

**A VINDICATION BY CADWALLADER D.
COLDEN, OF THE STEAM BOAT RIGHT
GRANTED BY THE STATE
OF NEW-YORK; IN THE FORM OF AN
ANSWER TO THE LETTER OF MR. DUER,
ADDRESSED TO MR. COLDEN**

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A Vindication by Cadwallader D. Colden, of the Steam Boat Right Granted by the State of New-York; In the Form of an Answer to the Letter of Mr. Duer, Addressed to Mr. Colden by Cadwallader D. Colden

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x
A *N. M. Beecher*
1871

VINDICATION

BY

CADWALLADER D. COLDEN,

OF THE

STEAM BOAT RIGHT

GRANTED BY THE

STATE OF NEW-YORK ;

IN THE

FORM OF AN ANSWER

TO THE

LETTER OF MR. DUER,

ADDRESSED TO

MR. COLDEN.

ALBANY:

PRINTED BY WEBSTERS AND SKINNERS.

1871.

The circumstances under which these pages have been written and printed, have caused many errors, perhaps chiefly to be attributed to the author. The reader is requested to correct the following which have been discovered since the printing :

- Page 11 line 2. For this read *the*.
 4. Insert *of* after *disapproving*.
 12 25. Dele. *and*.
 15 22. For *representations* read *representatives*.
 23 last line but one. For *Livingston and Fulton* read *Livingston and Fulton's title*.
 34 line 18. For *it* read *he*.
 42 15. Dele. *for*.
 48 2. For *meaning* read *sense*, and dele. *the meaning of*.
 21. For *design* read *designed*.
 49 14. For *expressions* read *expression*.
 19. For *fraudulent* read *fraudulent*.
 61 25. For *Livingston* read *Livingston's*.
 62 9. Dele. *the committee*.
 63 19. For *Livingston* read *Livingston's*.
 86 last line. For *his* read *Fitch's*.
 90 24 and 28 For *was* read *were*.
 91 16. Dele. *but*.
 104 16. For *don* read *donz*.
 106 5 and 11. For *was* read *were*.
 119 3. For *become* read *became*.
 last line but one, for *so*, at the end of the line, read *from*.
 120 25. After *venture* read *to assert*.
 121 18. After *existence* insert *:*
 122 5. For *on* read *of*.
 123 7. Instead of *;* insert *, and*.
 124 17. Instead of *so* after *right* insert *from*.
 18. For *ran* read *run*.
 137 4 and 5. For *irrefragible* read *irrefragable*.
 138 4. For *emplores*, read *emplores*.
 21. After *constitution* read *from*.
 140 last line, for *were* read *are*.
 144 line 7, after *now* read *by*.

The author thinks it necessary to mention, that the sheets subsequent to page 144, and the appendix, will, on account of the necessity for his leaving the city of Albany, be printed without his having an opportunity to see the revise.

Albany, 23d February, 1818.

▲

VINDICATION,

&c.

SIR,

It is extremely to be regretted that a single professional engagement should have prevented your perusing the Biography of Fulton at an earlier period. An apology for so long a postponement of the publication you have thought proper to make was certainly not unwise: because, without some reason assigned for the delay, its appearing so immediately before the session of the legislature, would have excited an universal suspicion, which some will even yet indulge, that it is intended, not so much for a vindication of the measures in which you had a peculiar share, as

to subserve the views of those who have an interest in destroying the exclusive right granted by this state to Messrs. Livingston and Fulton. It is well known, that persons of that description, are preparing to reiterate at the present session of the legislature, the attempts which have been so often made to obtain a repeal of the laws by which this exclusive right is protected.

For my own part, although the ostensible object of your letter to me, be, to vindicate the committee, I cannot consider it otherwise than as the production of a zealous champion for those who are meditating renewed attacks against the steam boat rights. I do feel that your publication justifies me in imputing to you this character. For if your object were merely to vindicate yourself or the committee as to what had taken place in 1814, why should you have obtruded in your appendix the petitions of Mr. Hawkins and Mr. Sullivan, which were not preferred till 1817, and the proceedings of the legislature on these petitions?— why should you speak of them as presenting, “peculiarly formidable grounds,” when you so well know that at least one of these applications is to be renewed at the present session of the legislature of which you are a member? Can even charity suppose, that you had not a design by the publication you have made, to serve the interest of those who are so pertinaciously manifesting their hosti-

lity to the claimants under the exclusive right granted by the state.

I have seen letters, which I dare say I might with propriety call circulars, from the patentee of the tow-boat, in which he assures his correspondent he has no doubt that the application which he intends to *renew with additional force* at the ensuing session of the legislature, will terminate in his favor. Whether your publication is part of the *new force* on which the tow-boat patentee calculated, I cannot say. There are, however, circumstances which afford some reason to believe that it may be so. I am credibly informed that your book was carefully and without delay transmitted to almost all, if not to all the members of the legislature. Moreover, within a very few days after it appeared in New-York, there was published a pamphlet, professing to be a review of it. I think that even you, notwithstanding the commendations which the author of this review lavishes on the *purity* of your style and the force of your reasoning; notwithstanding his flattering recognition of you as a man of high honor and firm principle—yet I think that you will not be proud of this association in the cause you have espoused: for his pamphlet is a most shameful attempt to revive the grossest calumnies that interest, envy, and jealousy ever propagated against Mr. Fulton; From the time and manner of the publication also

it is most obviously the result of a combination to favor the intended application of Mr. Sullivan; the merits of whose claim your panegyrist introduces with all the advantages it can derive from your opinion, that it rests "upon new and peculiarly formidable grounds." You may believe me, that the baseness of your coadjutor's publication excites the disgust of every man of honor and feeling.

As your professional engagement occupied you but a few weeks after the publication of the biography of Mr. Fulton, it cannot but excite some surprise that so many months should have elapsed before your letter was produced. Its compilation could not have required much more time than would have been necessary to copy a volume of the same size; for independent of the very little it contains relative to the biography of Fulton, it is hardly any thing more than the repetition of the arguments you have heard, over and over again, in opposition to the state grant. And I cannot perceive that you have been so fortunate as to strike out one new thought on that subject. You must acknowledge yourself indebted to the case of Livingston and others against Van Ingen and others, as reported in 9th Johnson, (to which you have referred) for the most of your ideas; nor can I see why you should have given yourself the trouble of transferring the arguments of the respondents'