

# I

## *Progenitors & Early Life*

**R**ICHARD VARICK'S DUTCH ANCESTOR, **Jan** (d. 1736), arrived in New Amsterdam in the mid-seventeenth century. He and all of his progeny became members of the Dutch Reformed Church (DRC), whose records are a wonderful source of all pertinent family data.<sup>1</sup> The Varicks soon found themselves immersed in interesting times in the city's history. Russell Shorto provides a thorough depiction of life in early Dutch New York.<sup>2</sup> The city became nominally English after the Anglo-Dutch treaty of 1664, in which England exchanged Surinam for the extensive Dutch holdings in the middle-Atlantic seacoast area. New Amsterdam became New York as Englishmen replaced Dutchmen as governors. The Varicks peacefully accepted their new colonial status under their titular English leaders as did the majority of the Dutch populace in New York City.<sup>3</sup> It was business as usual.

By the early eighteenth century, however, the city had become crowded; land was expensive and not easily farmed. Seeking a better living, Varick's grandfather, **Abraham 2 (Jan 1)** (1690–1760?), at age twenty-one moved with his parents to nearby Hackensack, New Jersey in 1711 to join a thriving local community

that was enjoying rich agricultural rewards from its well-watered farmland.<sup>4</sup> Seven years later, he married **Anna Bertholf** in Hackensack.<sup>5</sup>

Anna was from an eminent Dutch-American family. Her father, **Guilliam Bertholf**, as a young man had been recognized by the Hackensack and Passaic Dutch communities as a person with great promise: they chose him to become their permanent pastor. Of course, he needed the appropriate theological training required for ordination. Howard Hageman summarizes Bertholf's remarkable career.<sup>6</sup> Originally serving as a community *voorSeher* (teacher), Bertholf was sent back to Holland in 1693 to achieve full proficiency in the rituals and procedures of the Dutch Reformed Church. On his return, he was called upon to run and serve the worship needs of the growing number of DRC parishes both in New Jersey and New York. It was a time when many churches could only occasionally have a *dominie* actually present; upheavals fomented by Jacob Leisler (1649–1691), a military officer, adventurer, opportunist, and member of the lower classes in New York City, had faded.<sup>7</sup> (Under Leisler, an anti-elite and unruly mob had overthrown the feeble government by force, seized the fort, and controlled the city until a new English commander restored order.) Bertholf's sermons preached Pietism to multiple groups of parishioners, and it is possible that Bertholf was a strong influence on his grandson Richard Varick's lifelong dedication to Christian ethics and knowledge.<sup>8</sup>

Abraham and Anna Varick became wealthy, socially prominent, and politically active in Hackensack. Their second son was **Johannes (John in the English version) (John 3, Jan 1, Abraham 2)**, who was born in 1723, lived out his entire life in Hackensack, and died there on November 7, 1809, at the age of eighty-six.

## THE JOHN AND JANE VARICK FAMILY

John Varick continued his family's prosperous agricultural and other business activities, and married **Jane Dey**, a young widow, in the Hackensack DRC in June of 1749.<sup>1</sup> Jane was a daughter of the Dutch-American Deys, prosperous landholders and merchants in both New York City and Hackensack, where they built their mansion (now a New Jersey state monument). The Deys achieved such political and social prominence in Hackensack that they participated in the governance of colonial New Jersey in the mid-1700s.<sup>2</sup> Jane Dey Varick outlived her husband of some sixty years by only a short while and was buried alongside him in Hackensack.

**Richard (Richard 4, Jan 1, Abraham 2, John 3)**, born in 1753, twenty-three years before the start of the Revolutionary War, was John and Jane Varick's second son.<sup>3</sup>

Next came **John**, who played a minor role in events of the Revolutionary War and subsequently built a successful practice of medicine in New York City, only to succumb to yellow fever in a major epidemic during the 1790s.

One of Richard Varick's sisters, **Maria** (1771–1809), married Gerrit Gilbert (1769–1809) in Hackensack in April, 1794.<sup>4</sup> Gerrit's father was William W. Gilbert (1746–1832), a Patriot officer in the war who went on to a distinguished career as a silversmith and entrepreneur in New York City, in addition to being a civic leader.<sup>5</sup> By her marriage to Gerrit Gilbert, Maria established a strong connection between the Varicks, Deys, and Gilberts, all prominent Dutch-Anglo families in eighteenth-century New York City. The three families also physically connected at one point in the late eighteenth century via adjacent real estate parcels on John Street in

Manhattan. This author is descended from the Dey–Gilbert–Varick union.

## RICHARD VARICK'S EARLY EDUCATION AND LEGAL CAREER

Little is known of Richard Varick's childhood in this upper-middle-class family in Hackensack. Typical for the times, he was raised and educated at home with the assistance of the local Dutch Reformed Church, which was still conducting its business in Dutch. Besides learning English and Dutch, Richard had a private tutor, Alexander Leslie, who taught him Latin and French (Leslie also taught at King's College), but he seems not to have attended any formal school or college. Richard felt such a strong bond of appreciation for his tutor that he inserted a five pounds legacy for him in his first will, dated August 25, 1775.<sup>1</sup> In it Leslie is identified as a "Latin teacher" and president of The Literary Society of New York City.

Why Richard was attracted to the study of law can only be guessed at, as none of his immediate family or their ramifications were lawyers. It is plausible to assume that a bright boy respected the legal profession in general, and the erudition of lawyers he came into contact with, in a world where few were well educated. Also, he could hardly have failed to note the high status in the community that lawyers achieved. He made an astute decision to start his legal career as a law clerk, or legal apprentice, in the active and important Manhattan law office of John Morin Scott (1730–1784). Starting in the autumn of 1771 at the age of eighteen, Varick quickly distinguished himself. The job was highly detailed and time-consuming. Many hours were spent writing out, in longhand, the specifics of

## A FORGOTTEN FOUNDING FATHER

each case. Not only did he perform his duties as a law clerk well, but he applied himself assiduously to the study of the law itself. He was surely guided by his employer, who one can readily assume steered him into the standard legal education channels.

From Paul Hamlin's detailed study of legal education in the pre-Revolutionary War period in the colonies, one can envision the pathway Varick followed.<sup>2</sup> The colonial lawyer was expected to master several legal authorities. All three volumes of Sir William Blackstone's *Commentaries on the Laws of England* were considered essential.<sup>3</sup> Other generally recommended legal authorities were Coke, Finch, and Hale. It is hardly surprising that these scholarly pathways were the same ones followed by British law students.<sup>4</sup> Accordingly, the new, native-born colonial lawyers were largely self-taught in the academic aspects of the law.

As his legal talent became evident, Varick was assigned ever-greater legal responsibilities by the busy J.M. Scott. Some data have survived regarding these early years. One early surviving document, possibly the earliest, was a handwritten plea to the Supreme Court, submitted in October 1772.<sup>5</sup> Another document regarding his legal education era was a personal anecdote written only a few years later by fellow law student and roommate Nicholas Fish.<sup>6</sup> Fish had become a major in the Continental Army at the time, and gave him a favorable character reference. He described his behavior as "regular, uniform and proper and his work indefatigable and unremitting...by a man of virtue, probity and integrity."<sup>7</sup>

When Scott believed that the time was right, he sponsored Richard as his candidate for admission to the local bar, attesting to his legal knowledge and skills. The bar was then an informal assembly of established lawyers; they were not always ready to accept newcomers who would likely become competitors. But in

## RICHARD VARICK

the early 1770s there were only about thirty lawyers in a city of just over twenty thousand persons, leaving plenty of room.<sup>8</sup>

Richard's arguments in Scott's cases plus his demonstrated book knowledge of the law easily led to his formal admission, in 1774, to the practice of New York law. The actual document admitting him to the New York bar, which is signed by the provincial governor, Cadwallader Colden, is in the New-York Historical Society (NYHS). Evidently the skills of his star pupil had so impressed Scott that he immediately offered him the opportunity to form a Scott-Varick partnership in the practice of law. Varick happily accepted. It was distinctly unusual for lawyers to aggregate in partnerships in those times; they much preferred to practice law as individuals. But Scott found the services of Varick to be so useful in dealing with his huge law business that bringing him into the office as a partner made good economic sense. Over the next eight months, Varick became fully occupied, almost entirely on behalf of his partner in his voluminous correspondence. Scott was amongst the busiest and most successful New York lawyers of the pre-war times until the actual outbreak of the Revolutionary War in 1775, which completely disrupted the established procedures in the practice of law in New York City. The partnership broke up after some eight months, but Scott remained Varick's lifelong friend, ally, and supporter.

## MORE ABOUT JOHN MORIN SCOTT

An ardent Patriot and a fiery orator in the cause of Independence, John Morin Scott had shown his determination as early as 1765 by his strong protests against the Stamp Act. This act was very unpopular; it was imposed from London without

## A FORGOTTEN FOUNDING FATHER

any prior warning or input from the colonies, and required the colonials to purchase a government stamp to be affixed to all sorts of documents and other items, even playing cards, or else they would be subject to a fine. A money-raising scheme, it was intended to help England defray the costs of protecting the American colonies. England had already borne major financial burdens in the American component of the Seven Years' War, known as the French and Indian Wars on this side of the Atlantic, without receiving any financial assistance in return from the colonies.<sup>1</sup> Even when peace prevailed in the colonies, there were continuing costs associated with the maintenance of a small British garrison. As the Indian population was still quite unpredictable, the possibility of uprisings leading to costly countermeasures was paramount in the thoughts of the London government.

The Stamp Tax, both its enactment and its probable enforcement, aroused heated protests all over the colonies. It was late in October 1765 in New York City that the huge anti-Stamp Tax demonstration took place. More than a thousand angry persons gathered in the large public area immediately outside the fort located near the Battery. The crowd was aroused by the arrival of the ship *Edward*, which bore the hated stamps and anchored just off shore. At the same time, the city hosted the convocation of a self-appointed body, unauthorized by the Crown and calling itself the Stamp Act Congress.<sup>2</sup> The twenty-seven popularly chosen delegates that made up the Stamp Act Congress protested vehemently, and on October 28, 1765, created the Sons of Liberty, led by Alexander McDougall (1732–1786), John Morin Scott, and Isaac Sears, who were intent on blocking any stamps that the Crown tried to land. After this initial outburst, the Sons of Liberty continued to pressure the government in New York City over the

next few months.<sup>3</sup> Thus, even after the repeal of the Stamp Tax in March of 1766, they maintained their opposition to the Crown.

This opposition lasted for the next ten years, with Scott coming to the front as a skillful orator and one of the most effective leaders.<sup>4</sup> The scope of the group's protests went far beyond the monetary costs and inconveniences of the stamps. Much more important to many was the affront by a distant Parliament of forcing such a tax on unwilling subjects without warning. As there was no direct colonial representation in Parliament, only a few voices there were raised on behalf of them and their interests, and the government of then-Prime Minister George Grenville could essentially enact whatever it wanted. In blocking the implementation of the Stamp Tax, the colonists passionately asserted their right to be heard regarding their own taxation.

Scott took an especially vehement—and quite radical—position in opposition to the Stamp Act. Included in his strongly worded personal condemnation was a hint of a future declaration of formal independence for the colonies. He argued that “if the interests of the colony and the mother country can not be made to coincide, and if their rights to make their own laws...by representatives of their own chosing [sic]...then the connection must inevitably cease,” and if they cannot “agree on the law, then their bonds should be dissolved.”<sup>5</sup> Scott's argument proved to be farsighted, predating the Declaration of Independence by ten years. Few others at the time, however, were sufficiently aroused to follow his lead in questioning the bond between the colonies and England. The great majority of the colonials, later including the enthusiastic young Richard Varick, wanted to change the system but remain in it.

As a person and a lawyer, Scott was described as able, indefatigable, and well-to-do, a super orator whose speeches had “a touch of



## A FORGOTTEN FOUNDING FATHER

elegance” that astonished John Adams, who also wrote that Scott had “a ready tongue, a leaning toward radicalism...but [an] undignified manner.”<sup>6</sup> Scott was fully ready to act on his pro-independence views when the Patriot Army (also called the Continental Army) was being assembled just before the war began in 1775. He was awarded the rank of general in that army, presumably because of his strong leadership qualities, despite his lack of prior military experience. In the ensuing battles for New York City and environs, he assumed the role of an alternate day brigadier-commander, which placed him very close to the decision-making group around General George Washington. It is documented that at one critical moment, Scott expressed some astute thoughts on the evolving military situation in a letter written to John Jay, leader of the New York Convention.<sup>7</sup> In the middle of the battle for New York, just after the Patriot Army’s retreat from Brooklyn, Scott was summoned to a meeting of Washington and his generals on the island of Manhattan. There, he advised a complete retreat out of the city. His letter described the Patriot situation to be dreadful:

*...very bad, rainy, no food, no water...some men were still deep in water...militia tended to run away, especially those from Connecticut.*

Stressing the vulnerability of the Patriots to the British fleet, and terming it a “desperate situation”, he wrote that he feared that the “British would be able easily to land and encircle New York”, and advised that the Patriots should retreat all the way to Westchester.<sup>8</sup> The rest of the group of generals went along with Washington’s plan to stay on Manhattan, but Scott’s analysis proved accurate, as Washington’s army was soon driven out of its headquarters on Harlem Heights; it regathered in White Plains,

RICHARD VARICK

only to be ousted from there, too. Scott's advice was brilliant in analysis and strategic thinking, as the British forces easily outflanked and overran the Patriots. These major military disasters in the New York area almost destroyed the Patriot cause.

After the military defeat, and along with many other Patriot soldiers, Scott left active army service. He returned to public affairs, particularly in local government, to become a figure in New York State politics, serving as a state senator as well as its secretary of state, although his ambition was for a higher office. It must have been frustrating for such an energetic and forward-looking Patriot lawyer to be present at the genesis of the New York State government and the writing of its constitution, but to subsequently have only a minor role.

It seems fair to say, in summary, that John Morin Scott was an especially astute and able lawyer, a leader of men in ideas and oratory, and considerably ahead of his time in thinking about American independence. Certainly, he was important to his protégé, Richard Varick: he helped secure him captaincy rank in the Patriot Army and was a major influence on his political philosophy.