TH CENTURY ANTI-RENT CONTROVERSY  
IN NEW YORK STATE: TWO RECENT WORKS

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I used to get rich through the poor toiling tenants,  
 And I spent all their earnings in pleasures satanic,  
 But now I confess I'm in a great panic,  
 Because I can get no more rent!<sup>1</sup>

In July 1844, in Rensselaer County in eastern New York State, Deputy Sheriff Jacob Lewis was dragged from his bed at midnight by an angry gang, its members disguised as "Indians."<sup>2</sup> A day earlier Lewis's home had been ransacked and his papers burned. On this night he was tarred and feathered and then forced to run around the town pump and up and down the streets "for the amusement of his persecutors."<sup>3</sup>

This was just one event that occurred in eastern New York State during the anti-rent rebellion period (roughly from 1839 to 1865). Over the years thousands of tenants holding farmland under an unusual form of tenure engaged in a mass rent strike, lobbied persistently for remedial legislation, gave birth to a new (though short-lived) political party, battled landlords in the courts and engaged in guerilla tactics to thwart the execution of legal process. Offers and counter-offers were fielded by the two sides in an effort to settle the dispute. The goal of the movement was to extinguish the existing tenures and allow the farmers to acquire conventional fee simple titles to their properties. Three men were killed in the course of the struggle (including a deputy sheriff); dozens of farmers were charged with criminal offences; some were sent to prison; and two came perilously close to the gallows. The prevailing order was ultimately undone, but at great cost.

These events are legendary in the counties in which they transpired about 150 years ago but are less well known elsewhere. Two recent books devoted to the subject<sup>4</sup> recount this intriguing tale: Charles McCurdy's *The Anti-Rent Era in New York Law and Politics*,

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<sup>1</sup> "The Landlord's Lament" (sung to the tune of "Oh, Dear, What Can the Matter Be?"), reproduced in H. Christman, *Tin Horns and Calico: An Episode in the Emergence of American Democracy* (New York: Collier, 1945) at 335; reissued in 1975 as *Tin Horns and Calico: A Decisive Episode in the Emergence of Democracy* (Cornwallville, N.Y.: Hope Farm Press, 1975).

<sup>2</sup> See *infra* note 17.

<sup>3</sup> McCurdy, *infra* note 5 at 153; Christman, *supra* note 1 at 104.

<sup>4</sup> Earlier works on the subject are cited in Huston, *infra*, note 6 at 232, n. 5. For a breezy account, see J.E. Persico, "Feudal Lords on Yankee Soil" (1974) 25(6) *American Heritage* 14.

1839-1865<sup>5</sup> and Reeve Huston's *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York*.<sup>6</sup>

The story begins with the period of Dutch rule over this region of New York State, which lasted until the conquest of New Netherland in 1664. In 1629 a vast estate was granted to Kiliaen Van Rensselaer. The Manor of Rensselaerwyck, as it came to be called, consisted of somewhere between 725,000 and 750,000 acres of farmland and old-growth forest. It was a fiefdom on the Hudson River, not figuratively speaking, but literally; and Van Rensselaer was its first "patroon" or lord.

In the decades that followed, mainly in the aftermath of the Revolutionary War, much of the arable land was parcelled out, typically under the following terms: the rent consisted of an annual levy of ten or so mill-ready bushels of wheat for every one hundred acres. Mines and minerals and mill sites were reserved to the patroon, together with a right of access. The contracts also reserved the right to erect mills, flood pastures and fields, and lay down roads on the demised lands without compensation to the tenant. The head of the farmstead was required to provide one day's labour with horse and wagon and "four fat fowl" each year. In practice, however, these services were usually commuted into other forms of payment. All state and local taxes were to be paid by the grantee. On the sale of the tenant's interest the landlord was to be paid one-quarter of the sale price (termed a quarter sale) or in some cases the equivalent of the yearly rent. Among the remedies for breach provided for in the deeds was the right to re-enter and hence reclaim the property, including the right to any improvements annexed to the land. The arrangements were enduring; the leases were perpetual.

Many similar estates were created, even after the establishment of English rule. (Indeed, an English patent was issued for Rensselaerwyck in 1685.) Each was populated by farmers holding under terms comparable to those described above. There were many variations on this tenurial theme; in some instances, instead of perpetual leases, one found leases for life or lives. Some grants called for the payment of a different portion (such as one-sixth, one-tenth, and so forth) of the sale price. In time this region, covering about two million acres, became embroiled in the anti-rent rebellion.

The grants were regarded in law as "leases in fee." A common lawyer is apt to think that such an entitlement is an impossibility; an oxymoron. Leases and freeholds are mutually exclusive categories. If the grants were in substance a lease then a problem emerges: It is axiomatic that at common law a perpetual lease cannot be created, for a lease must be for a term certain. In contrast, one of the hallmarks of a freehold estate is that its duration is uncertain. However, if the interests were freeholds, different issues surface. The grants appear to create a subinfeudation, a form of tenurial arrangement abolished in England in 1290 under the statute *Quia Emptores*.<sup>7</sup> The rents, coupled with

<sup>5</sup> C.W. McCurdy, *The Anti-Rent Era in New York Law and Politics, 1839-1865* (Chapel Hill: University of North Carolina Press, 2001) 408 pp.

<sup>6</sup> R. Huston, *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York* (New York: Oxford University Press, 2000) 304 pp. [hereinafter *Land and Freedom*].

<sup>7</sup> *Quia Emptores Terrarum*, 1290 (U.K.), 18 Edw. I, c. 3.

a right of re-entry on breach, posed additional concerns. Yet, despite these and other question marks, the lease in fee withstood a legal challenge in 1820.<sup>8</sup> And although later rulings questioned its validity, by the end of the rent-strike period it was treated as a settled feature of New York real property law.<sup>9</sup>

As early as the mid-eighteenth century, tenant uprisings occurred in the region. However, the most severe, widespread, and enduring insurgency began in the Manor of Rensselaerwyck in 1839. Economic hard times spawned the agitation. Under the patroonship of Stephen Van Rensselaer III, arrears in rent had been allowed to accumulate. The bottom had fallen out of the market for wheat following the so-called panic of 1819, and the patroon's strategy became to exact whatever payments he could from the farmers in his manor. By the time of Van Rensselaer's death in 1839, the economic climate had not appreciably improved. His will did not provide for the forgiving of the arrears as some tenants had hoped. Rather it declared that the arrears, which amounted to approximately \$400,000 as of 1839, should be collected to pay off the decedent's debts (calculated to be either just over \$300,000 or as much as \$400,000).

The move to enforce the payment of rents and arrears with greater vigour transformed the pre-existing pattern of individual tenant recalcitrance into a crusade of collective resistance. The issuance of the "Anti-Renters' Declaration of Independence" on July 4, 1839, marked an important milestone in this transformation. Brewing anger produced a minor uprising known as the Helderberg War later that year. The anti-rent era had begun.

The tenants complained that these feudal enclaves, run under the archaic and oppressive regimes encoded in the leases in fee, were anti-republican. They amounted to no less than voluntary slavery. The inability of the farmers to secure ownership of their lands deprived them of the incentive to develop the land. The quarter sales (and other such fines) undercut the marketability of the property. Terms, such as those that allowed the landlords to take the benefit of improvements on the land, grated against the labour theory of value. The landowners did not stand mute in the face of these complaints. They argued that to undo the status quo, that is, to dismantle the manors, would undermine their vested property rights. Whose title would then be safe? Moreover, the initial tenants had freely accepted the terms. Those who had acquired their interest thereafter had likewise done so with their eyes open. Deals had been struck; if any of the contracts had somehow been coerced or were otherwise invalid (an accusation commonly made), such complaints could be advanced in a court of law.

Throughout the period, there was considerable sympathy for the anti-rent cause. Factions within both the Whigs and (with less enthusiasm) the Democrats, New York's two dominant political parties of the time, adopted the rhetoric of reform at advantageous times. There were many tenant families, and in closely fought state elections their votes mattered.<sup>10</sup> The measures that were proposed were of course filtered through their

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<sup>8</sup> *Jackson ex dem. Lewis & Wife v. Shutz*, 18 Johns. 174 (N.Y. Sup. Ct. 1820) discussed in McCurdy, *supra* note 5 at 25ff.

<sup>9</sup> See McCurdy, *supra* note 5 at 306ff.

<sup>10</sup> Huston, *supra* note 6 at 133-34.

different political ideologies and electoral strategies. There were many opposed to legislative reform, and strongly so. The “Indian” activities eroded the tenants’ moral high-ground in the eyes of some, especially when the resistance led to bloodshed. However, on the whole, popular support seemed to be tilted in favour of the tenants. Even so, effecting a solution to quell the commotion in the manors that was both politically and constitutionally feasible was no easy task.

Although there were a host of attempts to settle the dispute, finding a suitable compromise proved difficult. The rent strike was intended to exert collective economic pressure. The boycott was complemented by the repeated acts of “Indian” resistance (à la the Boston Tea Party), which were mainly defensive ploys aimed at preventing the authorities from levying distress against defaulting tenants. All the while the question of the disturbances in the manors was a political hot potato. Between 1839 and 1865 a long list of select committees, commissions, and other bodies were called upon to deal with the question. Various reform measures were proposed in the state legislature. Many never became law, and those that did were not able to appease the tenants or resolve the controversy. It is remarkable just how many strategies were adopted and solutions attempted. Five main approaches emerged:

1) *Use of the eminent domain power*: Under this type of proposal the lands would be expropriated by the state on the payment of due compensation to the landlords. The tenants would, in effect, be placed in a position to purchase the lands.

2) *Devise and descent legislation*: Along similar lines, it was suggested that the manors be phased out by allowing tenants to buy their farms on the death of the current landlord. These transactions would be accomplished by converting the perpetual rents and other entitlements into a finite mortgage obligation.

3) *Assaults on the landlord’s economic well-being*: Indirect attacks on the legal protections enjoyed by landlords were also tried. Over the years measures were proposed or enacted to abolish or limit the right of landlords to levy distress or to sue for ejectment. A tax on ground rents was also introduced. Even though the tenants were typically required under covenant to pay all taxes owing on the land, it was reasoned that actually obtaining indemnification from the tenants would be difficult. The success of the rent strike showed that enforcing the existing obligations was hard enough. Constricting legal remedies or adding tax burdens might well convince the landlords to move out and relocate their investments.

4) *Title-test litigation*: Apparent irregularities in the chain of title to some of the manorial lands, including that of Rensselaerwyck, came to light and soon became notorious in the manors. This led to proposals that would require the estate owners to prove their entitlement to the lands before being able to seek legal redress. (At common law a tenant is estopped from denying the landlord’s title.) Later, litigation ensued in which titles were challenged — unsuccessfully.

5) *Challenges to the terms of the grants*: It was also contended that the terms of the grants contravened New York law. It was argued, for example, that the exaction of rents

in the grant of a fee simple estate contravened *Quia Emptores*. (Whether that statute formed part of New York law was at issue.) Moreover, it was held that the quarter-sale provisions constituted invalid restraints on alienation. (A slightly different complaint was that some of the provisions contravened the rule against perpetuities. This point was considered in an 1840 report, but apparently received little attention in subsequent litigation.<sup>11</sup>)

The anti-rent movement enjoyed political support. There were a number of seemingly viable political/legal solutions. Cast aside the tropes uttered about the sanctity of contract and property, and it was apparent that few were prepared to defend the manors as an appropriate form of social or economic organization. Moreover, the landowners were well aware of all of this. If acceptable terms could be agreed upon they were ready to abandon the manorial system. Yet it endured for quite some time; how could that be so?

The legal challenges, both to the titles and to the covenants and conditions, ultimately failed. The existing law supported both the peculiar tenures found in the manors and the titles of the landowners. In addition, constitutional limitations served to constrain both judicial and political action. Two constitutional provisions play key roles in the drama, casting a long shadow over the debates, hemming in the political actors, and limiting the array of options.

The “Contract Clause” of the Constitution of the United States protects against measures designed to alter existing rights under contracts.<sup>12</sup> In other words, retrospective legislation that would simply abolish the lease in fee was out of the question on this ground. Attempts to alter contract *remedies* as opposed to *rights* were permissible; thus in the anti-rent controversy a good deal of analysis revolved around reforms that were supposed to fall on the constitutionally valid side of this murky gradient.

The other imposing constitutional restriction is that placed on the exercise of the eminent domain power. Under New York’s Constitution, “private property shall not be taken for public use without just compensation.” Direct expropriation of the manors by New York was arguably possible but prohibitively expensive. Even in the best of economic times — which this period was not — such an expensive buyout would still have been impractical. So the question was whether using the power to enable tenants to acquire conventional freehold titles counts as a taking for “public use,” as required by the state’s Constitution. A report published in 1840 thought it would be permissible to invoke eminent domain in this way, but the tide of the case law turned against this generous reading of the protection a few years later. A constitutional convention in 1846 might have resulted in a revision of the state’s taking power, enough to allow a dismantling of the manors through eminent domain, but the reform that was eventually introduced, being prospective only, was of no avail to the existing and long-suffering tenants. Its impact was largely symbolic. The effect of these constitutional impediments serves to illuminate the perils of entrenching property rights, and the capacity of such guarantees to forestall

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<sup>11</sup> See further R. Megarry & W. Wade, *The Law of Real Property*, 6th ed. by C. Harpum *et al.* (London: Sweet & Maxwell, 2000) at 355.

<sup>12</sup> U.S. Constitution, art. I, § 10, cl. 1.

progressive action undertaken in the name of equality. There is surely a lesson here for Canada.

Arguably, however, the political constraints were more even significant barriers to change.<sup>13</sup> One feature of the complex political terrain of New York politics was that both major parties vied for the political cachet that would be gained by those who solved the controversy. Therefore, although support of the anti-renters cut across party lines, bipartisanship was impeded. Factional disputes within the parties also hampered legislative action. Furthermore the anti-renters were not a univocal group; there were different aspirations among the aggrieved farmers.

The anti-rent movement evanesced after tenants lost a spate of court cases. Nevertheless, the manors did eventually vanish too. Many of the proprietors, weary after years of conflict, sold off their estates. Even prior to the Helderberg War, conventional freehold titles had been acquired in some manors. The process of conversion accelerated as the 1840s drew to a close. And some farmers simply left, many moving westward in search of cheaper freeholds.

The McCurdy and Huston books share a number of common features. Both are masterful, well-written treatments of this fascinating moment of intense class confrontation. They are meticulously researched scholarly endeavours. The two monographs strive to explore the interrelationship between popular protest and party politics, and to place the local events of the anti-rent period into broader social and political contexts.

Yet for all of these similarities, these works are nevertheless quite different from each other. The distinctions arise in part from the complexity of their subject and the difficulties that attend historical research. Hard choices must always be made when the available material is abundant and the scope of the inquiry is broad. No two approaches will be identical, and the two versions being reviewed demonstrate the intrinsic subjectivity in the practices of writing history. One of the ways that this is manifested is in the different tasks that these two authors set for themselves.<sup>14</sup>

Charles McCurdy, who is a professor of law and history at the University of Virginia, provides a multi-faceted study of the anti-rent era. His goal is to try to solve the puzzle of how the anachronistic manor system could have survived in so hostile a setting as post-Revolutionary New York State. His presentation is faithful to the chronological ordering of the many twists and turns that occurred throughout the period. McCurdy provides an account of the development of the manors, the emergence of the anti-rent cause, and significant episodes of popular protest. He also focuses on the political events as they appeared from the upper echelons of New York State politics and, in particular, the ways

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<sup>13</sup> McCurdy, *supra* note 5 at 333.

<sup>14</sup> The books were published within a few months of each other. McCurdy reviewed the Huston manuscript prior to its publication (Huston, *supra* note 6 at viii) and Huston refers to McCurdy's study on occasion (under the original title, *Fettered Democracy: The Anti-Rent Era in New York Law and Politics, 1840-1865*).

in which the manor issue was dealt with by the four governors who were called upon to grapple with anti-rent protest. Within the fabric of his presentation are stitched such matters as the annexation of Texas and the slavery question. He shows persuasively how these events affected the course of the anti-rent controversy.

The style of presentation is direct yet artistic. It is both thoughtful and accessible. Despite the many leading and cameo roles, significant incidents, and legal machinations, the story has a forward motion that compels the reader. The monograph has something of a feel of a suspense novel, aided by the use of foreshadowing.

The attention paid by McCurdy to the law of the anti-rent struggle is the most valuable element of this splendid work. It is the principal feature that sets it apart from Huston's study (and for that matter Henry Christman's *Tin Horns and Calico*,<sup>15</sup> hitherto the most extensive published work on this subject). The anti-rent movement was shaped by a peculiar legal relationship; it was a crusade for legal change; and it was marked by a litany of court cases, reform proposals, and legislative measures. Constitutional Leviathans loomed and criminal conduct was common. In short, the events of this era occurred in the shadow of the law. Accordingly, McCurdy's detailed, clear, and measured analysis of the legal dimensions is extremely valuable. It demonstrates the explanatory potency of legal materials and the ways that such artifacts can inform our understanding of history. What is more, the examination of the play between law and politics creates a narrative framework that gives meaning and shape to the events unfolding on the ground. It enhances the telling of the story.

Reeve Huston, who teaches history at the University of Arizona, provides an elegant and engaging, though more concise, treatment. Derived from his doctoral thesis, *Land and Freedom* won the 1999 Dixon Ryan Manuscript Prize of the New York State Historical Society. Huston's goals are to examine how the anti-rent era led to the integration of the farmers of eastern New York into the developing capitalist order and how it transformed politics in the state, and consequentially at the federal level. The slow death of the manor system allowed for a form of capitalism to take root. The struggle that ensued during the period gave rise to a new political order. Among other things, it facilitated the demise of one party (the Whigs) and helped in the formation of another (the Republicans). Huston sets out to explore agrarian political practices and how they influenced — and were influenced by — existing political institutions. He also examines farmer ideologies, especially those concerning the interrelationship between conceptions of property and freedom.

This account is less tethered to the chronology. One could not hope to understand the unfolding of events solely through a reading of *Land and Freedom*. Nor does Huston provide a detailed analysis of the legal elements of the conflict. While the book is devoted

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<sup>15</sup> *Supra* note 1. See also D.M. Ellis, *Landlords and Farmers in the Hudson-Mohawk Region, 1790-1850* (Ithaca, N.Y.: Cornell University Press, 1946) c. 7 & 8. Ellis doubts the accuracy of the Christman account at 266 n.1.

to a study of the politics of anti-rentism, the focus is not on officialdom; rather attention is paid to those lower down on the political food chain.<sup>16</sup>

This may seem to suggest that *Land and Freedom* provides a less sustaining diet than that offered by McCurdy. In fact, these books are complementary. The events chronicled here are complex; they are amenable to analyses on a number of levels. Indeed there are a host of issues that are taken up by Reeve Huston that are not addressed, or at least not in detail, by Charles McCurdy. Professor Huston begins his examination in 1785. Drawing back some fifty years before the critical events of 1839 allows for a description of the landscape of New York politics and life under the first patroons. The circumstances of the farmers who first accepted the terms that were later regarded as so oppressive provides a key feature of the backdrop to the rebellion. Huston describes how the political climate on the manors changed over time. Before the 1820s landowners ran for elected office and they could generally count on their tenants for support. In due course this pattern of deference was transformed into a posture of insolence.

McCurdy's version tells us little of the ways in which the *landowners* sought to affect political outcomes. Instead attention is fixed on the tenants. Huston explores that aspect, describing among other things the work of the Freeholder's Committee of Safety, their lobbyist, Duncan Pell, and the role played by the well-known American writer James Fenimore Cooper, who advocated in support of the landlords' position. The place of women in the movement is addressed by Huston but not McCurdy. The conflict that flared up over use of the manor commons is explained, as is the interrelationship between the anti-rent rebellion and the movement for federal homesteading legislation. Huston provides a number of images — portraits, landscapes, maps, and a photograph of anti-rent "Indians" (they did not look like what you might think<sup>17</sup>). All in all, in reading *Land and Freedom* we learn far more about what life must have been like on the farms, the hopes and dreams of those who lived there, their homes, how and what they farmed, and the politics of family life (households were resolutely patriarchal).

Both authors claim that the New York uprising was the most significant such protest in American history. This is easy to accept, although neither book provides an account, even a summary one, of the other critical moments of local popular conflict in America.<sup>18</sup> Some events in Canadian history invite comparisons. For instance, the oppressive tenurial obligations that the New York tenants so detested resemble those in place under the seigneurial system in Quebec. The plight of tenants figured, in some

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<sup>16</sup> The rationale of this approach, and the scholarly influences that helped to shape it, are outlined in Huston, *supra* note 6 at 3ff. See also pages 233-35, nn. 12-15.

<sup>17</sup> Among other things, they usually wore masks made of leather or glazed muslin. See further Huston, *supra* note 6 at 116ff. The group photograph of "Indians" (*circa* the 1870s or 1880s) found on page 119 is thought to have been taken at a reunion or re-enactment.

<sup>18</sup> See further R.M. Brown, "Back Country Rebellions and the Homestead Ethic in America, 1740-1799" in R.M. Brown & D.E. Fehrenbacher, eds., *Tradition, Conflict, and Modernization: Perspectives on the American Revolution* (New York: Academic Press, 1977) 73; A.F. Young, *The American Revolution: Explorations in the History of American Radicalism* (DeKalb: Northern Illinois University Press, 1976). See also the references cited in Huston, *supra* note 6 at 233, n. 9.



measure, in the rebellions in Upper Canada (1837) and Lower Canada (1837-38).<sup>19</sup> However, to my mind, the most striking comparison to be drawn is that between the events in New York and the contemporaneous crusade in Prince Edward Island known as the Escheat Movement.<sup>20</sup>

The problems in PEI arose from massive land grants made to a small elite; most of the titles had been conferred on a single day in 1767. As in New York, there was a concentration of vast tracts in the hands of a very few; in both instances, the plan was to establish a landed aristocracy who would populate their estates with tenant-farmers. As in the Empire State, it was argued in PEI that the current order was anti-republican; it thwarted the creation of an egalitarian society comprised of independent freeholders.<sup>21</sup> While the leases on PEI were not as peculiar as those found in New York, nonetheless the terms were not favourable to the tenants.

The strategy adopted on the Island was far less militant. There were no rent strikes; no violence or loss of life occurred. The approach taken was to focus on the legal failings of the landlords. The original patents conferred fee simple estates that were conditioned on the lands being settled in a prescribed fashion within ten years. The tack adopted by the tenants was to seek to have the lands escheat to the Crown on the ground that these conditions had, in many instances, not been met. Much of the Island had remained undeveloped. Some of the properties had been sold to speculators.<sup>22</sup>

An Escheat Party was formed to advance this argument, and it was able to win a majority in the legislative assembly in 1838. But the movement failed to secure the sought-after escheats. Unlike the situation in New York, the landlords of Prince Edward Island were able to exert unrivalled political influence. They did so where it mattered most — before the Colonial Office in Westminster. Yet the escheat controversy did set the stage for legislation in 1875 designed to limit drastically the size of individual holdings in PEI. The legislation, applying to existing titles, was a form of taking that would not likely have been possible under the constitutional protection extant in New York.

Two other features of the manor rebellion resonate with other events. One concerns the use of Indian garb. This double appropriation (drawing on images of both the Revolution and Aboriginal peoples) is found elsewhere in American history.<sup>23</sup> The defiant action of

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<sup>19</sup> One prominent member of the anti-rent movement, Dr. Smith Boughton (a.k.a. "Big Thunder"), participated in the Lower Canada rebellion: Christman, *supra* note 1 at 67; Huston, *supra* note 6 at 101. Another anti-renter, the journalist Thomas Ainge Devyr, had written in support of "the Canadian Patriots' War": Christman, *ibid.* at 69.

<sup>20</sup> See further R. Bitterman & M. McCallum, "When Property Rights Become Public Wrongs: Property and the State in Prince Edward Island in the 1830s" (Property Rights in the Colonial Imagination and Experience: A Colloquium in Comparative Legal History, Victoria B.C., February 2001) a copy of which is on file at the *Alberta Law Review*.

<sup>21</sup> *Ibid.* at 3.

<sup>22</sup> The grants in New York contained similar conditions: McCurdy, *supra* note 5 at 4, 301.

<sup>23</sup> See A. Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: University of North Carolina Press, 1990) c. 7, *passim*. See also Huston, *supra* note 6 at 121ff.

tarring and feathering law enforcement officers was a form of public shaming. As E.P. Thompson shows, this kind of “rough music” or “charivari” was once common in England and on the continent.<sup>24</sup>

The reliance on not-so-rough music is the second aspect of New York anti-rent movement that connects with other sites of collective action. A number of songs were written during the period that were designed to promote solidarity and to spread the anti-rent message. The most well-known of these, “The End of Bill Snyder” tells of the humiliation of a deputy sheriff who attempted to serve legal process on a farmer.<sup>25</sup> These songs are reminiscent of the many ballads written to celebrate the murder of Lord Leitrim in County Leitrim, Ireland in 1878. Lore has it that this reviled landlord was “assassinated” by two of his tenants.<sup>26</sup> (A monument now stands at the place of the killing in honour of the tenants.) *We Won't Move!*, an anthology of “Songs of the Tenants' Movement” released on Folkways in 1983, contains mostly songs of landlord-tenant conflict in a contemporary urban setting.<sup>27</sup> The Coup's hip hop offering entitled “Kill My Landlord”<sup>28</sup> provides evidence that this is a living tradition.

In summary, we are fortunate that there are now two excellent treatments of the New York anti-rent era. They provide vantage points from which to see beyond this specific instance of class revolt to other critical moments, past and present. Many of the themes to be found at the bottom of the anti-rent disturbances — such as those concerning property law and its role in the formation of social relations — transcend time and place. They are, viewed in one way, illuminating studies of the values embedded in the idea of private ownership and how the element of power that is inherent in property rights is manifested in the operation of legal, political, and social institutions.

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<sup>24</sup> E.P. Thompson, *Customs and Common* (London: Merlin Press, 1991) c. 8, *passim*. See also Huston, *supra* note 6 at 118, who notes that “skimeton” was the term in use in the leasehold district for such practices. It has also been called “skimington.”

<sup>25</sup> The lyrics of this song can be found in McCurdy, *supra* note 5 at 73. Over a dozen songs and ballads from the anti-rent rebellion are reprinted in Christman, *supra* note 1 at 331 ff.

<sup>26</sup> D.K. Wilgus & E.R. Long-Wilgus, “On the Banks of Mulroy Bay: Stories and Songs About William Sydney Clements, the Third Earl of Leitrim” (1995) [unpublished, archived at Memorial University of Newfoundland Library].

<sup>27</sup> *We Won't Move! Songs of the Tenants' Movement* (Folkways Records, FS 5287, 1983).

<sup>28</sup> The Coup, “Kill My Landlord” in *Kill My Landlord* (Wild Pitch, 1993).