

New York (State) Laws, statutes,  
etc. / LAWS

OF THE

# STATE OF NEW YORK

PASSED AT THE

## SESSIONS OF THE LEGISLATURE

HELD IN THE YEARS

**1785, 1786, 1787 and 1788, inclusive,**

*BEING THE EIGHTH, NINTH, TENTH AND ELEVENTH SESSIONS.*

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO  
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS  
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME II.



ALBANY:

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1886.

appraised. And that the wages of the appraisers, and the costs and expences of making such appraisements and surveys, shall be paid and borne by the said Cadwallader Colden.

Proviso as to maps, surveys, etc.

And *provided also*, that this act shall not take effect, until the said Cadwallader Colden shall procure and deliver unto the surveyor general of this State for the time being, all the maps, returns and other papers, belonging to the office of surveyor general of the late Colony of New York, which were in the possession of the said David Colden, or any other person or persons for his use, at the time of his decease; nor until the said Cadwallader Colden shall make affidavit before one of the judges of the supreme court of judicature, that he has delivered to the said surveyor general, all such maps, returns and other papers, belonging to the office of surveyor general of the late Colony of New York, which, to the best of his the said Cadwallader Colden's knowledge and belief, were in the possession of the said David Colden, or any other person or persons for his use, at the time of his decease.

Cadwallader Colden may sell certain lands.

And *be it further enacted by the authority aforesaid*, That the commissioners of forfeitures for the western district, shall and may proceed to have the whole of the lands mentioned in the said location, not heretofore sold, appraised with all convenient speed, in the mode mentioned and prescribed in and by the said sections of the act aforesaid. And that the said Cadwallader Colden, or his heirs, after having complied with the terms of this act, may sell or mortgage such part of the estate of the said David Colden, so as aforesaid vested in him, for repayment of such money as he may advance to pay the sum at which the said lands shall be appraised, and the incidental expences attending the same.

Act not to affect rights of claimants under David Colden.

*Provided*, that nothing in this act contained, shall be construed to affect or injure any rights of any person claiming under the said David Colden deceased; but such rights shall be and remain in full force, any thing in this, or any other act, to the contrary notwithstanding.

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## CHAP. 102.

AN ACT for the relief of persons who paid money into the treasury of this State, in consequence of a resolution of the committee of safety of the first day of March, one thousand seven hundred and seventy seven, and for other purposes therein mentioned.

PASSED the 21st of April, 1787.

Preamble.

WHEREAS several persons have paid monies into the treasury of this State, in consequence of a resolution of the committee of safety, made the first day of March, one thousand seven hundred and seventy seven. But as the said resolution hath not been adopted, or confirmed by any convention, nor by the constitution or the legislature of this State, many of the persons who so paid money into the treasury, have petitioned the legislature for relief. Therefore,

Certificates to be issued to persons who paid money into treasury under resolution of committee of safety.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the treasurer of this State for the time being, and he is hereby authorized and required, to give to every person who hath paid money into the treasury in consequence of the said resolution, or to the executors or administrators of such person, a

certificate for the amount of the money so paid into the treasury, with the interest thereof, at the rate of five pounds per cent per annum, from the time the same was so paid into the treasury, if the same was so paid before the first day of September, in the year of our Lord one thousand seven hundred and seventy seven; but if the same was so paid after that day, then such certificate shall be given for the value thereof, after reducing the same according to the Continental scale of depreciation, with interest for the same, at the rate aforesaid, from the time the same was so paid; which certificate shall be payable with interest, at the rate of five per cent per annum, and shall be received and taken in all payments, where any other certificates given by the treasurer of this State, are, or shall be receivable by law: *Provided always*, that no such certificate shall be given to any person, for any money so paid into the treasury, as due to any person or persons, whose estate hath been forfeited to the people of this State; but where monies have been so paid upon or in discharge of any bond or mortgage, to any person whose estate is forfeited to the people of the State of New York, such payments shall be considered as good and effectual, for the specie amount of the monies so paid and no more; such amount to be settled agreeable to the scale of depreciation herein before mentioned; and such mortgages may be discharged in the manner directed by an act, entitled "An act to enable the clerks of the respective cities and counties within this State to cancel the records of certain mortgages, made and executed to persons whose estates are forfeited, and proof that such mortgages are satisfied." And the treasurer of this State, and the justices of the supreme court, shall make such inquiries, and give such certificates as may be necessary for that purpose.

*And be it further enacted by the authority aforesaid*, That the treasurer of this State shall be, and hereby is discharged and indemnified, of from and against all suits whatsoever, which have been or shall be brought against him, for or on account of any money so paid into the treasury as aforesaid. And this act shall or may be pleaded or given in evidence, in discharge of any such suit.

Treasurer  
Indemnified.

*And whereas* all the estates both real and personal, of Israel Seaman and Adam Seaman, late of the county of West Chester, are become forfeited to the people of the State of New York, by the conviction of the said Israel Seaman and Adam Seaman, and the commissioners of forfeitures for the southern district of this State, have sold and recovered such parts of the estate of the said Israel Seaman and Adam Seaman, as they have been able to discover. *And whereas* the said Israel Seaman and Adam Seaman, at the time of their respective convictions, were respectively indebted to James Franklin of the city of New York merchant, and sundry other persons in divers sums of money, and the said James Franklin hath represented to the legislature, that there are debts due, and other property belonging to the estates of the said Israel Seaman and Adam Seaman, which have not been discovered by the said commissioners, and prayed that the same may be vested in trustees, to be recovered and applied to the discharge of the debts owing by the said Israel Seaman and Adam Seaman, at the time of their conviction respectively. Therefore,

*Be it enacted by the authority aforesaid*, That all the joint and several estates, of the said Israel Seaman and Adam Seaman, both real and personal, debts, and sums of money whatsoever, due and owing to them, at the time of their respective convictions, and not sold or recovered by the commissioners of forfeitures, nor paid into the treasury, by the debtors, shall be and hereby are vested in the said James Franklin, his heirs

Israel and  
Adam Seaman, estate  
of, vested  
in James  
Franklin.

executors and administrators, in trust to sell all such real estate, and to recover and receive all such debts and sums of money, and to apply the produce thereof, in the first place, to pay the costs, charges and expenses, of such sale and recovery, and the residue thereof towards payment of the debts owing by the said Israel Seaman and Adam Seaman, at the time of their respective convictions, to such persons, in equal proportions, as have not applied for payment to the treasurer of this State; and if any surplus remains after payment of such debts, the same shall be paid to the treasurer of this State.

*Id.* *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said James Franklin, his executors or administrators, in his or their own names, to sue for and recover, all such debts and sums of money, hereby vested in them; and it shall be sufficient for the plaintiff in any such suit or action, to alledge that the defendant or defendants is, or are indebted, or if the suit or action be against heirs, executors or administrators, then to alledge that the ancestor testator or intestate, was indebted to the plaintiff, in the sum so due and owing, whereby an action accrued to the plaintiff, without setting forth the special matter, and shall and may give this act, and the special matter in evidence.

*And be it further enacted by the authority aforesaid,* That the treasurer of this State, be, and he hereby is authorized and directed, to issue to Daniel Williams of West Chester county, a certificate for such sum, as the auditor of the State shall certify to be due to him, for his services as a guide to the army, in the said county, in the year one thousand seven hundred and seventy seven, and that for such services he receive pay as a lieutenant, which certificate shall be dated the thirty first day of December one thousand seven hundred and seventy seven, and bear interest at the rate of five per centum per annum; and that the treasurer charge the same, to the United States.

*And whereas* the mode provided by the first section of the act, entitled "An act further to amend an act, for the speedy sale of the confiscated and forfeited estates, within this State, and for other purposes therein mentioned," for ascertaining whether loan office certificates of the other States, were actually issued at the time of granting thereof, to citizens of this State, is not sufficiently precise or effectual. Therefore

*Be it enacted by the authority aforesaid,* That in all payments hereafter to be made to the commissioners of forfeitures, or any of them, on the sales of forfeited property, or to the treasurer of this State on the sales of unappropriated lands, if any certificates issued out of any Continental loan office in any of the United States, other than this State, shall be offered in such payments, the said commissioners of forfeitures, and treasurer respectively, are hereby required to examine on oath, the person or persons to whom such certificates were originally issued, concerning the time they were respectively issued, if such person or persons, are now inhabitants of this State; but if such person or persons be dead, or removed out of this State, then the said commissioners of forfeitures, and treasurer respectively, shall examine on oath the person or persons offering the same in payment, touching the time aforesaid; and unless it shall appear to their satisfaction respectively that such certificates were actually issued prior to the twenty seventh day of September, one thousand seven hundred and eighty five, to citizens of this State, who were inhabitants of this State at the time of issuing the same, such certificates shall not be received, nor shall any certificates issued out of the loan office of this State, be received by such commissioners or treasurers, but such as are countersigned by Dirck Ten Broeck or Abram Yates Junior.

Daniel Williams, certificate to be issued to.

Continental loan office certificates, how received.

*And be it further enacted by the authority aforesaid,* That the treasurer of the State is hereby authorised and required, to receive from all persons who are indebted to the people of this State, the payment of such debts respectively, in any of the certificates or public securities issued from the treasury of the State. *Provided always,* that this clause shall not extend to any payment to be made for forfeited property sold for specie or bills of the new emission, nor to payments for quit rents, heretofore directed by law to be paid in specie, nor for articles of impost, or taxes imposed, or hereafter to be imposed; which said several matters shall remain as heretofore.

Certificates to be received by treasurer.

*And whereas* the surviving trustees of the estate of Abraham De Peyster, formerly treasurer of the late Colony of New York, have, on the twenty ninth day of March one thousand seven hundred and eighty six, reported to the legislature, that the books, receipts and other documents, relating to the execution of their trust, were during the late war lost; but that they would endeavour to extract an account for the information of the legislature from such papers as were still to be found, which account have not yet been produced. Therefore,

*Be it further enacted by the authority aforesaid,* That John Cruger and Leonard Lispenard Esquires, surviving trustees of the estate aforesaid, do, without delay, deliver to the auditor of this State, the said account; and it is hereby made the duty of the said auditor to receive and audit the same, in the best manner he can, from the vouchers still to be found, and from the information he can obtain; and that he cause such books, papers and money, as still remain in the hands of the said trustees, appertaining to the said estate, to be delivered into the hands of the treasurer of this State, as soon as the said audit shall be completed; and the said treasurer is hereby authorized and required to receive the said books, papers, money and other documents, and to proceed in the execution of the said trust, in the same manner as the said trustees might have done had this act not been passed.

Accounts of Abraham De Peyster, late treasurer of colony.

*And be it further enacted by the authority aforesaid,* That it shall be, lawful for the auditors appointed in pursuance of the "act for liquidating and settling the accounts of troops of this State, in the service of the United States" to liquidate and settle the account of, and grant a certificate to James Giles for the depreciation of his pay, for service as conductor of ordnance and military stores.

James Giles, account of.

*And whereas* the inhabitants of North East precinct in the county of Dutchess, have represented to the legislature, that by reason of their not having been able to obtain the collectors lists, they were unable to collect the arrears of taxes in certificates, within the time limited for that purpose, by the act entitled "An act for the more effectual collection of arrears of taxes" passed the thirty first day of March one thousand seven hundred and eighty six, and have prayed further time to pay the said arrears in certificates as aforesaid, which request appears to the legislature to be reasonable, therefore,

*Be it further enacted by the authority aforesaid,* That the inhabitants of the said precinct shall be allowed to pay the said arrears, at any time before the first day of October next, in the certificates mentioned in the act aforesaid; which arrears shall be assessed and collected in the manner specified in and by the act entitled "An act to compel the payment of the arrears of taxes, for enforcing the payment of fines and amerciaments, obliging sheriffs to give security for the due execution of their offices, and for other purposes:" And each and every of the present assessors, collectors and supervisors of the said precinct, shall be, and hereby are respectively, vested with all the powers and authorities, and

North East precinct, relief to tax-payers.

made subject to all the penalties and forfeitures, in the same last mentioned act prescribed.

*And whereas* Peter Byvanck, by his petition hath represented to the legislature, that he was prevented by accident from exhibiting his claim against the State of Israel Seamon and Joshua Pell, forfeited to the people of this State, therefore,

Peter  
Byvanck,  
relief to.

*Be it further enacted by the authority aforesaid,* That the treasurer of this State, be and he is hereby authorised and directed, to receive the certified demand of the said Peter Byvanck, against the estates of the said Israel Seamon and Joshua Pell, in the same manner, as if he had made application within the time required by the forty second and forty third sections of the act, entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned;" and to grant a certificate for the sum to which he shall appear to be entitled, according to the true intent and meaning of the said act.

*And whereas* it is represented to the legislature, by the petition of Charles Stewart junior, late a sergeant in a regiment of levies in the service of this State, commanded by Frederick Weissenfels, that he hath not received any compensation for his services in that regiment. *And whereas* the said Frederick Weissenfels, instead of paying or delivering the certificates entrusted to him for that purpose, to the officers and soldiers of the said regiment, hath in divers instances applied them to his own use, and is now unable to make compensation for the same: and it being just that such persons should be indemnified by the State. Therefore,

Certificates  
to officers  
and soldiers  
of  
Col. Weissenfels'  
regiment.

*Be it further enacted by the authority aforesaid,* That the treasurer of this State shall issue certificates to all such of the officers and soldiers of the said regiment, for the sums respectively due to them, as shall by satisfactory evidence, make it appear to the said treasurer, that they have not heretofore received their certificates; and that the certificates so to be issued by the said treasurer, shall be of the like tenor and effect, of the certificates heretofore issued, to such officers and soldiers respectively.

*And whereas* one certain farm situate in Rumbout precinct in Dutchess county, containing by estimation one hundred and thirty four acres, was heretofore sold and conveyed by the commissioners of forfeitures for the middle district, to Zephaniah Platt Esquire, in fee simple; and also one other farm situate in the said precinct, and containing by estimation two hundred acres, was in like manner sold and conveyed to Peter Dates, as parts of the estate forfeited by the attainder of John Watts. And it appearing by the report of the attorney general that the said John Watts was tenant by the courtesy only, in the said farms and premises, and that the reversion is vested in Robert Watts his son, as heir at law to his mother Ann Watts deceased. *And whereas* it is suggested in the said report, that the said Robert Watts would be willing to release his title to the said reversion, upon being paid the value thereof, to be ascertained by appraisement; whereby the purchasers under the State would be secured in their title. Therefore,

Robert  
Watts, pay-  
ment to,  
for release  
of lands.

*Be it further enacted by the authority aforesaid,* That the commissioners of forfeitures for the middle district, be and they hereby are authorized and directed, to join with the said said\* Robert Watts in the appointment of the two appraisors, for the purpose of appraising the said farms; one of which said appraisers to be nominated by the said

\* So in original.

commissioners, and the other by the said Robert Watts; and the said appraisers so appointed shall have power to appraise the value of the said reversion, of and in the same farms; and in case of disagreement, to nominate a third person to make the appraisement in their stead, and the treasurer of the State is hereby directed nominate a third person to make the appraisement in their stead. And the treasurer of the State is hereby directed to pay to the said Robert Watts his heirs or assigns, such sums of money as by the report of the said appraisers, or in case of disagreement, by the report of the said person so appointed by them, shall be determined to be the value of the reversion so vested in him the said Robert Watts, of and in the said several farms and premises; upon receipt whereof the said Robert Watts his heirs or assigns, as the case may be, shall forthwith, by good and sufficient conveyances in the law, release to the respective purchasers of the said farms, their heirs or assigns, all his or their estate, right title and interest, in and to the said farms and premises.

*And be it further enacted by the authority aforesaid,* That the act entitled "An act to liquidate the depreciation of the pay of the officers of the military hospital and medical department, and of the officers and privates of the levies and militia of this State, made prisoners by the enemy," and the act entitled "An act for the settlement of the pay of the levies and militia for their services in the late war, and for other purposes therein mentioned," shall be, and hereby are respectively repealed.

Acts  
recited  
repealed.

*And whereas* Dominick Lynch, by petition to the legislature hath represented, that Francisco Pablo de Vidal, being an alien, had purchased of Christian Pierce and Christiana his wife, a certain house and lot of ground in the city of the New York, of the description following. All that certain message or dwelling house lot piece or parcel of ground, situate, lying and being in the city of New York being part of a lot known by No. 80, bounded north west by King George street, in the rear by lot No. 81, on the north east side by lot No. 87, and on the south west by part of the said lot No. 80; containing in length one hundred feet, and in breadth twenty one feet, be the same more or less, which house and lot he has conveyed to the said Dominick Lynch, in trust, to be disposed of for the benefit of his creditors; and the said Dominick Lynch hath prayed that the said conveyance might be confirmed to him, to have the same effect, as if the said Pablo De Vidal had not been an alien. Therefore,

*Be it further enacted by the authority aforesaid,* That the deeds of conveyances from the said Francisco Pablo De Vidal, to the said Dominick Lynch, bearing date respectively the seventeenth and eighteenth days of November, in the year one thousand seven hundred and eighty six, shall have the same force and effect, to vest the estate of and in the said house and lot in the said Dominick Lynch, his heirs and assigns, upon the trusts in the said deed mentioned, as if the said Francisco Pablo De Vidal had been a natural born subject of this State.

Convey-  
ance  
named  
declared  
valid.

*And whereas* sundry proprietors of a tract of land called the Township of New Stamford in Ulster county, have by petition set forth that some time in the year of our Lord one thousand seven hundred and fifty four, the said tract was surveyed at the request of the proprietors and divided into lots by a certain Henry Wooster, who affixed the names of the different proprietors to their respective lots on a map or plan of the said survey. That the lines of the said lot cannot now be discovered without a new survey, that many of the proprietors of the said township are now without the State, and praying that the said division

of the said Henry Wooster might be confirmed, and a law passed for making a resurvey of the said townships, and providing for the expences of the same. Therefore,

Commissioner to partition township of New Stamford.

*Be it enacted by the authority aforesaid,* That William Cockburn be, and he is hereby appointed sole commissioner for making a survey and division of the said township or tract of land; that so far as the said commissioners can collect satisfactory information, of the division and survey made by the said Henry Wooster, it shall be his duty to pursue the same, in making the resurvey and division of the said tract of land, so that such lots or lot of land therein, as were surveyed and set apart by the said Henry Wooster as the property of any one of the said proprietors, shall be surveyed and set apart by the commissioner hereby appointed, for the same proprietor, or any person or persons legally claiming under him.

Id.

*And be it further enacted by the authority aforesaid,* That the said commissioner shall forthwith proceed to make a survey of the said tract of land, and divide the same among the different proprietors thereof, always pursuing the division made by the said Henry Wooster when he can obtain satisfactory information respecting the same, and if it shall so happen that the said commissioner cannot obtain any satisfactory information of the said Henry Wooster's survey of any part of the said tract of land, or if any part of the same shall not have been divided by the said Henry Wooster, that then with respect to such part the said commissioner shall proceed to make division of the same in the mode prescribed for the commissioners appointed by virtue of an act entitled "An act for the partition of lands," which said division shall be as valid, as if all the proceedings in the division of this tract of land, were had under the said act. And to defray the expence of the said survey and division,

Id.

*Be it further enacted by the authority aforesaid,* That after the said survey and division shall be completed, the said commissioner shall present his accounts of the whole expence of the said survey, to one of the judges of the courts of common pleas of the county of Ulster, who is hereby empowered to audit and pass the same, the said commissioner first giving six weeks notice of the time and place of auditing his said accounts, in two of the newspapers printed in the city of New York; and after the said account shall be so audited, the said commissioner shall apportion the whole expence of the said survey and division among the different proprietors, in proportion to the number of acres surveyed and set apart for them respectively, and shall deliver an account of such proportion to such of the said proprietors as may be found within this State, and if any of the said proprietors cannot be found within this State, then the said commissioner shall publish the accounts of the proportion of such absentee in at least two of the newspapers printed in the State of New York, for at least three months; and if the said accounts shall not be paid within four weeks from the time of presenting the same, or within four months from the time of commencing the said publication, then the said commissioner is hereby authorised to sell at public auction, such part of the lands set a part for the said person, so making default of payment, as will be sufficient to discharge the said accounts, together with the charges incident to such sale rendering the overplus, if any there be, to the person whose land shall be so sold, on demand; and the said commissioner is hereby authorised, on the sale of such land for the purposes aforesaid, to make and execute good and effectual conveyances in the law for the same, to the purchaser or purchasers thereof, which said conveyances shall be as good and effectual to all intents and

purposes, as if the same had been executed by the person or persons for whom the land so sold was set apart, and surveyed. And the commissioner, surveyor and other persons employed in making the said survey, shall be allowed for their services, after the rate allowed by the act entitled "An act for the partition of lands."

*And be it further enacted by the authority aforesaid,* That when the said commissioner shall have completed the said survey and division, he shall make two maps, and two fair copies of the field books of the same survey, with the names of the several proprietors affixed to their respective lots therein; and within six weeks after completing the said survey shall file one of the said maps and field books in the office of the clerk of the county of Ulster and the other map and field book in the office of the secretary of the State of New York; which said map and field book shall be a record of the said division, and of the title of the different proprietors to the respective lots, on which their names, or the names of them under whom they claim, shall be respectively marked.

*Provided always,* that nothing in this act shall be so construed as to give title to any person or persons to any part of the said tract, who could not at the time of passing this act, have legally claimed such proportion as tenant in common with the other proprietors, or to defeat any security upon the same by mortgage, judgment or otherwise.

*And provided further,* that the said division shall not be received as evidence, in any controversy of boundary, between the said township and the patents adjoining thereto.

*And be it further enacted by the authority aforesaid,* That the said commissioner shall, before he begins the said survey or division, take an oath before one of the judges of the court of common pleas of the county of Ulster, for the faithful performance thereof, and of the several things required of him by this act, according to the best of his skill and ability.

*And whereas* George Turner late of Philadelphia, hath set forth by petition that he had located three hundred and sixty five acres of land, in the county of Albany, forfeited to the people of this State, but that full payment for the same was not made within the time limited by law, for reasons in the said petition mentioned. Therefore,

*Be it further enacted by the authority aforesaid,* That the commissioners of forfeitures for the western district, do, and they are hereby impowered and required, to execute, within three calender months from the passing of this act, (if full payment shall be previously made to them of such part of the purchase money as yet remains to be discharged with interest from the time the same became due,) a proper deed or conveyance, vesting in him the said George Turner his heirs and assigns for ever, in fee simple, all the right and interest of the people of this State of in or to the said three hundred and sixty five acres of land.

George Turner, conveyance to.

*And whereas* Francis Dominick hath set forth by his petition, that he became the purchaser of one half of the township, number twenty five, in Jessups alias Totten and Crosfields purchase, for which he hath not been able to make due payment, for the reasons in the said petition contained. Therefore,

*Be it further enacted by the authority aforesaid,* That the commissioners of the land office of this State, do, and they are hereby empowered and required, within three calender months from the passing of this act, (if full payment shall be previously made to the treasurer of this State, of such part of the purchase money, as yet remains to be discharged with interest from the time the same became due,) to cause letters patent under the great seal of this State to issue to the said Francis Dominick,

Francis Dominick, conveyance to.

vesting in him the said Francis Dominick his heirs and assigns for ever, the fee simple of the moiety or half part of the township aforesaid, with such apt and proper words of description as the said commissioners of the land office shall deem necessary.

*And whereas* the courts of common pleas and general sessions of the peace, in and for the county of Washington, are now held in Salem, in the said county; and it hath been represented to this legislature, that it would be more convenient for the inhabitants of the said county, to hold the said courts once in every year in Argyle. Therefore,

Courts in  
Washington  
county.

*Be it further enacted by the authority aforesaid,* That from and after the passing of this act, the courts of common pleas and general sessions of the peace in and for the county of Washington, shall thenceforth be held at Salem aforesaid, on the last Tuesday in May, and on the first Tuesday in November in every year and at the house of Adiel Sherwood Esquire, at Fort Edward, in the township of Argyle on the second Tuesday of February, in every year, any thing in any other law contained, to the contrary thereof, in any wise notwithstanding.

Harpers-  
field, town  
erected.

*And be it further enacted by the authority aforesaid,* That all the tract of land in the county of Montgomery, between the Cookquago branch of the Delaware river, and the branch of the Susquehannah river, called Adigitange, beginning at a rock maple tree marked on four sides with a blaze and three notches, and with letters and figures A C 1768, standing on a high point of land, at the south side of a small pond of water, called by the Indians Utstyantho, from whence the said branch of the Delaware, called by the Indians Cookquago issues, and running from thence north thirty degrees west to the said Adigitange, and thence down the same to where the same falls into the Susquehannah, and then down the Susquehannah to a brook called Ouel el Ouit, thence on a direct line to a brook called Canauscutje and then along the same to the said river Delaware, and then up the same river to the place of beginning, shall be, and hereby is erected into a township by the name of Harpersfield; and that the freeholders and inhabitants of the said township, shall be, and hereby are empowered to hold town meetings, and choose such town officers as the freeholders and inhabitants of any district in the said county of Montgomery, may do by law, and shall have the same powers and privileges. And that the first town meeting shall be held at the house of Alexander Harper, in Harpersfield, on the first Tuesday in June next.

Melancton  
Smith and  
Hendrick  
Wyckoff,  
certificate  
to.

*And be it further enacted by the authority aforesaid,* That the treasurer of this State issue to Melancton Smith and Hendrick Wyckoff, a certificate for the sum of two hundred and eighty one pounds twelve shillings and eight pence, bearing interest at five per cent from the day on which their respective accounts as deputy state agents under Udney Hay were audited by the auditor of the State, being the balance due to them, after deducting the sum of three hundred and eighty eight pounds seventeen shillings and one penny, due from them, as copartners to the State, for wheat purchased from Robert Hoffman treasurer of Dutchess county, by the said Melancton Smith, in the year one thousand seven hundred and eighty two.

John  
Sayre, cer-  
tificate to.

That the said treasurer issue to John Sayre, a certificate for twenty five pounds five shillings, bearing an interest of five per cent per annum, from the fifteenth day of October one thousand seven hundred and seventy seven, in payment for six hundred and six pounds weight of beef at that time furnished by him to the regiment of militia commanded by Colonel John Hathorn, which was employed in guarding waggons loaded with ammunition and military stores belonging to the United

States, from Newburgh to Easton, by the order of his excellency the governor, at the request of the commander in chief of the army of the United States and that the treasurer charge the same to the United States.

That the said treasurer pay to the corporation of the city of New York, for quit rents on certain water lots forfeited to the people of this State by the respective attainders of Oliver Delancey and John Weatherhead, and the conviction of Waldron Blouw and sold by the commissioners of forfeiture for the southern district, the sum of one hundred and thirty two pounds eighteen shillings and five pence one farthing, which is due to the said corporation, after deducting the quit rents, for seven years, during the war.

New York city, water lots.

That the said treasurer issue certificates to the treasurer of Suffolk county for such sums, reduced by the scale of depreciation, bearing an interest of five per cent per annum, from the eighth day of March one thousand seven hundred and seventy nine, as he has received from the committee of Seabrook and Gillford in Connecticut, for cattle and sheep transported from the said county, and by them sold, and the treasurer of the said county is hereby directed to pay the same to the respective persons to whom such cattle and sheep did belong.

Suffolk county, certificates to.

*And he it further enacted by the authority aforesaid,* That his excellency the governor be and he is hereby authorized and impowered, to draw from the treasury such sum or sums of money as he may deem necessary not exceeding the sum of one thousand pounds, to enable him to hold a conference with the Indians of the six nations agreeable to concurrent resolutions of the legislature at their present meeting.

Governor, appropriation for Indian affairs.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for any public officer who was employed during the late war under the authority of the United States, and who now is or hereafter shall be prosecuted for services performed at his request, or articles by him purchased or taken for the United States or this State, to tender in court, the same public securities of the United States, or of this State, as he has received, or shall receive on the settlement of his accounts, for such services performed, or articles purchased as aforesaid in full discharge of such demand.

Public officers, payments by.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land office, to grant to Sluman Wattles, such letters patent for a certain proportion or part of a tract of land in Montgomery county, as John Harper, who has sold and transferred his interest therein, to the said Sluman Wattles, would have been entitled to receive, in virtue of the determination of the said commissioners, if the sum directed to be paid for the said land, had been paid into the treasury, within the time limited by law, on the treasurers certifying that such sum is deposited with him by the said Sleuman Wattles, for the payment of the said lands.

Sluman Wattles, conveyance to.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the auditor of the State, in settling the accounts of Michael Connolly, to allow him for his services, as agent, to the second New York regiment, in pursuance of the act of Congress of the twenty seventh day of March, one thousand seven hundred and eighty five, the pay and rations of a lieutenant from the third day of November one thousand seven hundred and eighty three, to the first day of May next and to charge the same to the United States.

Michael Connolly, accounts of.

*And whereas* a certain farm in Dutchess county forfeited by the attainder of Malcolm Morrison and conveyed by the commissioners for forfeitures to Philip Pelton, Benjamin Pelton and Daniel Pelton, for the

sum of five hundred pounds, was, on the twenty fifth day of March one thousand seven hundred and seventy two, mortgaged by the said Malcolm Morrison, to John Ogilvie deceased, for the payment of one hundred and eighty three pounds fifteen shillings, with lawful interest. Therefore

John Ogilvie, executors of.

*Be it enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer, out of any monies which shall be in the treasury unappropriated, to pay to the executors or administrators of the said John Ogilvie, the said principal sum of one hundred and eighty three pounds fifteen shillings, with the interest thereof, from the date of the said mortgage, or so much thereof as shall appear to be due, to the time the same shall be paid.

*Whereas* by an act of the late colony, now State of New York, passed the sixth day of February one thousand seven hundred and seventy three, entitled "An act to raise fifteen hundred pounds for draining the drowned lands in the precinct of Goshen in Orange county," certain proceedings in the said act mentioned were directed to be advertised in a public newspaper, commonly called the New York Gazette and Weekly Mercury.

*And whereas* at this time there is not any paper with such title or description, printed in this State. Therefore

Goshen drainage, advertisement of.

*Be it enacted by the authority aforesaid,* That all the proceedings in the said act mentioned may be published in any of the newspapers printed in this State, for four weeks successively, which shall be as valid to all intents and purposes, as if the same had been published in the news paper first above mentioned.

Certain certificates not receivable.

*And be it further enacted by the authority aforesaid,* That it shall not be lawful for the treasurer of this State, or the surveyor general of this State, or any of the commissioners of forfeitures, to receive in any payment, any certificate, issued either by William Denning, Joseph Bindon, Jonathan Burrell, John Pierce, Joseph Pannel, or Edward Fox, unless such certificates as aforesaid, have been, or shall be issued, to a person or persons, who were actually citizens of this State, at the time when the services were performed, or articles furnished, for which such certificates have been, or shall be granted, and if such certificates shall be for articles furnished, that such articles were furnished within this State: and the treasurer of this State, and the surveyor general of this State, And the commissioners of forfeitures, for the time being, are hereby respectively authorized and required, to examine upon oath or otherwise any person who shall offer any of the said certificates in payment, or any other person, in order to determine whether such certificate or certificates are receivable, according to the true intent and meaning of this act or not.

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## CHAP. 103.

AN ACT supplementary to an act entitled An act for running out and marking the jurisdiction line between this State and the commonwealth of Pennsylvania, and for other purposes therein mentioned.

PASSED the 21st of April, 1787.

Appointment of commissioners to fill vacancies.

*Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice of the