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Harvard College Library

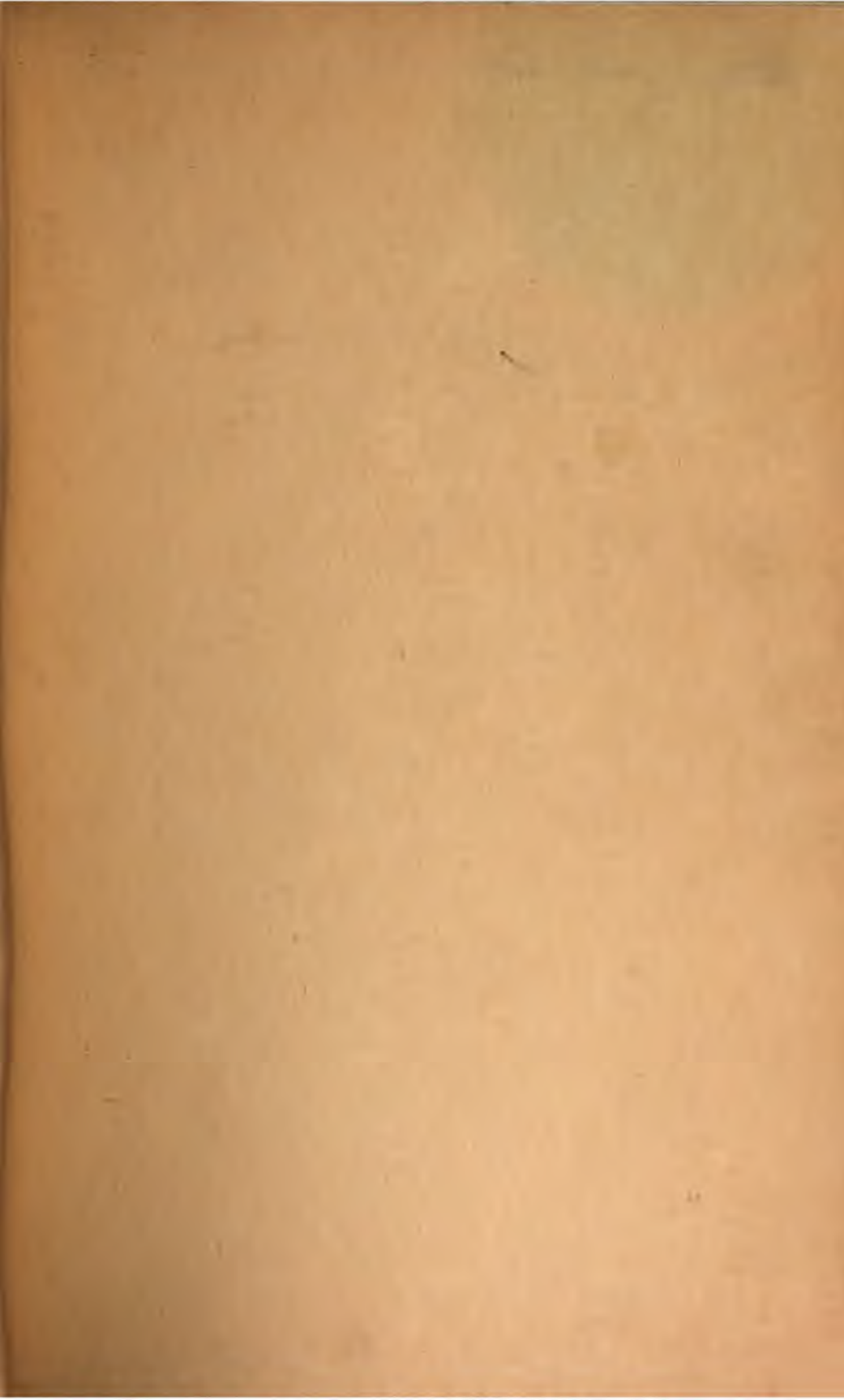


FROM THE
BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT
of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,
who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.







LAWS
OF THE
(STATE) OF NEW YORK -

PASSED AT THE
SESSIONS OF THE LEGISLATURE

HELD IN THE YEARS
1777, 1778, 1779, 1780, 1781, 1782, 1783 and 1784, inclusive,
BRING THE FIRST SEVEN SESSIONS.

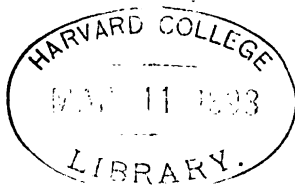
REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME I.



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WEED, PARSONS AND COMPANY, PRINTERS.
1886.

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CHAPTER 341.

AN ACT to provide for the publication of the session laws from seventeen hundred and seventy-seven to eighteen hundred and one, inclusive.

PASSED May 27, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State is directed to republish, verbatim, preserving the original spelling and punctuation, the session laws of this State from seventeen hundred and seventy-seven to eighteen hundred and one, both inclusive. References showing when each law was amended or repealed, may be added.

§ 2. The republication shall be in octavo volumes of not less than six hundred or more than seven hundred and fifty pages each, with an index to each volume, and of a material equal in style and quality to the session laws of eighteen hundred and eighty-four.

§ 3. The edition shall consist of one thousand copies and shall be distributed as follows; One copy to each judicial district library; one copy to the clerk's office of each county; one copy to each justice of the supreme court, and each judge of the court of appeals; one copy to each legislative library, and each State department; two hundred copies to the trustees of the State library, for literary and scientific exchanges. The remainder shall be delivered to the trustees of the State library, and such trustees shall reserve sufficient copies for the future use of the State, and in their discretion sell the balance at a price to be fixed by them, and pay the proceeds into the treasury of the State.

§ 4. Six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and the same shall be paid by the Treasurer on the warrant of the Comptroller in such sums and to such persons as the Secretary of State shall approve. The work herein authorized shall not be begun unless it can be completed for the sum herein appropriated.

§ 5. The title page of each volume shall state that it was published pursuant to this act, and the same may be cited in any action or proceeding with the same force as the original edition.

§ 6. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } ss.:

I hereby certify that the Laws, contained in this volume, were republished by me pursuant to chapter three hundred and forty-one of the Laws of eighteen hundred and eighty-five.

FREDERICK COOK,
Secretary of State.



L A W S

OF THE

STATE OF NEW-YORK,

PASSED IN THE

FIRST SESSION OF THE SENATE AND ASSEMBLY OF THE SAID
STATE, BEGINNING THE TENTH DAY OF SEPTEMBER,
1777, AND CONTINUED BY ADJOURNMENTS, AND
ENDING WITH THE LAST DAY OF JUNE, 1778.

CHAP. 1.

AN ACT of accession to, and approbation of certain proposed articles of confederation and perpetual union, between the United States of America, and to authorize the delegates, of the State of New-York, to ratify the same on the part and behalf of this State, in the congress of the said United States.

PASSED the 6th of February, 1778.

WHEREAS the freedom, sovereignty and independence of the said States which with a magnanimity fortitude constancy and love of liberty hitherto unparalleled they have asserted and maintained against their cruel and unrelenting enemies the king and parliament of the realm of Great-Britain will for their lasting and unshaken security in a great measure depend under God on a wise well concerted intimate and equal confederation of the said United States. And whereas the honorable the congress of the said United States, have transmitted, for the consideration of the legislature of this State; and for their ratification in case they shall approve of the same, the following articles of confederation, to-wit,

Preamble.

“Articles of confederation and perpetual union, between the States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.”

Articles of confederation.

“Article 1st. The stile of this confederacy shall be “The United States of America.”

Name.

Sovereignty.

"Article 2d. Each State retains its sovereignty, freedom and independence; and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in congress assembled.

League of friendship.

"Article 3d. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Privileges, Immunities of free citizens.

"Article 4th. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union, the free inhabitants of each of these States, paupers, vagabonds and fugitives, from justice excepted shall be entitled to all privileges and immunities of free citizens in the several States and the people of each State, shall have free ingress and regress, to and from any other State and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided—also that no imposition, duties or restriction, shall be laid by any State on the property of the United States, or either of them. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the governor, or executive power of the State from which he fled, be delivered up and removed to the State, having jurisdiction of his offence.

Faith and credit to be given records, etc.

"Full faith and credit shall be given in each of these States, to the records, acts and judicial proceedings of the courts and magistrates of every other State.

Delegates to congress.

"Article 5th. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislature of each State shall direct, to meet in congress, on the first Monday in November, in every year, with a power reserved to each State, to recal its delegates, or any of them, at any time within the year; and to send others in their stead, for the remainder of the year.

Number of.

"No State shall be represented in congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Maintenance of.

"Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

"In determining questions in the United States in congress assembled, each State shall have one vote.

Freedom of speech, etc.

"Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress; and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress; except for treason, felony, or breach of the peace.

“ *Article 6th.* No State, without the consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty, with any king, prince or State; nor shall any person holding any office of profit or trust, under the United States, or any of them, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

Individual States not to send or receive embassy.

“ No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into; and how long it shall continue.

Not to make treaties.

“ No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in congress assembled, with any king, prince or State, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

Not to lay imposts.

“ No vessels of war shall be kept up in time of peace by any State; except such number only, as shall be deemed necessary by the United States in congress assembled, for the defence of such State, or its trade. Nor shall any body of forces be kept up by any State in time of peace, except such number only, as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts, necessary for the defence of such State. But every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide, and constantly have ready for use, in public stores, a due number of field pieces, and tents, and a proper quantity of arms, ammunition and camp equipage.

Vessels of war and armed forces in time of peace.

Militia.

“ No State shall engage in any war, without the consent of the United States in congress assembled, unless such State be actually invaded by enemies; or shall have received certain advice of a resolution being formed by some nation of Indians, to invade such State, and the danger is so imminent, as not to admit of a delay, till the United States in congress assembled, can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war, by the United States in congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

Individual States not to engage in war unless invaded, etc.

“ *Article 7th.* When land forces are raised by any State for the common defence, all officers of, or under the rank of colonel shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

Military officers, appointment of.

“ *Article 8th.* All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of

Expenses of war, how to be defrayed.

“ a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in congress assembled.

Powers of
the United
States.

“ *Article 9th.* The United States in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, *provided* that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; *provided*, that no member of congress shall be appointed a judge of any of the said courts.

Congress
to be the
last resort
on appeal
in dis-
putes, etc.,
between
States.

“ The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that may hereafter arrive between two or more States concerning boundary, jurisdiction or any other cause whatsoever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree congress shall name three persons out of each of the United States and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: And if either party shall neglect to attend at the day appointed without shewing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each State, and the secretary of congress shall strike in behalf of such party absent or refusing, and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim, or cause, the court shall nevertheless proceed to pronounce

“sentence, or judgment, which shall in like manner be final and decisive. “The judgment or sentence and other proceedings, being in either case “transmitted to congress, and lodged among the acts of congress for the “security of the parties concerned: *Provided* that every commissioner, “before he sits in judgment shall take an oath to be administered by “one of the judges of the supreme or superior court of the State, where “the cause shall be tried *‘well and truly to hear and determine the matter “in question, according to the best of his judgment, without favour, affec- “tion or hope of reward.’* Provided also, that no State shall be deprived “of territory for the benefit of the United States.

“All controversies concerning the private right of soil claimed under “different grants of two or more States, whose jurisdictions as they “may respect such lands, and the States which passed such grants are “adjusted, the said grants or either of them being at the same time “claimed to have originated antecedent to such settlement of jurisdiction “shall on the petition of either party to the congress of the United “States, be finally determined as near as may be in the same manner “as is before prescribed for deciding disputes respecting territorial juris- “diction between different States.

Contro- versies concern- ing private right to soil, how to be de- termined.

“The United States in congress assembled shall also have the sole “and exclusive right and power of regulating the alloy and value of “coin, struck by their own authority, or by that of the respective States “—fixing the standard of weights and measures throughout the United “States—regulating the trade and managing all affairs with the “Indians, not members of any of the States; provided that the legis- “lative right of any State within its own limits be not infringed or “violated—establishing and regulating post-offices, from one State to “another, throughout the United States, and exacting such postage on “the papers passing thro the same, as may be requisite to defray the “expences of the said office—appointing all officers of the land “forces, in the service of the United States, excepting regimental “officers—appointing all the officers of the naval forces, and com- “missioning all officers whatever in the service of the United States, “—making rules for the government and regulation of the said land “and naval forces, and directing their operations.

Power to regulate the alloy and value of coin, weights and meas- ures, etc.

“The United States in congress assembled shall have authority to “appoint a committee, to sit in the recess of congress, to be denomi- “nated *‘a committee of the States,’* and to consist of one delegate from “each State; and to appoint such other committees and civil officers as “may be necessary for managing the general affairs of the United States “under their direction—to appoint one of their number to preside, “provided that no person be allowed to serve in the office of president “more than one year in any term of three years; to ascertain the neces- “sary sums of money to be raised for the service of the United States, “and to appropriate and to apply the same for defraying the public “expences—to borrow money or emitt bills on the credit of the United “States, transmitting every half year to the respective States an account “of the sums of money so borrowed or emitted—to build and equip a “navy,—to agree upon the number of land forces, and to make requi- “sitions from each State for its quota, in proportion to the number of “white inhabitants in such State; which requisitions shall be binding “and thereupon the legislature of each State shall appoint the regi- “mental officers, raise the men and cloath, arm and equip them in a “soldier like manner, at the expence of the United States, and the offi- “cers and men so cloathed, armed and equipped, shall march to the “place appointed, and within the time agreed on by the United States in

“Commitee of the States” and other commit- tees, etc.

Power to raise and borrow money, build a navy, raise and equip land forces, etc.

“congress assembled: But if the United States in congress assembled shall on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed armed and equiped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip, as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equiped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

Assent of nine States necessary to engage in war, etc.

“The United States in congress assembled shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: Nor shall a question on any other point, except for adjourning from day to day be determined; unless by the votes of a majority of the United States in congress assembled.

Adjournments; Journal of proceedings, etc.

“The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States. so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

Powers of “committee of States.”

“Article 10th. The committee of the States or any nine of them shall be authorized to execute, in the recess of congress, such of the powers of congress, as the United States in congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which by the articles of confederation, the voice of nine States, in the congress of the United States assembled is requisite.

Canada may join confederation.

“Article 11th. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

Bills of credit, etc., a charge against the United States.

“Article 12th. All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith, are hereby solemnly pledged.

“ *Article 13th.* Every State shall abide by the determination of the United States in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual: nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every State. These articles shall be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they are advised to authorise their delegates, to ratify the same in the congress of the United States; which being done, the same shall become conclusive.

States to abide by determination of congress, etc.

By Order of Congress,
HENRY LAURENS President.”

And whereas the senate and assembly of this State of New-York in legislature convened have separately taken the said several articles of confederation into their respective most deliberate and mature consideration and by their several and respective resolutions deliberately made and entered into for the purpose have fully and entirely approved of the same.

Recital as to approval

In order therefore that such approval may be published and made known to the whole world with all the solemnities of law and that all the subjects of this State and others inhabiting and residing therein from time to time and at all times thereafter as long as the said confederation shall subsist and endure may be bound by and held to the due observance of the said articles of confederation as a law of this State if the same shall be duly ratified by all the said United States in congress assembled.

Ibid. as to publication

Be it enacted and declared by the People of the State of New-York represented in Senate and Assembly and it is hereby enacted and declared by the authority of the same That the said several above recited articles of confederation and all and singular the clauses, matters and things in the same contained be and the same are hereby fully accepted, received and approved of, for and in behalf of the people of this State.

Enacting clause. Articles approved.

And to the end that the same may with all due form and solemnity be ratified and confirmed by this State in congress

Be it further enacted by the authority aforesaid that the delegates of this State in the said congress of the United States of America or any two of the said delegates shall be and hereby are fully authorized empowered and required wholly entirely and absolutely for and in behalf of the people of this State and in such manner and under such formalities as shall be determined in congress to ratify and confirm all and every of the said above recited articles of confederation and all and singular the clauses matters and things in the same contained and that on exemplification of this act tested by his excellency the governor, or the lieutenant governor, or president of the senate of this State for the time being administering the government and authenticated with the great seal of this State shall be full and conclusive evidence of this act provided always that nothing in this act or the said above recited articles of confederation contained nor any act matter or thing to be done and transacted by the delegates of this State in congress in and concerning the premises or any part thereof shall bind or oblige or be construed deemed or esteemed to bind or oblige the government legislature people subjects inhabitants or residents of this State until the said above recited articles of confederation shall have been duly ratified

Delegates authorized to ratify and approve articles.

and confirmed by or in behalf of all the said United States in congress assembled any thing herein or in the said above recited articles of confederation contained to the contrary thereof in anywise notwithstanding

CHAP. 2.

AN ACT to empower the governor, lieutenant governor or president of the senate administering the government of this State, to order the commissioner and commissaries therein mentioned to issue the several stores, cloathing and necessaries therein specified to the uses and purposes therein directed.

PASSED the 4th of February, 1778.

Officers
named to
issue mili-
tary stores.

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 the commissioner of military stores, the commissaries of cloathing, and the commissary, for procuring necessaries for the use of the continental troops raised by this State appointed by the convention thereof be and they hereby are respectively authorized and required from time to time to deliver such and so many of the said stores, cloathing and necessaries, as now are or hereafter may be from time to time in their or either of their, care custody or possession, to such person or persons, and in such manner as the governor, lieutenant governor, or president of the senate administering the government, for the time being shall direct, by his order in writing, under his hand, specifying to whom or what account the same shall be charged; and the said governor, lieutenant governor or president shall be, and he hereby is authorized and empowered to give orders to the said commissioner of military stores to issue for the use of the militia of this State or any part thereof, such quantities of the said military stores as he shall judge necessary; and to the said commissaries respectively for the use of the five regiments of continental troops, raised by this State, or any part thereof, such quantities of the said cloathing and other necessaries, as he shall think fit, and to no other uses or purposes whatsoever; the person or persons to whom such issues shall be made as aforesaid rendering himself and themselves, by his or their receipt, accountable for the same.

Time act
to continue
in force.

And be it enacted by the authority aforesaid, That this act shall continue in force untill the first day of *January*, which will be in the year of our Lord one thousand seven hundred and seventy-nine, and no longer.

CHAP. 3.

AN ACT appointing commissioners for detecting and defeating conspiracies and declaring their powers.

PASSED the 5th of February, 1778.

Preamble.

WHEREAS the late convention did appoint a board of commissioners for the purpose of enquiring into detecting and defeating all conspiracies which might be formed in this State against the liberties of *America*

And whereas, by reason of the present invasion of this State and of the disaffection of sundry of the inhabitants of the same, it will be expedient to continue the said board which experience hath shewn to be of great use and importance. To the end therefore that the State and the peace of the same may be effectually guarded and secured against the wicked machinations and designs of the foreign and domestic foes thereof

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 the governor, lieutenant governor, or president of the senate who for the time being shall administer the government of this State be and he hereby is authorized and empowered from time to time to appoint by commission by and with the advice and consent of the council of appointment so many persons not exceeding ten as he shall think proper to be commissioners for the Purposes aforesaid and that the said commissioners or any three of them be and they hereby are authorized and empowered to do and perform the several acts matters and things herein after mentioned viz: that the said commissioners or any three of them shall be and they hereby are authorized and empowered to send for persons and papers and administer oaths and to apprehend and confine or cause to be apprehended and confined in such manner and under such restrictions and limitations as to them shall appear necessary for the public safety all persons whose going at large shall in the judgment of the said commissioners or any three of them appear dangerous to the safety of this State. To take bonds and recognizances from time to time to the people of this State for the good behaviour safe custody or appearance of such of the said persons and of all others now confined for the like cause as they may think proper in such sums and upon such conditions as unto them shall appear expedient; and the said bonds and recognizances if forfeited to prosecute or to cancel and release upon such terms and conditions and to discharge from confinement any of the said persons absolutely and without any terms or conditions as they may think proper and also from time to time to make such provision for the safe custody and comfortable subsistence of all persons who may from time to time be so confined as aforesaid in such manner as they may think proper provided always that by reason or colour of any thing herein contained the said commissioners or any of them shall not be empowered to inflict any corporal punishment upon any or either of the said persons confined as aforesaid.

Officer named to appoint commissioners.

Powers of commissioners.

To take bonds.

Custody and maintenance of prisoners.

And be it further enacted by the authority aforesaid that no judge or magistrate shall bail any of the persons who may be confined by authority of the said commissioners and that no court shall deliver any of the gaols within this State of any person or persons so confined as aforesaid unless such persons shall have been indicted and tried for the offence or offences for which he or she shall have been respectively committed.

Persons confined not to be let to bail, etc.

And be it further enactea by the authority aforesaid that each and every of the said commissioners before they shall respectively take upon them the exercise of the said office do before one or more of the said commissioners who are hereby empowered to administer the same take the following oath (towit). "I, A. B. one of the commissioners according to the form and effect of an act entitled an act for appointing commissioners for detecting and defeating conspiracies, and declaring their powers appointed do in the presence of Almighty God most solemnly promise and swear that I will to the best of my knowledge and ability

Official oath.

faithfully execute and perform for the benefit and advantage of the people of the State of *New-York* all and singular the powers and authorities by force and virtue of the said act unto me given. So help me God.

Power to draw money from public treasury.

And for as much as the execution of the said several trusts, duties and powers, will be attended with considerable expence *be it further enacted by the authority aforesaid* that the said commissioners be, and they hereby are authorized and empowered from time to time to draw from the public treasury of this State all and every such sum and sums of money as they shall think proper *provided always*, That the said commissioners shall render a just and true account of the expenditure of the several sums of money by them so drawn as aforesaid; and that the said several sums shall not in the whole exceed the sum of five thousand pounds.

Account to be rendered.

Minutes of proceedings.

And be it further enacted by the authority aforesaid that the said commissioners shall keep regular minutes of all their proceedings in order that the same may be submitted if required to the consideration of the senate or assembly or of such person or persons as shall be for that purpose appointed; and that each and every of the said commissioners do receive for every day in which he shall be actually employed in the business aforesaid the sum of twenty shillings, for his trouble and expence, in attending upon the same.

Time act to continue in force.

And be it further enacted by the authority aforesaid that this act shall continue in force, until the first day of *November*, in the year of our Lord one thousand seven hundred and seventy-eight, and no longer.

CHAP. 4.

AN ACT to remove doubts concerning the corporation of the city of Albany.

PASSED the 17th of February, 1778.

Preamble.

WHEREAS by the Constitution of this State it is ordained that none of the charters within the same shall be adjudged to be void by reason of any non-user or mis-user between the nineteenth day of *April*, in the year of our Lord one thousand seven hundred and seventy-five and the publication of the said Constitution *and whereas* the inhabitants of the said city at the last anniversary for the election and appointment of the members of the corporation of the said city did not, in the confusion of the times occasioned by the calamities of the present war elect their aldermen or assistants or common councilmen in strict conformity with the charter of the said city nor did the said corporation appoint the officers required by the said charter to be appointed by them, on that day and on account of the establishment of independency in the United States of *America* and the change of government in this State in consequence thereof the members of the said corporation could not take the usual oaths required by the said charter by reason whereof doubts may arise as well to the prejudice of the estates rights liberties privileges franchises and immunities granted and confirmed by the said charter to the said corporation and the inhabitants of the said city as concerning the validity of the election, and the authority of the several magistrates and other members of the said city, and corporation then elected. For the removal whereof and to the end that all and singular the said estates rights liberties privileges franchises and immunities may remain as good,

valid and unimpeached in the law as the same were, at and immediately before the said nineteenth day of *April*, in the year of our Lord one thousand seven hundred and seventy-five; and that the said magistrates and other members may exercise their several offices and functions without any legal or other let hindrance or impediment whatsoever.

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 the said charter and all and singular the estates, rights, powers, authorities liberties privileges franchises preheminences and immunities thereby granted and confirmed, and which the said corporation and the members thereof did actually hold exercise and enjoy on the nineteenth day of *April*, in the year of our Lord one thousand seven hundred and seventy-five shall be, continue and enure, in full force, virtue and efficacy, to all intents, constructions and purposes, in the law whatsoever notwithstanding any non-user or mis-user thereof, or of any part thereof between the eighteenth day of *April* in the year of our Lord one thousand seven hundred and seventy-five and the first day of *March* in the year of our Lord one thousand seven hundred and seventy-eight or the day of qualification herein after mentioned which shall first happen and that all and singular the said magistrates and members of the said corporation shall be fully able and capable in the law to exercise all and singular the powers and authorities to their several and respective offices and places belonging as well as their joint and several authorities in the appointment of such officers as ought to have been appointed by them jointly or by any one or more of them separately on the aforesaid anniversary day notwithstanding any want of conformity to the said charter in the said election or appointments or either of them.

Charter, etc., continued in force.

And be it further enacted by the authority aforesaid that as soon as may be after the publication hereof the mayor, recorder aldermen and assistants or common council men of the said city and all other the officers of the said corporation shall convene at the city-hall of the said city or some other place in the said city convenient for the purpose and there qualify themselves for the said offices and places respectively by taking the oath of allegiance to this State as prescribed by law and also their several and respective oaths of office, as directed by the said charter before they shall respectively enter on the execution of their several and respective offices and places.

Officers to convene and take oath of allegiance to State.

CHAP. 5.

AN ACT for granting to the governor the sum of ten thousand pounds for paying subsisting and defraying the contingent expences of the militia whenever he shall call them into actual service.

PASSED 21st February, 1778.

WHEREAS notwithstanding the governor of this State is by the constitution thereof general and commander in chief of all the militia yet no provision is made for the payment subsistence or the contingent expences of such parts of the said militia as he may from time to time call into actual service *and whereas* this State is still invaded by foreign enemies and infested with wicked and disaffected persons who

Preamble.

disturb the peace of the same by reason whereof it may be necessary frequently to order detachments of the said militia into actual service *to the end therefore* that the governor may be the better enabled to call out the militia whenever he shall judge it requisite for the defence and security of the State

Officer named given power to draw money to pay subsistence, etc., of militia.

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 the governor, lieutenant-governor or president of the senate who shall administer the government of this State for the time being shall be and he is hereby authorized and empowered from time to time to draw from the treasury of this State by warrant all and every such sum and sums of money as he may think proper not exceeding in the whole the sum of ten thousand pounds to be applied to the payment subsistence and contingent expences of such of the militia as he may from time to time call into actual service.

Account to be rendered.

And be it further enacted by the authority aforesaid that the governor, lieutenant-governor or president of the senate who shall administer the government for the time being shall render an account to the legislature of this State of all such sum and sums of money as he may so from time to time draw out of the treasury for the purposes aforesaid.

CHAP. 6.

AN ACT for the distribution of sundry charitable donations to certain distressed inhabitants on the frontiers of this State.

PASSED the 21st of February, 1778.

Preamble.

WHEREAS in consequence of a resolution of the late council of safety containing a recommendation for that purpose, sundry charitable donations have been and probably will continue to be made for the relief of the ruined inhabitants on the frontiers of this State *and whereas* by the tenor of the said resolution such donations were to be applied to the relief of such inhabitants in such manner as the said council or the legislature of this State should direct. *To the end therefore* that a due distribution of the said donations may be made and that persons may be properly authorized for that purpose.

Commissioners to collect and distribute donations.

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 *Volkert Veeder* of Tryon county, *Cornelius Van Veghten* of Saraghtoga, and *Andrew Mitchell* of Balls-Town in the county of Albany, and *John Nesbitt* and *Samuel Crossit* of Charlotte county esquires shall be and they are hereby appointed commissioners to collect and distribute such donations as aforesaid with full power and authority to them or a majority of them to receive such donations as aforesaid from each and every person and persons in whose hands the same are or shall be deposited and the same to distribute to and among the distressed inhabitants on the frontiers of the eastern and western districts of this State, who during the late campaign, were obliged by reason of the devastations of the enemy to abandon their habitations, in such manner and in such proportions to each respective family or person as to the said commissioners shall seem meet and proper.

Expenses to be de-

And be it further enacted by the authority aforesaid that all and singular the charges and expences that shall arise in or about the

premises shall be defrayed out of the said donations, and the said commissioners are hereby authorized to sell and dispose of such part of the said donations as shall be necessary for that purpose; *provided nevertheless* that the said commissioners shall not be allowed any commissions or wages for their services or loss of time.

And be it further enacted by the authority aforesaid that the said commissioners shall keep just and regular accounts of all their proceedings in or about the premises; to the end, that the same may if required be laid before the legislature of this State.

frayed out of donations.

Accounts to be kept.

CHAP. 7.

AN ACT requiring all persons holding offices or places under the government of this State to take the oaths therein prescribed and directed.

PASSED the 5th of March, 1778.

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 every member of the present senate and every member of the present assembly as soon as may be after the passing of this act; and every future member of the senate and every future member of the assembly, before he take his seat; and all officers civil and military, before they enter upon the execution of their respective trusts places or offices shall and they are hereby respectively required to take and subscribe the following oath of allegiance; to-wit.

Officers to take oath of allegiance.

I, A. B. do solemnly swear and declare in the presence of Almighty God, that I will bear true faith and allegiance to the State of *New-York* as a free and independent State; and that I will in all things to the best of my knowledge and ability, do my duty, as a good subject of the said State ought to do; so help me God.

Form of.

And be it further enacted by the authority aforesaid that the governor and lieutenant-governor for the time being and every president of the senate, who shall at any time administer the government of this State, shall respectively take the following oath of office to-wit,

Officers named to take official oath.

I, A. B. elected and appointed (governor lieutenant-governor or president of the senate as the case may be) do here solemnly in the presence of Almighty God, before whom I expect to answer for my conduct swear and declare, that I will in all things to the best of my knowledge and ability, faithfully perform the trust reposed in me as (governor lieutenant-governor or president of the senate as the case may be) by executing the laws and maintaining the peace, freedom and independence of the said State, in conformity unto the powers delegated unto me by the Constitution of the said State; so help me God.

Form of.

And be it further enacted by the authority aforesaid That all judicial officers of this State, before they enter on the execution of their respective offices shall severally take and subscribe the following oath to-wit,

Judicial officers to take official oath.

I, A. B., do solemnly swear and declare in the presence of Almighty God, that I will to the best of my knowledge and ability execute the office of (here describe the office) within the State of *New-York* according to the laws and Constitution of the said State in defence of the freedom and independence thereof and for the maintenance of

Form of.

liberty and the distribution of justice among the subjects of the said State without fear, favour, partiality, affection or hope of reward; so help me God.

Secretary
of State to
take offi-
cial oath.
Form of.

And that the secretary of this State shall in like manner take and subscribe the following oath, to-wit.

"I, A. B., secretary of the State of *New-York*, do solemnly swear and declare in the presence of Almighty God, that I will in all things, to the best of my knowledge and ability, justly and honestly, keep the records, deeds, wills, testaments, parchments and instruments of writing committed, and which shall be from time to time hereafter committed unto me; and in all other things to the best of my knowledge and understanding faithfully perform the duty of my said office of secretary without favour or partiality. So help me God."

Sheriffs to
take offi-
cial oath.
Form of.

And that the sheriffs and under-sheriffs of the several counties in this State shall in like manner take and subscribe the following oath, to-wit.

I, A. B., (sheriff, or under-sheriff as the case may be) of the county of _____ do solemnly swear and declare in the presence of Almighty God; that I will well and truly serve the people of the State of *New-York*, in the office of (sheriff or under-sheriff, as the case may be) during my continuance therein; and will duly, faithfully and truly execute or cause to be executed (the words "or cause to be executed" to be omitted when the oath is administered to an under-sheriff) all writs and precepts that shall be delivered to me or come to and remain in my hands for that purpose; and will faithfully and truly return the same according to the best of my knowledge, skill, and judgment; and that I will not knowingly, corruptly or unjustly, use or exercise the office of (sheriff or under-sheriff as the case may be) during the time that I shall remain therein; neither will I directly or indirectly, accept, receive or take by any colour means or device whatsoever or consent to the taking of any manner of fee or reward, of or from any person or persons whatsoever, for the impaneling or returning of any inquest, jury or tales in any court for the people of this State or between party and party or for the serving any legal process whatsoever or for any other service whatsoever, in my said office of sheriff (or under-sheriff as the case may be) more than such fees or rewards, as now are or hereafter shall be appointed, allowed, and by law established; but will demean myself truly and impartially in all things that shall belong to the duty of my office of (sheriff, or under-sheriff, as the case may be) according to the best of my skill and ability. So help me God.

Clerks to
take offi-
cial oath.
Form of.

And also that the clerks of the several counties in this State shall in like manner respectively take and subscribe the following oath to-wit.

I, A. B., clerk of the county of _____ do solemnly swear and declare in the presence of Almighty God; that I will justly and honestly keep the records and papers by virtue of my said office of clerk committed and which shall be from time to time hereafter committed unto me, and in all things to the best of my knowledge and understanding faithfully perform the duty of my said office of clerk without favour or partiality; so help me God.

Ministerial
officers to
take offi-
cial oath.
Form of.

And also that all other ministerial officers in this State shall take the following oath to-wit.

I, A. B., chosen or appointed (as the case may be) to the office of (here insert the officer's title of office) do solemnly in the presence of Almighty God, before whom I expect to answer for my conduct promise and swear, that I will in all things to the best of my knowledge and ability faithfully perform the trust reposed in me. So help me God.

And be it further enacted by the authority aforesaid ; That all future governors and lieutenant-governors and every president of the senate who shall at any time administer the government of this State and the present and all future members of the senate and the present and all future members of the assembly, chancellors judges and the respective officers of their several courts, and justices, secretaries of the state sheriffs under-sheriffs and clerks of counties and all military officers shall take and subscribe the oaths above required to be taken and subscribed by them respectively before some person or persons who shall be appointed by commission in nature of a *dedimus potestatem* for that purpose ; which person or persons shall take such subscriptions on a roll or rolls to be provided for the purpose, containing a proper caption or captions with the said oaths wrote at length thereon, and subscribed with the proper names and handwriting of the several person and persons taking such respective oaths ; which rolls shall from time to time be disposed of as follows to wit.

Future officers to take and sign same oaths.

Those containing the oaths and subscriptions, of the governors, lieutenant-governor, members of senate, members of assembly, chancellors, judges of the supream court, judges of the court of admiralty, judges of the court of probates and the respective officers of their several courts and the secretaries of the state, shall be deposited and kept in the secretary's office of this State; and such of them as contain the oaths and subscriptions of the county officers both civil and military, shall be deposited and kept in the offices of clerk of the respective counties; and that every ministerial officer other than such as are herein above mentioned, shall take the oath herein above directed to be taken by him before a justice of the peace in the county where such officer shall reside. *Provided always*, That nothing in this act contained shall be construed to extend to his excellency the present governor, who is already qualified on oath for the exercise of his office.

Official oaths, where to be kept.

Proviso as to present governor.

CHAP. 8.

AN ACT for encreasing the number of assessors throughout this State.

. PASSED the 12th of March, 1778.

WHEREAS it is supposed that assessments could be made with greater certainty if the number of assessors throughout this State were increased

Preamble.

Be it therefore 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 the several assessors within this State shall be and they are hereby respectively discharged from the said office of assessor.

Assessors discharged.

And be it further enacted by the authority aforesaid That the inhabitants of the several wards in the several cities and of the several boroughs, towns, manors, districts and precincts within this State shall assemble themselves on the first Tuesday in *April* next in the several wards in the several cities at such place in each respective ward where the elections for civil officers have heretofore been usually held and in the several boroughs, towns, manors, districts and precincts at the several usual places of town-meeting (except in the *Mohawks* district in *Troy* county wherein the election shall be held at the house

Assessors to be elected.

of *Johannes Veeder*) and shall then and there by plurality of voices elect in manner heretofore accustomed so many assessors to be persons resident within the respective wards, boroughs, towns, manors, districts and precincts as the plurality of the inhabitants then and there assembled shall determine proper and necessary so as the number of assessors for each ward, borough, town, manor, district or precinct shall not exceed nine nor be less than three.

Term of office.

And be it further enacted by the authority aforesaid That the assessors so to be elected on the said first Tuesday in *April* next shall continue in office in the several wards until the annual day of election of civil officers in each respective city and in the several boroughs, towns manors, districts or precincts until the annual day of town-meeting which will be in the year of our Lord *one thousand seven hundred and seventy-nine*.

Annual election of assessors.

And be it further enacted by the authority aforesaid That the inhabitants of the several wards shall on the said annual day of election of civil officers and the inhabitants of the several boroughs, towns, manors, precincts and districts shall on the said annual day of town-meeting which will be in the year of our Lord *one thousand seven hundred and seventy-nine* and on every annual day of election or town-meeting forever thereafter by plurality of voices elect a number of assessors not less than three nor exceeding nine, in the said wards, boroughs, towns, manors, districts and precincts, respectively.

Powers and duties of assessors.

And be it further enacted by the authority aforesaid That a majority of the assessors to be elected by virtue of this act shall be and they are hereby authorized to rate and assess the several persons and estates within the respective places for which they shall be so elected assessors and that each and every person so to be elected an assessor who shall refuse to take upon him the said office of assessor shall forfeit the sum of *twenty-five pounds* to the people of the State to be sued for and recovered with costs of suit to be taxed, by the attorney general of this State in an action of debt by bill plaint or information in any court of record within this State wherein the defendant shall be held to bail as in actions of debt on specialty and wherein also no essoin, protection or wager of law nor more than one imparlance shall be allowed; and on recovery of the said penalty the same shall be paid into the treasury of this State.

Official oath.

And be it further enacted by the authority aforesaid That each and every person to be elected an assessor from and after the publication of this act shall before he proceed in the execution of his office take and subscribe the following oath before a justice of the peace of the county wherein he shall reside, *viz.*

Form of.

I, A. B. an assessor elected for (here insert the place for which he shall be so elected) do solemnly and sincerely swear and declare in the presence of Almighty God that I will honestly and impartially assess the several persons and estates within the (here insert the place for which he shall be so elected) and that in making such assessments I will to the best of my knowledge and judgment observe the directions of the several laws of this State requiring and directing each respective assessment to be made, so help me God.

Penalty for proceeding to act before taking oath.

And that each and every person who shall proceed in the execution of the said office of assessor before he shall have taken and subscribed such oath as aforesaid shall forfeit the sum of twenty-five pounds to the people of this State to be sued for, recovered and applied by the person and in the manner directed with respect to the other penalty above mentioned.

And be it further enacted by the authority aforesaid That all the laws of this State as far forth as the same shall limit and appoint the number of assessors to be elected in and for the different parts of this State shall be and the same are hereby repealed. Acts repealed.

And be it further enacted by the authority aforesaid That as well for the purpose of assessments, as all military purposes whatsoever, the settlements of *Woodstock*, of Great and of Little *Shandeken* in *Ulster* county, be and they are hereby severally annexed to and made parts of the township of *Hurley*, and that the settlement of *Leghaweagh*, in the said county be and it is hereby annexed for the purposes aforesaid to the township of *Rochester* in the said county of *Ulster*. Settlements made part of townships.

CHAP. 9.

AN ACT to enable his excellency the governor to assist the continental commissary of prisoners within this State with means to secure the prisoners of war under his direction.

PASSED the 13th of March, 1778.

WHEREAS the honorable the congress of the United States of America, Preamble. by a certain resolution of the twenty first day of *January* in the year of our Lord *one thousand seven hundred and seventy eight* among other things therein contained, have directed that the commissary general of prisoners of the United States do call in all the officers and privates belonging to the enemy being prisoners, and confine them in such places, and order them to be subsisted and treated in such manner as shall render their situation similar in all respects to that of the officers and privates who are prisoners with the enemy; and it is in and by the said resolution recommended to the governments of the respective States, where prisoners of war are confined to give every assistance in their power to the commissary general of prisoners or his deputy by putting them in possession of gaols or other proper buildings and by furnishing them with guards in order to enable them to execute the foregoing resolution

Be it therefore 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 his excellency the governor, or the lieutenant-governor or the president of the senate, for the time being administering the government, be and he is hereby requested authorized and empowered on the part and behalf of the government of this State to do execute and perform all such acts and things as to him shall from time to time appear necessary for giving all such assistance as aforesaid, as he shall think proper to the said commissary general or his deputy or Deputies; and that the legislature of this State shall and will by some future provision to be made for the purpose indemnify his excellency the governor or the lieutenant-governor, or the president of the senate respectively for the time being administering the government for the Expence that shall or may from time to time accrue in and by giving such assistance as aforesaid. Officer named empowered to give assistance and legislature will indemnify against expense.

CHAP. 10.

AN ACT to prevent the exportation of flour meal and grain out of this State.

PASSED the 14th of March, 1778.

Preamble. WHEREAS the council of safety did on the eleventh day of *November* in the year of our Lord one thousand seven hundred and seventy-seven by a certain resolution then made and published lay an embargo against the exportation of all flour, meal and grain whatsoever out of this State and did thereby strictly forbid all persons whatsoever as well inhabitants of this State as others, from and after the sixteenth day of the said month of *November* under any colour or pretence whatsoever either directly or indirectly to export or attempt to export or cause or procure to be exported or attempted to be exported out of this State any flour meal or grain of any kind or quality whatsoever either by land or by water without the special License of the said council of safety or the convention or legislature of this State first had and obtained for the purpose

Ibid. *And whereas* it is still expedient to continue the said embargo as well for the better supplying the inhabitants of this State and the troops that shall from time to time be in the service of the United States of *America* with bread as for preventing supplies of the said necessary articles of provision to the enemy subject nevertheless to certain alterations and regulations which are now become necessary.

Resolution confirmed. *Be it therefore 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 the said resolution of the said council of safety and the embargo thereby laid except such parts thereof as are herein after repealed shall stand and be and hereby are confirmed and continued from the time of the making and publishing of the said resolution until the same shall hereafter be repealed annulled and made void by some future act of the legislature of this State.

Clauses repealed. *And be it further enacted by the authority aforesaid* That all and singular the lauses and provisions in the said ordinance or resolution contained except such part or parts of the same as is or are herein above recited shall be, and the same hereby is and are absolutely repealed annulled and made void any thing in the same or any or either of them contained to the contrary thereof in any wise notwithstanding.

Resolution for licensing exportation of flour repealed. *And be it further enacted by the authority aforesaid* That a certain resolution made and published by the said council of safety on the twenty-first day of *November* in the year of our Lord one thousand seven hundred and seventy-seven for licensing the exportation of flour meal and grain out of this State under certain regulations and restrictions therein mentioned shall be and the same is hereby repealed and declared null and void.

On special occasions exportation may be licensed. *And whereas* notwithstanding the said embargo it may be necessary in special cases to license the exportation of flour meal and grain out of this State.

Be it therefore enacted by the authority aforesaid That it shall and may be lawful for the governor, lieutenant-governor or the president of the senate administering the government of this State for the time being by and with the advice and consent of any two members of the legislature upon special occasions according to his and their discre-

tion from time to time until further provision be made herein by the legislature of this State to license the exportation of flour, meal and grain out of the same, under such limitations restrictions and regulations as to them shall seem proper.

And in order the better to enforce the observance of the said Embargo;

Be it further enacted by the authority aforesaid That whoever shall offend against the tenor true intent and meaning of the said ordinance or Resolution of the said council first above mentioned or of this act either by exporting or causing or procuring to be exported out of this State, the same being actually exported out of the same any flour meal or grain without such special license as the governor, lieutenant-governor or president of the senate of this State for the time being administering the government thereof shall and may by and with such advice and consent as aforesaid grant by virtue hereof, shall forfeit and pay for every offence treble the value of the flour meal or grain so exported to be recovered in an action of debt with full cost of suit either by bill plaint or information in the supreme court of judicature of this State or in the county court of the county wherein the offence shall have been committed; wherein the defendant shall be held to bail as in actions of debt upon specialty and wherein also no essoin protection or wager of law nor any more than one imparlance shall be allowed.

Penalty for violation of ordinance against exporting flour, etc.

And be it further enacted by the authority aforesaid whenever any member of any county committee or of any precinct or district committee or any justice, sheriff or other peace officer within this State shall suspect that any flour meal or grain passing through any part of this State is intended or will be attempted to be exported without such special licence as aforesaid he shall and he is hereby authorized and required to seize and detain the same and also the vessels, slaves; cattle and carriages by whom and where with or whereby the same shall be so attempted to be exported until he shall have caused inquiry to be made, by the oaths of twelve good and lawful men of the neighbourhood wherein such seizures shall have been made whether the flour meal or grain so seized was attempted to be so exported as aforesaid without such special licence as aforesaid giving to the person or persons who possessed the same when the same was seized if free or if a slave or slaves then to the owner or owners of such flour meal or grain if he or they be known eight days previous notice in writing of such inquiry before the same shall be made and in case the jury so to enquire shall find that the said flour meal or grain was attempted to be exported as aforesaid without such special license as aforesaid the same and the vessels, Slaves, cattle and carriages by whom and wherewith or whereby the said flour meal or grain shall have been attempted to be exported shall be and hereby are declared forfeited and shall be sold at public vendue by the Person who shall have seized the same one full and equal third part of the monies arising from which sale after deducting thereout the necessary costs and charges shall be paid to the informer and the other two equal third parts thereof into the treasury of this State.

When officers named may seize flour, etc., intended to be exported.

Enquiry by jury in case of seizure.

And be it further enacted by the authority aforesaid, and it is hereby provided That no person shall be questioned judicially for any act matter or thing contrary to the tenor or true intent and meaning of the said embargo, that shall have been done, acted or transacted by him or her before the passing of this act any thing in the said embargo or in any act or resolution of the said council of safety or in this act to the contrary hereof notwithstanding.

Persons not to be questioned for any act previous to the passage of this law

CHAP. 11.

AN ACT to discharge pardon and remit all offences prosecutions convictions penalties and forfeitures by virtue of an Act entitled "An Act for preventing tumultuous and riotous assemblies in the places therein mentioned, and for the more speedy and effectual punishing the rioters.

PASSED the 16th of March, 1778.

Preamble. WHEREAS by a certain act of the governor the council and the general assembly of the late colony of *New-York* entitled "*An act for preventing tumultuous and riotous assemblies in the places therein mentioned and for the more speedy and effectual punishing the rioters*" passed the ninth day of *March* in the year of our Lord one thousand seven hundred and seventy-four, certain new and extraordinary provisions were made for the prosecution conviction and punishment of certain persons therein named and others for certain offences committed within the counties of *Albany* and *Charlotte*, which provisions being confined to the cases of offences committed within the said two counties and of those persons who may have harboured or concealed the offenders, were in themselves partial, and by altering the law of the land in the said two counties and enacting extraordinary and severe penalties, excluding offenders by a new device from the benefit of a trial by their peers before conviction are not only inconsistent with the genius and spirit of a free government, but are also unjust, founded in ill policy and have been the cause of great discontent among the subjects of this State. *And whereas* altho' the said act has long since expired by its own limitation yet doubts have arose whether persons may not be questioned thereon in a course of law for offences committed against the same before the expiration thereof. *In order therefore* to remove such doubts and to exempt from prosecution and punishment and to ease and quiet in their minds all persons who may be or have been in any wise affected by the said act.

Crimes,
offenses,
etc., dis-
charged
and per-
sons par-
doned.

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 all crimes and offences committed against the said act and all presentments indictments and prosecutions thereon, now depending and undetermined, and all convictions thereon against the persons named in the said act or any or either of them or against any other person or persons whatsoever for any or either of the crimes or offences mentioned in the said act, be and the same are hereby fully absolutely and forever discharged pardoned and superceded, and that the penalties and forfeitures thereon and each and every of them be and the same are hereby fully wholly and entirely released and remitted, and every of the said persons in the said act named and all others affected thereby are hereby severally fully restored to the same estate and condition respectively in which they severally were before the passing of the said act, any thing in the said act contained to the contrary hereof in any wise notwithstanding.

CHAP. 12.

AN ACT further to organize the government of this State.

PASSED the 16th of March, 1778.

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 whenever and as often as a bill shall have been revised by the council appointed to revise all bills about to be passed into laws by the legislature (and which council shall forever hereafter be known by the name of the council of revision) and the said council shall have thereon declared that it did not appear to them improper that the said bill should become a law of this State, or if the said bill shall have been before the said council by the space of ten days, and shall not have been returned by the said council with their objections thereto, as by the Constitution of this State is required, whereby the same shall have become a law of this State, a certificate thereof as the case may be, to be subscribed by the person administering the government of this State for the time being shall be endorsed on such law; whereupon the said person administering the government shall with his own proper hand deliver such law to the secretary of the State for the time being or his sworn deputy, who shall cause the same to be deposited in the secretary's office, and recorded in a book or books to be kept for that purpose. And that whenever and as often as a bill returned by the said council of revision to be re-considered shall notwithstanding be passed into a law, the president of the senate or speaker of the assembly in whichsoever the same shall upon such reconsideration last past, shall deliver such law with his own proper hand to the secretary of the State for the time being or his sworn deputy, to be deposited and recorded as aforesaid; and the secretary of the State for the time being or his sworn deputy shall attend at every session of the legislature for the purpose of receiving laws to be delivered to him as aforesaid.

All bills becoming laws to be indorsed and delivered to the secretary of State and recorded.

And whereas arms have been devised for this State, and two several seals have been devised and made, one of the said seals as and for the great seal, and the other as and for the privy seal of this State (and which said seals are now in the custody and possession of his excellency the present governor)

Proviso as to arms and seals.

Be it therefore further enacted by the authority aforesaid That the said arms and seals shall severally be, and they are hereby respectively declared to be the arms the great seal, and the privy seal of this State. That the person administering the government of this State for the time being shall have the custody and possession of the said seals. That the said seal hereby declared to be the privy seal shall be the seal for military commissions and all such matters and things as heretofore, while this State as the colony of *New-York* was subject to the crown of *Great-Britain* were issued under the seal at arms of the governor or commander in chief of the colony for the time being shall issue under the said seal hereby declared to be the privy seal of this State; and that all such matters and things as heretofore while this State as the colony of *New-York* was subject to the crown of *Great-Britain* were issued under the great seal of the colony, shall in future (the proceedings in the court of chancery herein after mentioned excepted) issue under the said seal hereby declared to be the great seal of this State; and shall be made out and entered of record in the office of secretary of the State,

Declared to be seals and arms of the State, custody of, etc.

in the same manner as when this State as the colony of *New-York* was subject to the crown of *Great-Britain* the same were made out and entered of record in the office of secretary of the colony.

Power and jurisdiction of judge of court of probates.

And be it further enacted by the authority aforesaid That the judge of the court of probates of this State shall be vested with all and singular the powers and authorities, and have the like jurisdiction in testamentary matters, which, while this State as the colony of *New-York* was subject to the crown of *Great-Britain*, the governor or commander in chief of the colony for the time being had and exercised as judge of the prerogative court or court of probates of the said colony, except as to the nomination and appointment of surrogates in the several counties, who shall be nominated and appointed by the council of appointment and commissioned under the great seal: And that all letters of administration to be granted by the said judge, and all citations and other processes issuing out of the said court shall run in the name of the people of this State and be tested in the name of the judge of the said court.

Chancellor and judges named to cause seals for courts to be devised, etc.

And be it further enacted by the authority aforesaid, That the chancellor the judges of the supreme court, the judge of the court of admiralty, the judge of the court of probates, and the judges of the inferior courts of common pleas in the several counties within this State, respectively shall be, and they are hereby respectively authorized and required, forthwith to cause seals for the courts in which they respectively are judges, to be devised and made; and that all commissions writs processes and other proceedings which heretofore by the course and practice of the court of chancery while this State as the colony of *New-York* was subject to the crown of *Great-Britain* issued under the great seal, shall in future issue under the said seal so to be devised and made as and for the seal of the said court. That all proceedings in the court of chancery, and all proceedings in the supreme court, which heretofore while this State, as the colony of *New-York* was subject to the crown of *Great-Britain* were by law, supposed to be before the king himself shall in future be before the people of this State.

Descriptions in writing of devices of arms and seals to be delivered to secretary of State.

And be it further enacted by the authority aforesaid That the person administering the government of this State, as soon as conveniently may be after the publication hereof shall deliver to the secretary of the State descriptions in writing of the devices of the said arms and seals, hereby declared to be the arms great seal and privy seal of this State; and that the chancellor, the judges of the supreme court, the judge of the court of admiralty, and the judges of the court of probates, shall severally as soon as conveniently may be after they shall have caused seals to be devised and made for the courts in which they respectively are judges as aforesaid, deliver to the secretary of the State descriptions in writing of the said several seals which said several descriptions in writing the said secretary of the State shall deposit and record in his office there to remain as public records of this State.

Commissions, etc., on paper valid.

And be it further enacted by the authority aforesaid That all commissions and law proceedings shall during the present war, and for and during the space of one year after the expiration of the same, be as valid legal and effectual to all intents and purposes on paper as if the same were on parchment.

Terms of courts, etc.

And be it further enacted by the authority aforesaid That the supreme court of judicature of this State, and the inferior courts of common pleas, and the courts of general or quarter sessions of the peace in the several counties within this State shall be held on and

at such days and times as they were respectively held in the year of our Lord one thousand seven hundred and seventy-four. That the said supreme court shall for one year next to come be held at such place or places as the person administering the government of this State for the time being shall by proclamation from time to time appoint and direct; and that all processes in the said supreme court, shall be returnable wherever the said court shall be held within this State; and that the said several inferior courts of common pleas, and courts of general or quarter sessions shall be held at the usual places in the respective counties. That all processes returnable in the supreme court, and to be issued between the passing of this act and the next ensuing term shall be tested on the thirty first day of *January* last past and that all processes to be issued in the several inferior courts of common pleas between the passing of this act and the next ensuing term of each respective court, shall be tested on the day which would have been the test had the several courts been held uninterruptedly in manner heretofore accustomed *Provided nevertheless* That where by reason of the invasion or ravages of the enemy, the inferior courts of common pleas, and courts of quarter or general sessions of the peace in any of the counties of this State cannot be held at the usual places, it shall and may be lawful to and for the person administering the government of this State for the time being by proclamation from time to time to appoint such other place for holding the said several inferior courts of common pleas, and courts of quarter or general sessions of the peace as he shall deem most convenient in the respective counties, except in the county of *Charlotte* and that in the said county the inferior court of common pleas, and the court of quarter or general sessions of the peace in the said county shall be held at *New-Perth* in the said county for three years next to come, or until the legislature shall otherwise provide, which shall first happen.

Processes, how tested, return of.

Proviso in case of invasion.

And be it further enacted by the authority aforesaid That the secretary of this State for the time being shall *ex officio* be clerk of the council of appointment, and shall exercise the said office in person or by his sworn deputy. That on all nominations and appointment to offices within this State by the council of appointment, the order or orders of the said council thereupon shall be fairly written and entered in the minutes of the proceedings of the said council (which are hereby declared to be public records of this State) and shall be subscribed by such majority of the said council as shall agree to each respective order, whereupon the clerk of the said council shall forthwith cause commissions to be made out agreeable to such orders, and delivered to the governor for the time being in order that the same may be sealed.

Secretary of State ex-officio clerk to council; minutes of proceedings, etc.

And be it further enacted by the authority aforesaid That whenever, and as often as any delegate or delegates shall be nominated and appointed to represent this State in the congress of the United States of *America*, the president of the senate and the speaker of the assembly shall severally deliver to the person administering the government of the State, for the time being copies of the resolutions of the senate and assembly respectively, to be signed by the said president of the senate and speaker of the assembly respectively relative to such appointment; and that the person administering the government of the State for the time being, shall thereupon order and direct the secretary of the State to make out a commission agreeable to such proceedings and shall affix the great seal of this State to the same; and shall cause such original commission to be delivered to one of the persons named

Copies of resolutions appointing delegates to congress to be delivered to governor and commissions to issue under great seal.

therein as a delegate, and an exemplification of such commission under the great seal of the State delivered to each and every person named in such commission as a delegate.

CHAP. 13.

AN ACT to procure a supply of shoes and stockings for the troops raised under the direction of this State.

PASSED the 19th of March, 1778.

WHEREAS a number of shoes and stockings are wanted for the use of the troops already raised and to be raised under the direction of this State.

Supervisors to procure supply of shoes.

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 the supervisors of each respective county within this State, hereinafter mentioned shall cause to be procured within their said county the number of good strong shoes made of neats leather and good strong woollen stockings annexed to each respective county *viz.* The county of *Westchester* one hundred and twenty-five pair of stockings and one hundred and four pair of shoes. The county of *Dutchess* four hundred and fifty pair of stockings and three hundred and seventy five pair of shoes. The county of *Orange* two hundred and fifty pair of stockings and two hundred and eight pair of shoes. The county of *Ulster* three hundred and seventy five pair of stockings and three hundred and thirteen pair of shoes. The county of *Albany* eight hundred and fifty pair of stockings and seven hundred and eight pair of shoes, and the county of *Tryon* three hundred and fifty pair of stockings, and two hundred and ninety two pair of shoes, amounting in the whole to two thousand four hundred pair of stockings and two thousand pair of shoes to be collected in manner following *viz.* That the supervisors of the several cities towns manors, districts and precincts shall meet on the second Tuesday in *April* next at the usual places of supervisors meeting in the respective counties (except in the counties of *Westchester* and *Ulster* in the former of which the supervisors shall meet at the house of *John Furman* in *Bedford*, and in the latter at the house of *Ann DuBois* at the *New-Paltz*) and there apportion the quota of shoes and stockings which the several cities towns boroughs, manors precincts and districts within their respective counties shall furnish; and for the more equal and convenient collecting the same.

Counties, and number required.

To deliver to assessors an account of number apportioned and assessors to appoint collectors of shoes, etc.

It is hereby enacted by the authority aforesaid That the said several supervisors in their respective wards towns districts and precincts shall within convenient time after the several quotas shall have been apportioned as aforesaid, deliver to the assessors of the respective wards, towns manors districts or precincts an account of the number of pair of shoes and stockings at which the quota of the said ward town manor district or precinct shall have been so apportioned; and the assessors thereupon shall determine the number of pair of shoes and stockings which the inhabitants of the said ward, town manor district or precinct ought respectively to furnish and who in their judgment can best spare or procure the same and shall nominate and appoint in each respective city town borough manor

precinct and district, a number of persons not less than three as collectors of shoes and stockings who are hereby authorized and required to collect from the several inhabitants the number of shoes and stockings which by the assessors shall have been so determined on as aforesaid and the said inhabitants shall be allowed for every pair of good leather shoes with which they shall severally furnish the collectors the sum of sixteen shillings and for every pair of good woollen stockings the sum of fourteen shillings; and in case any of the said inhabitants shall neglect or refuse to furnish the said collectors with the shoes or stockings they shall be directed so to furnish them with, within thirty days after such shoes or stockings shall be demanded by the collectors appointed as aforesaid the delinquents shall for such offence forfeit the sum of ten dollars for every pair of shoes and ten dollars for every pair of stockings he she or they shall so neglect or refuse to furnish as aforesaid, to be recovered in a summary way before any one Justice of the peace within the said county with costs of suit by any one of the collectors appointed as aforesaid within the city town borough manor precinct or district where the said offence shall have been committed; which said fines when recovered shall be applied by the collectors aforesaid to the purchase of shoes and stockings for the use of the troops before mentioned, and the said collectors shall deposit the shoes and stockings so to be collected in such place or places as the supervisor of the ward town manor district or precinct in which they were collected shall direct to be by him delivered to *Peter T. Curtenius*, Esq. commissary to purchase cloathing for this State or such person or persons as he shall authorize to receive the same, who is hereby directed to pay the several supervisors for so many pair of shoes and stockings as he shall receive from them respectively at and after the rates and prices as above mentioned together with one shilling for every pair of shoes and one shilling for every pair of stockings which he shall receive as aforesaid which said monies shall be paid by the several supervisors to the several collectors to enable them to pay for the shoes and stockings they shall have severally collected and as a compensation for their trouble.

Allowance for shoes, etc.

Penalty for refusal to furnish shoes, etc.

Shoes to be deposited and delivered to commissary.

Payment to be made for same.

CHAP. 14.

AN ACT to ascertain the places from whence the mileage fees of the respective sheriffs of the several counties in this State, shall be computed.

PASSED the 19th of March, 1778.

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 from and after the passing of this act, the sheriffs of the respective counties of this State shall compute their mileage fees for the service of all writts and process hereafter by them to be served and subject to the payment of mileage fees from the respective places hereinafter mentioned and from no other places whatsoever; that is to say; the sheriff of the city and county of *New-York* from the city-hall of the said city. The sheriff of *King's* county from the court-house in the said county. The sheriff of *Richmond* county from the court-house in the said county. The sheriff of the county of *Suffolk* from a path commonly known by the name of the *Wading River Path*

Sheriffs' mileage fees, to be computed from places named.

about seven miles to the westward of the county-hall in the said county, at the junction of the said path with the country road which passes through Nassau-Island about the middle thereof the sheriff of *Queens* county from a certain pond, commonly called Wind-Mill pond near the north side of *Hempsted-Plains*. The sheriff of *Dutchess* county from the house wherein *Myndert Vielle* Esq now lives in *Beekmans* precinct. The sheriff of *Westchester* county from the house of *William Ogden* in *North-Castle*. The sheriff of *Orange* county, on the north side of the Highlands from the court-house in the township of *Goshen*, and on the south side of the Highlands from the court-house in the precinct of *Haverstraw* in the said county. The sheriff of the county of *Ulster* from the house of *Mrs. Ann Dubois* in the neighbourhood of the *New-Palts* in the said county. The sheriff of the county of *Albany* from the city-hall in the city of *Albany*. The sheriff of the county of *Tryon* from the pass in the mountain called *Anthony's Nose* in the said county. The sheriff of the county of *Charlotte* from the meeting-house in the town of *New-Perth* in the said county. The sheriff of the county of *Cumberland* from the court-house in the said county. And the sheriff of the county of *Gloucester* from the meeting-house in the town of *Newbury* in the said county.

Former regulations repealed.

And be it further enacted by the authority aforesaid That all former regulations respecting the places from which the sheriffs respectively were required to compute their mileage on the service of writts or processes shall be and they hereby are repealed annulled and made void ; any thing in any act or acts of the legislature of the colony of *New-York* contained to the contrary thereof in any wise notwithstanding.

CHAP. 15.

AN ACT exempting persons from drafts in the militia who shall procure others to inlist in the continental regiments raised under the direction of this State and for giving relief in cases where two persons have jointly procured a man to inlist.

PASSED the 25th of March, 1778.

Persons procuring substitutes exempt from draft.

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 each and every person who shall procure at his own expence an able-bodied man to inlist in either of the continental regiments raised or to be raised under the direction of this State and shall deliver such soldier to any commissioned officer of either of the said regiments or other person properly authorized to receive recruits for the said regiments he shall on producing a certificate of such delivery signed and authenticated as herein after directed to the commanding officer of the regiment of militia to which the said person so procuring such soldier shall belong be exempted from all drafts in the militia for the term of time for which the person so procured shall inlist.

Substitutes entitled to pay and bounty as allowed soldiers.

And be it further enacted by the authority aforesaid That every soldier so inlisted (exclusive of what he shall receive from the person by whom he was so procured to inlist) shall be entitled to the same bounty and such other privileges as are allowed to soldiers in the Continental Army.

And be it further enacted by the authority aforesaid That every soldier so procured to inlist as aforesaid shall be delivered by the person by whom he was so procured to the officer or other person authorized to receive such soldier in the presence of a justice of the peace and that every certificate of such delivery shall contain the name of the said soldier and the time of the delivery and shall be signed by the officer or other person authorized to receive such soldier to whom the said soldier shall be so delivered in the presence of the said justice of the peace by whom the usual oath shall be administered to such soldier and which justice shall countersign the said certificate and in case the said justice shall suspect any fraud or collusion between such officer and the person demanding such certificate he is hereby authorized and required to examine the said person and officer on oath touching the said fraud or collusion and if they shall appear to the said justice to have been guilty thereof the said justice is hereby authorized and required to commit the said person and officer to the gaol of the county where the offence shall happen and in case the said persons shall be found guilty thereof he or they shall be punished by fine or imprisonment at the discretion of the court before whom the offence shall be tried.

Delivery of substitute to be in presence of justice of the peace, and certificate given.

And be it further enacted by the authority aforesaid That every person counterfeiting or fraudulently procuring such certificate without having actually procured and delivered a soldier in manner aforesaid and every officer signing such fraudulent certificate shall on conviction be subject to the pains and penalties heretofore by law inflicted on persons found guilty of forgery.

Persons counterfeiting certificate guilty of forgery.

Whereas the congress of the United States of America did by resolution recommend that where two persons should procure an able bodied man to inlist in the continental service that such two persons should be exempted from drafts in the militia. *And whereas* many persons supposing that resolutions would have been passed by the convention of this State agreeable to the recommendation contained in the said resolution of congress did procure men to inlist pursuant to the directions of the said resolution. *And whereas* no resolution having ever been passed by the convention of this State, for exempting from drafts in the militia upon the terms mentioned in the said resolution of congress the said persons who have so procured men to inlist as aforesaid cannot, neither can either of them, to their great injury, have any benefit of exemption by reason of their having so procured men to inlist as aforesaid without the interposition of the legislature in their behalf. *To the end therefore* That the said persons may have an equal benefit of exemption with those who have procured men to inlist pursuant to the directions of the resolution of the convention of this State in such case made and provided.

Proviso as to cases where two men have procured one substitute.

Be it further enacted by the authority aforesaid That in all cases where two persons have heretofore jointly procured a man to inlist in either of the continental regiments raised under the directions of this State and shall have a certificate thereof it shall and may be lawful to and for the said two persons to appear before any justice of the peace within this State, and in the presence of the said justice, to agree which of the said two persons shall have the sole benefit of exemption in consequence of their having jointly so procured a man to inlist as aforesaid and the substance of such agreement shall be written at the foot of or indorsed on such certificate and subscribed by the said justice and the person who by such agreement shall have been agreed to have such sole benefit of exemption as aforesaid shall have and be

May appear before justice and agree which shall have exemption.

intituled unto the benefit of an exemption from drafts in the militia for the time the man so procured did inlist in the same manner and as fully as if he had procured a man to inlist agreeable to the directions of the said resolution of the convention of this State.

Not to have exemption unless certificate is filed with commanding officer.

And be it further enacted by the authority aforesaid That no person shall be intituled to an exemption by virtue of this act unless he shall within twenty days from the date of his certificate file the same with the commanding officer of the regiment of militia to which he shall belong and the commanding officers of the several regiments of militia are hereby required to give to the several persons filing such certificates, exemptions (in writing under their respective hands) from drafts in the militia for the time the soldier so procured by the said persons respectively did inlist.

CHAP. 16.

AN ACT to regulate elections within this State.

PASSED the 27th of March, 1778.

Preamble.

WHEREAS the liberty independence and sovereignty of the people of this State must necessarily be exercised by their legislative and executive representatives *and whereas* the purity and equal freedom of all elections are essential to the existence and continuance of such liberty independence and sovereignty *and whereas* by the Constitution of this State it is provided that the election of governor and lieutenant-governor thereof shall be by ballot: And that the elections for senators and representatives in assembly during the present war shall be *viva voce and whereas* it is necessary so to regulate as well the said elections by ballot as those which shall be held *viva voce* as that every such election may be free equal, impartial unbiassed and uncorrupt.

Ibid.

And whereas altho the Constitution of this State has in the cases of the elections of the governor lieutenant-governor senators and members of assembly for the time being in this State determined that the election of them or some of them be annual and has distinguished which of the said elections shall be by ballot and which *viva voce* yet it has neither fixed an anniversary day for such elections respectively nor directed the particular mode in which the same shall be respectively conducted.

Elections to be held by counties, to be held on last Tuesday in April.

Be it therefore 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 for the future all elections for governor, and lieutenant-governor senators and members of assembly shall be held not by counties but by boroughs towns manors districts and precincts and by wards in the several cities and for that purpose the last *Tuesday in April* in every year for ever hereafter until otherwise provided for by the legislature of this State shall be the anniversary day on which such elections shall respectively be held and from which the same shall be respectively continued by necessary adjournments according to the tenor true intent and meaning of the said Constitution. That the clerk of the senate shall forthwith in the present, year and between the first day of *February* and the first day of *April* in every year hereafter inclose and send in writing under his hand to the several sheriffs of the different counties in the respective districts within this State a notification of the names of the senators for each

Clerk of senate to send notice to sheriffs.

respective district whose Seats are to become vacant at the expiration of the year and of the number of senators, to be elected in each district for the ensuing year and also that a choice of a governor and lieutenant-governor or a lieutenant-governor only (as the case may require) will be necessary to be made at the then next election, if any such choice shall be necessary a copy of which notification shall be transmitted without delay by each sheriff to some one inspector in each ward borough town manor district and precinct respectively and thereupon each set of inspectors shall without delay publickly advertise the same in writing, in so many different places as may give the electors sufficient notice thereof.

And be it further enacted by the authority aforesaid, That the several and respective supervisors and assessors and town clerks of the several cities boroughs, towns manors precincts and districts or the majority of them or the survivors of them, or the majority of such survivors shall from time to time, be the inspectors of the said election in each city, borough town, manor district and precinct respectively within this State, except that in the city of *Albany*, the town clerk shall not be an inspector, and except also the city of *New-York*, wherein the appointment shall be as follows, that is to say : That the mayor recorder aldermen assistants or common council men, assessors and vestry men of the said city shall convene together at the city-hall of the said city on the first *Tuesday of April* in every year and then and there shall by plurality of voices elect from among the substantial freeholders actually resident in each ward in the said city, three persons for inspectors of the then next ensuing election of governor, lieutenant-governor, senator or senators and members of assembly or such of them as by the Constitution of this State shall be to be chosen, to be held in the several wards of the said city. That the said several and respective inspectors for each respective ward borough town manor precinct and district (or the major part of them, shall without delay, convene together; and by writing, under their several and respective hands, to be affixed in at least three of the most public places of such ward borough town, manor precinct and district respectively,) give eight days notice of the place, (which shall be most public and convenient for the purpose) within the same, where such election for a governor lieutenant-governor senator or senators and members of assembly or such of them, as shall then be to be chosen, then next shall be held within the same on the anniversary day hereby appointed for the purpose and on such day and at such place the several inspectors attending which shall be the major part of them shall in full view and hearing of the people administer to each other and respectively take at the opening of the election the following oath or affirmation, *viz.*

I, A. B. do solemnly and sincerely declare and swear in the presence of Almighty God (or if of the people called Quakers, do solemnly sincerely and truly declare and affirm) that I will in all things well, faithfully, honestly and impartially, and according to the best of my knowledge and abilities, execute the office of inspector of this election.

That at every such election as aforesaid capable and sufficient clerks, not less than two for each ward borough town manor district and precinct respectively, shall be appointed by the inspectors, or the major part of them, to be the clerks of every such court of elections as aforesaid respectively each of whom shall keep a poll list at every such election under the direction and view of the said inspectors respectively or the major part of them.

Inspectors in cities, towns and boroughs.

In New York city.

Inspectors to give notice of election.

Official oath, form of.

Poll clerks.

Inspectors to conduct elections. Clerks to take oath.

That the said inspectors or the major part of them respectively shall preside at every such election and conduct and direct the same, according to the regulations herein prescribed, and be the returning officers thereof respectively, in manner hereafter directed; and before admitting any person to vote, at any such election, shall administer to each clerk, who is hereby required to take the same, the following oath, *viz.*

Form of.

I, A. B. do solemnly and sincerely declare and swear in the presence of Almighty God that I will faithfully truly honestly and impartially enter and keep the poll lists committed to me by law at this election and in all things well faithfully, truly, honestly and impartially, according to the best of my knowledge and abilities do perform and fulfil, my duty as a clerk thereof. So help me God.

Proclamation.

That the inspectors and clerks being thus sworn, the said inspectors shall cause proclamation to be three times made with a loud voice, as follows, *viz.*

Hear ye, hear ye, hear ye, the poll of this election is opened, and all manner of persons attending the same, are strictly charged and commanded by the authority, and in the name of the people of this State, to keep the peace thereof, during their attendance at this election, upon pain of imprisonment. Which proclamation shall be in like manner made at the opening of the poll upon every adjournment thereof; And on every adjournment of the poll, and on the closing thereof proclamation thereof respectively shall be made with a loud voice *provided always* that the proclamation whereby the same shall be closed shall be preceded by a proclamation to be made three hours before the closing of the poll that the same will be closed at the expiration of three hours. That the poll of every such election shall only be held open from one hour after sun-rise to sun-set.

Election, how to be conducted.

And be it further enacted by the authority aforesaid, That the mode of conducting every such election as aforesaid shall be as follows *viz.* every person respectively who shall be qualified according to the Constitution of this State and this law to vote for senators and members of assembly or for members of assembly only shall deliver his vote *viva voce* and with an audible voice in the hearing of the said inspectors, one of whom shall in like manner repeat the said vote to the clerks each of whom shall respectively and fairly enter the same and the proper name and addition of the elector in the book or poll list to be by him regularly paged and kept for that purpose.

Persons not to vote out of district in which they reside.

That a person shall not vote or ballot at any election out of the district wherein he shall actually reside and that whenever any person shall present himself to give his vote or ballot at any such election as aforesaid as a freeholder qualified by the Constitution of this State to vote for a governor lieutenant-governor and senators, and either of the inspectors shall suspect him to be unqualified for the purpose, they shall tender and administer to him the following oath or affirmation to wit:

Oath to persons suspected to be unqualified, form of.

I A. B. do solemnly and sincerely swear and declare in the presence of Almighty God (or if of the people called Quakers, do solemnly truly and sincerely declare and affirm) that I am possessed of a freehold in my own right or in the right of my wife as the case may be, of the value of one hundred pounds within the county of _____ in the _____ district (as designated by the Constitution of this State) over and above all debts charged thereon, and that I am an actual resident of the ward, borough, town, manor district or precinct of _____ in the said county (as the case may be) and have not been be-

fore polled, in any part of the said county, at this election; and that whenever any person shall present himself to give his vote for members of assembly only and either of the said inspectors shall suspect him to be unqualified for the purpose they shall tender and administer to him the following oath or affirmation to wit.

I A. B. do solemnly and sincerely swear and declare in the presence of Almighty God (or if of the people called Quakers do solemnly sincerely and truly declare and affirm) that I have been a freeholder and possessed of a freehold in my own right or in my wife's right (as the case may be) of the value of twenty pounds in the county of _____ or have rented a tenement of the value of forty shillings within the county of _____ (as the case may be) for six months next, and immediately preceding this election and that I now am an actual resident of the ward borough town manor district or precinct of _____ (as the case may be) and that I have not been polled before in any part of the said county at this election.

Ibid., when offering to vote for member of assembly only.

And in case the elector shall refuse to take or make the said oath or affirmation when so tendered to him as aforesaid, he shall lose his vote at the said election. *Provided nevertheless* that nothing herein before contained shall be construed to deprive the persons who were freemen of the city of *New-York* on the fourteenth day of *October* in the year of our Lord one thousand seven hundred and seventy-five, or freemen of the city of *Albany* on the twentieth day of *April* last past and who may refuse to take the oath or affirmation last above contained, of the right of voting for representatives in assembly in the said cities reserved to them by the seventh article of the Constitution of this State. *And provided also* that an actual residence shall not be required of nor the clauses in the respective oaths above mentioned be administered to any person who has been drove from his place of actual residence by the war, to entitle him to his vote in such place until six months after his return thereto.

Electors refusing to take oath not to vote; proviso as to freemen of New York and Albany.

As to persons driven from residence by war.

That when an election of a governor and lieutenant-governor or either of them shall be necessary every elector who by the Constitution of this State or by this law shall be entitled to vote, as well for a governor and a lieutenant-governor as for senators and members of assembly shall at the time of giving his vote *viva voce* for senators and members of assembly, openly deliver his ballot for governor and lieutenant-governor or lieutenant-governor only (as the case may require) to one of the inspectors who shall receive the same in the presence of the others; which ballot shall be a paper ticket containing the name of a person for governor and the name of a person for a lieutenant-governor, or one of them (as the case may require) severally wrote thereon which said paper ticket so folded rolled up tied or otherwise closed, as to conceal the writing shall be disposed of in manner herein after directed. And if either of the inspectors shall suspect such person to be unable to read writing and it shall so be found on tryal the elector shall be taken a part and privately asked by one of the inspectors what persons or person he votes for as governor and as lieutenant-governor respectively or either of them, as the case may be, and he having declared the same the said inspector shall destroy the ballot or ticket delivered by such person without inspecting the same and shall immediately make a ballot or ticket to be according to such declaration which he shall never divulge and fold roll tie or otherwise close it up in manner aforesaid, which shall be the ballot of such person to be disposed of together with the other ballots taken at the election in the manner herein after directed. *Provided* always that the poll lists for senators

Ballots.

Persons unable to read to be interrogated, etc.

and members of assembly shall be distinct and separate from those for the governor and lieutenant-governor.

Names of electors to be entered in poll lists and ballots deposited in box.

That on the receipt of every ballot or ticket the said inspector shall cause the name of the elector to be entered in the aforesaid books or poll lists for governor and lieutenant-governor or for lieutenant-governor only by all the clerks and shall cause the ballot without suffering the same to be inspected to be put into a box to be provided for the purpose of receiving the ballots with a sufficient lock thereto; which shall be locked and the key thereof be kept during the election by one of the inspectors to be appointed for the purpose by the major part of them and a small hole shall be made in the lid or cover of the box sufficient only to receive each ballot thro' which all the ballots shall be put into the box, which shall not be opened except at the times herein after mentioned.

Proceedings on adjournment.

That on every adjournment of the poll the clerk's books or poll lists for governor and lieutenant-governor or for lieutenant-governor only, shall be carefully compared in the presence of the inspectors and any mistakes that may have crept into either of them shall be corrected according to the judgment of a major part of the inspectors; whereupon the box shall be opened the books or poll lists put into it; the box locked with the books or poll lists therein, the key delivered to such one of the inspectors as the majority of them shall appoint and the box delivered to such other one of them as such majority shall direct, who shall carefully keep the same and shall without having suffered the same to be opened, deliver it in at the election-table at the next opening of the poll in the presence of all the inspectors attending on the said election; which course shall be pursued until the poll be closed.

Ibid, on close of poll.

That on the closing of the poll for governor and lieutenant-governor or for lieutenant-governor only, the box shall be opened and the ballots or tickets taken thereout and without inspecting the same shall together with the poll books or lists for governor and lieutenant-governor or lieutenant-governor only immediately be put up under cover and inclosed under the hands and seals of all the inspectors who attended the closing of the poll, nor shall any poll book or list for governor and lieutenant-governor or for lieutenant-governor only be kept by any person whatsoever except by the aforesaid clerks who shall keep no others than those which are to be sealed up as aforesaid. That the books or poll lists for senators and members of assembly shall, immediately after closing the poll and due examination and correction thereof respectively be certified by the respective inspectors under their respective hands and being so certified shall without delay be fairly transcribed and being so transcribed and carefully examined by them; the transcript thereof shall in like manner be certified by them and delivered by one of the inspectors to the sheriff of the county. The originals respectively remaining in the hands of such one of the respective inspectors as the major part of them shall appoint for the purpose to be by him safely kept until called for by the senate and house of assembly respectively.

Poll lists to be transcribed, certified and delivered to sheriff.

Originals to be kept until called for by senate and assembly.

Sheriff to transcribe poll lists and certify and make return of senators and members.

And that thereupon the sheriff shall without delay transcribe the books or poll lists of the several elections for senators in his county and certify and return under his hand such transcripts as truly made into the secretary's office of this State from whence due notice in writing shall without delay be issued and transmitted to each of the persons respectively who shall appear to be senators elect by plurality of voices in the district to the end that they may severally give punctual attendance and take their respective seats in senate on the first Monday of July in every year or at the next meeting of the legislature

thereafter. And that the several and respective sherifs shall also without delay certify under their several and respective hands to the several persons elect by plurality of voices for members of assembly for their respective counties such plurality; to the end that such members elect may^r respectively give punctual attendance and take their respective seats in assembly on the first Monday of July in every year or at the next meeting of the legislature thereafter. And also that the said sherifs respectively shall certify and return under their respective hands into the senate and assembly respectively on the first monday of July in every year or at the next meeting of the legislature thereafter, the several and respective transcripts of the poll books or lists, which shall have been so certified and delivered to the said sherifs respectively; to the end, that the senate and assembly may be able respectively to recognize their several Members returned as elect, and grant such scrutinies as they shall respectively think proper.

That the poll books or lists for governor and lieutenant-gov- Poll lists, etc., for governor to be delivered to sheriff and by him to secretary of State.
 ernor or for lieutenant-governor only and the ballots or tickets for the same so sealed up and inclosed as aforesaid shall be delivered to the sheriff by one of the inspectors who shall attend at the closing of the poll to be appointed for the purpose by the major part of them. And the sherifs shall without opening or inspecting the same or any or either of them put the said inclosures and every of them together into one box which shall be well closed and sealed up by him, under his hand and seal with the name of his county wrote on the box and be delivered by him without opening the same, or the inclosures therein into the secretary's office of this State, on the last Tuesday of May in every year wherein an election of governor and lieutenant-governor or of lieutenant-governor only shall be held, where the same shall be safely kept unbroke and unopened until the meeting of the joint Committee of the senate and assembly herein after mentioned.

That such committee shall consist of twelve members that is to say six to be appointed by the senate out of their body and six to be appointed by the assembly out of their body. That such committee shall be annually appointed by resolutions of each body respectively and shall meet at the secretary's office of this State on the said last Tuesday in May; at which meeting the said joint committee or the major part of them or the survivors of them or the major part of such survivors shall on the said day and on so many days next succeeding thereto as shall be necessary for the purpose proceed to open the aforesaid boxes one after the other and the inclosures therein respectively and canvas and estimate the votes therein contained. And if more than one ticket or ballot shall be found inclosed together, none of the ballots or tickets so inclosed together shall be estimated.

That the said committee before they proceed to open the said boxes shall severally take and subscribe before the secretary of this State for the time being or his sworn deputy one of whom are hereby required to attend for the purpose of administering the same, the following oath, Joint committee to canvass votes.

viz.
 I, A. B., appointed by the senate or assembly, as the case may be, to canvas and estimate the votes for governor and lieutenant-governor, or lieutenant-governor only as the case may be, taken on the last anniversary day of election, held within this State, do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will faithfully honestly and impartially canvas and estimate the votes for governor and lieutenant-governor, or lieutenant-governor only, as the case may be, contained in the boxes delivered in by the sherifs

Official oath.

Form of.
 I, A. B., appointed by the senate or assembly, as the case may be, to canvas and estimate the votes for governor and lieutenant-governor, or lieutenant-governor only as the case may be, taken on the last anniversary day of election, held within this State, do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will faithfully honestly and impartially canvas and estimate the votes for governor and lieutenant-governor, or lieutenant-governor only, as the case may be, contained in the boxes delivered in by the sherifs

of the several counties and that I will publish and declare the persons who shall have a plurality of votes for governor or lieutenant-governor to be severally elected to the said offices respectively (or if lieutenant-governor only then "the person who shall have a plurality of votes for lieutenant-governor") to be elected to the said office. And if I shall discover any of the other persons appointed a committee with me for the purpose aforesaid conducting or demeaning himself or themselves partially unduly or corruptly in the premises, that I will divulge and discover the same to the end, that the person so offending may be brought to justice. So help me God.

Corrupt conduct declared to be liable to penalties for perjury.

Certificate of result to be made and published.

Official term to begin first Monday of July.

Inspectors, sheriffs or clerks guilty of corrupt conduct to suffer penalties for perjury.

Any person may prosecute.

Process not to issue till bond is filed for costs.

That if any of the said persons so to be appointed a committee shall be guilty of any partial corrupt or undue conduct or behavior in the business hereby committed to them and be thereof convicted, shall suffer the same pains and penalties as in cases of willful and corrupt perjury, and shall from and after such conviction be utterly disabled and disqualified to vote at any election or to hold or enjoy any place or office within this State. And when and as soon as they shall be able to determine upon such canvas and estimate, who by plurality of votes shall have been chosen for governor and who by plurality of votes for lieutenant-governor and within fourteen days next after the said last Tuesday in *May*, the said committee or the major part of them or the survivors of them or the major part of such survivors shall determine the same and thereupon shall without delay make, and subscribe with their own proper names and hands writing a certificate of such determination and publish the same in all the public news papers of this State subscribed as aforesaid; and deliver or cause to be delivered a true copy thereof so subscribed to the governor and lieutenant-governor elect respectively; and immediately upon the making of such determination as aforesaid all the books or poll lists and ballots or tickets for governor and lieutenant-governor or lieutenant-governor only shall be destroyed by the said joint committee: And that the said governor and lieutenant-governor elect having severally taken their respective oaths of office shall severally enter upon the execution of their respective offices on the first Monday of *July* then next ensuing. That if any inspector sheriff or clerk shall at any time be convicted of corrupt misbehavior in any matter or thing in or relating to the election of governor, lieutenant-governor senators, members of assembly or any or either of them the person so convicted shall be deemed and adjudged guilty of wilful and corrupt perjury and suffer the pains and penalties prescribed by law for wilful and corrupt perjury; and on such conviction shall be totally and for ever thereafter disqualified and disabled to vote at any election within this State and also to hold any office or place of trust or profit within the same: Any pardon that may be issued by the person administering the government of this State to the contrary hereof in any wise notwithstanding. And it shall be lawful for any person without the consent of the attorney-general to file and prosecute an information for such misbehavior in the supreme court of judicature of this State in the nature of a *qui tam* suit; and if the prosecutor shall prevail he shall have judgment and execution for his costs of suit against the person convicted. But if the person so proceeded against shall be acquitted, then he shall have judgment and execution for double costs. Nor shall process issue to bring in the party accused by such information, until bond be filed in the clerk's office of the supreme court in the penalty of two hundred pounds, with two sufficient freeholders as sureties, such as the court shall approve, to secure the defendant double costs to become due on

a discontinuance, withdrawing of the suit, or an acquittal or neglect to bring the same to trial within five terms after the appearance of the defendant to answer the same. That if any person other than the sworn clerks shall presume to make or take any poll lists at such elections as aforesaid or shall be guilty of any disorderly conduct at the same, or of using any indirect sinister or corrupt means to influence any elector or electors in giving in his or their ballots or voices, the major part of the inspectors at such election are hereby authorized impowered and required to commit the offender to the goal of the county, there to remain committed for a space not exceeding thirty days. And all sherifs under-sherifs constables and goalers are hereby strictly charged commanded and required to aid and obey the inspectors herein.

Inspectors
may com-
mit for dis-
orderly
conduct at
polls.

And be it further enacted by the authority aforesaid That all and every person and persons inhabitant and inhabitants of this State who since the ninth day of *July* in the year of our Lord one thousand seven hundred and seventy-six before any congress or convention or committee or council of safety of this State or other committee or commissioners of conspiracies within this State has or have avowed or voluntarily recognized or acknowledged any allegiance to the crown of *Great-Britain* or the sovereignty or supremacy of the king or parliament of *Great-Britain* or either of them over this State and the inhabitants thereof, or either of them or disavowed or denied the authority of the present government and legislature of this State or of the former government and legislature thereof by congresses or conventions, committees or councils of safety and other committees or the independence of this State of any authority vested in, or derived from the king or parliament of *Great-Britain* or has or have voluntarily taken up arms with the British troops against this State or any other or others of the United States of *America*, or has or have voluntarily borne or held any commission office or place of trust or profit under the king and parliament of *Great-Britain* or under any authority derived from or under them or any or either of them, or being out of the power of the British troops has or have voluntarily gone within their power for the purpose of supplying them with provisions or other necessaries or employed other person or persons for the purpose or being so out of their power have voluntarily gone and continued within the same without special licence or permission by authority for the purpose or has or have held any correspondence with them or either of them in any wise prejudicial to the freedom and independence of the United States of *America*; or has or have directly or indirectly counselled aided encouraged or abetted or shall hereafter directly or indirectly counsel aid encourage or abett any person or persons whatsoever being an inhabitant or inhabitants of any of the United States of *America* to acknowledge or avow any allegiance to the crown of *Great-Britain* or any sovereignty or supremacy of the king and parliament of *Great-Britain* or either of them over this State or any of the said United States or to disavow the authority of the congress of the United States of *America* or of the provincial congresses or convention or legislature of this State or to disaffect any person or persons to such independence or to the government and legislature of this State or shall hereafter be guilty of any or either of the said offences shall be and hereby is and are *ipso facto* for ever thereafter respectively declared to be utterly disabled disqualified and incapacitated to vote either by ballot or *viva voce* at any election to fill any office or place whatsoever within this State, and to hold exercise

Persons
disquali-
fied by
reason
treason-
able con-
duct, etc.

Proviso as to persons who have returned to their allegiance.

or enjoy any office or place within this State: *Provided always* That nothing in this clause contained shall be construed to affect any person who, having gone over to or joined the British troops has returned to his allegiance to this State according to the tenor, true intent or meaning of any proclamation heretofore issued by any authority vested in or derived from the legislature or government of this State or by his excellency General *Washington* as commander in chief of the forces of the United States of *America*.

Penalty for bribery, etc.

That whosoever shall by bribery menace or other corrupt means or device whatsoever either directly or indirectly attempt to influence any free elector of this State in giving his vote either *viva voce* or by ballot or to deter him from giving the same at any election within this State and shall thereof be convicted, such person so offending and convicted shall forfeit and pay for every such offence the sum of five hundred pounds to be sued for and recovered by any person and in the manner and under the restrictions above prescribed in actions *qui tam* to be brought against any inspector sheriff or clerk for corrupt misbehavior in any matter or thing in or relating to the election of a governor or a lieutenant-governor or a senator or senators or a member or members of assembly. One moiety of which penalty shall be recovered to the use of the person suing and prosecuting for the same and the other moiety thereof shall be paid by him into the treasury of this State for the use of the people of this State; and on such conviction the person convicted shall thenceforth and for ever thereafter stand and be utterly disabled disqualified and incapacitated, to vote either *viva voce* or by ballot at any election whatsoever within this State; and also to hold exercise and enjoy any office or place of trust or profit whatsoever within the same.

Penalties recovered, how to be disposed of.

Persons deemed to be freeholders.

That in order to remove doubts concerning persons qualified to vote as freeholders at any election within this State every mortgager and mortgagee in possession and every person possessed of a freehold in right of his wife shall be deemed and esteemed as a freeholder for the purpose aforesaid as well as all other freeholders in possession.

Laws repealed.

Lastly *Be it further enacted by the authority aforesaid* That all laws heretofore made in this State while the same was the colony of *New-York* relating to the election of representatives to sit in general assembly and every article clause matter and thing in the same or any or either of them contained shall be and the same and each and every of them is and are hereby absolutely repealed annulled and made void. *Provided always* That nothing in this act contained shall operate to preclude such freeholders as have fled from the southern parts of this State and are now actually resident in any of the other counties of this State from voting within such counties for governor and lieutenant-governor or lieutenant-governor only, as the case may be, as if they had actually possessed freeholds within the same nor against the last resolution providing a representation in senate and assembly for the southern district of this State in a certain ordinance entitled an ordinance of the convention of the State of *New-York* for organizing and establishing the government agreed to by the said convention any thing in this act to the contrary hereof in any wise notwithstanding.

Proviso as to freeholders who have fled to other counties.

CHAP. 17.

AN ACT for raising monies to be applied towards the public exigencies of this State.

PASSED the 28th March, 1778.

WHEREAS it is necessary in order to defray the expence of the present war to discharge the debts due from this State and to make due provision for the support of the civil government thereof that monies should be raised within the same by tax. Preamble.

Be it therefore 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 a tax be raised upon all real and personal estate within this State in manner herein after particularly prescribed. Tax imposed.

And be it further enacted by the authority aforesaid That a tax of three pence in the pound shall be raised on the amount of all improved lands (including wood-lands kept for the purposes of fuel and timber and deemed parts or parcels of an improved farm) not subject to a right of commonage of any kind whatsoever; and that a Tax of one penny half-penny in the pound shall be raised on the amount of all personal estates, to be assessed in the manner following that is to say: That all such improved lands as aforesaid shall be assessed by the assessors of the several wards in the several cities and of the several towns, manors precincts and districts in which such lands respectively are, and each several and distinct possession to be assessed separately by itself, at what, with the houses, mills, stores and other buildings and improvements thereon at the time of making the assessment, and right of commonage appertaining to the same, would, be the same free and discharged of rents mortgages or other incumbrances whatsoever have been deemed the worth or value thereof, in the year of our Lord one thousand seven hundred and seventy-five. Amount.

That the personal estate of each respective person shall be assessed by the assessors of the several wards in the several cities and of the several towns manors precincts and districts in which each person shall respectively reside, at what in the judgment of the assessors shall be deemed and estimated the amount (beyond the debts due from each respective person) and value thereof at the time of making the assessment thereof. In making which assessment the said assessors or one of them is and are hereby directed and required to tender to each and every person within their respective districts whom they shall know or suspect to have gained by trade, merchandize, traffic or manufactory one thousand pounds or upwards since the twelfth day of September in the year of our Lord one thousand seven hundred and seventy-six the following oath or affirmation, *viz.* Lands to be assessed.

You do solemnly swear and declare in the presence of Almighty God (or if of the people called Quakers) do solemnly sincerely and truly declare and affirm that you will true answer make to such questions as we the assessors or either of us shall ask you touching the advantages profits or gain which you have made by your trade merchandize traffic or manufactory since the twelfth day of September in the year of our Lord one thousand seven hundred and seventy-six so help you God." Personal estate, ibid.

Which oath or affirmation being administred the said assessors or one of them shall ask each such person if he has gained one thousand pounds or upwards since the twelfth day of September in the year of our Lord one thousand seven hundred and seventy-six so help you God." Oath to persons engaged in trade, etc.

Which oath or affirmation being administred the said assessors or one of them shall ask each such person if he has gained one thousand pounds or upwards since the twelfth day of September in the year of our Lord one thousand seven hundred and seventy-six so help you God." Form of.

Which oath or affirmation being administred the said assessors or one of them shall ask each such person if he has gained one thousand pounds or upwards since the twelfth day of September in the year of our Lord one thousand seven hundred and seventy-six so help you God." Questions to be asked

by assessors.

sand pounds by his trade merchandize traffic or manufactory since the twelfth day of September in the year of our Lord one thousand seven hundred and seventy-six ; and if he shall answer in the affirmative then the said assessor or assessors shall ask such person how many thousand pounds he has gained in manner aforesaid; and for every thousand pounds so gained, they shall assess each such person the sum of fifty pounds over and above the one penny half-penny to be assessed upon his personal estate and upon his refusing to take such oath or affirmation or wilfully keeping out of the way of the assessors they shall in such case make an estimate of his gains adding twenty per cent. thereto and then upon every thousand pounds so made out by such estimation and addition of twenty per cent. the said assessors shall assess such person fifty pounds over and above the one penny half-penny to be assessed upon his personal estate any thing herein contained to the contrary notwithstanding.

Assessment to be made, percentage to be added in case of refusal to take oath.

When assessment to be made.

That the assessors shall proceed as soon as conveniently may be after the second Tuesday in April next to make the said several assessments and make and form two several assessment rolls, the one to contain the assessments of such improved Lands as aforesaid and the other to contain the assessments of the personal estate of the several persons within their respective wards towns manors districts and precincts.

Tax lists to be made and delivered to supervisors.

And be it further enacted by the authority aforesaid That as soon as the assessors shall have completed the assessments of their respective wards towns manors districts or precincts they shall agreeable to such assessments form two several tax lists the one to be denominated the land tax list to contain the names of the persons severally possessing such improved lands as aforesaid within their respective wards towns manors districts or precincts and opposite to the names of the said persons respectively the sums at which the said lands so possessed by the said persons respectively are assessed ; and opposite to the said several sums, the amount of the tax laid on the said lands respectively to be computed at the rate of three pence in the pound for each and every pound at which the said lands shall be respectively assessed. And the other to be denominated the personal tax list, to contain the names of the several persons residing within their respective wards towns manors districts or precincts who shall have been assessed for their personal estate and opposite to the names of the said persons respectively the sums at which the personal estate of the said several persons are assessed and opposite to the said sums respectively the amount of the tax laid on the said several persons for their respective personal estate to be computed at the rate of one penny half-penny in the pound for each and every pound at which the personal estate of the said persons respectively shall have been assessed and shall thereupon deliver the said tax lists to the supervisors or some or one of them signed by the majority of the said assessors, when the supervisors of the respective counties, to avoid accidents shall make true copies thereof respectively and thereon issue their warrant to the said collectors respectively to collect and receive the several taxes to be contained in the said lists respectively.

Tax warrants.

Tax, how to be collected.

And be it further enacted by the authority aforesaid That if the persons in the land tax list mentioned, shall respectively refuse or neglect to pay the tax laid on the lands by them possessed respectively that the collectors shall and they are hereby severally and respectively authorized and required in such case to levy the same by distress and sale of such goods and chattels as shall be found on the land by the said land tax list supposed to be possessed by the said person so refusing or neglecting rendering the overplus (if any shall be) after

deducting the amount of the tax charged on such land and the charges of such distress and sale to the said person so refusing or neglecting. And that if the persons in the personal tax list mentioned, shall respectively refuse or neglect to pay the tax laid on them respectively for their respective personal estate that the collectors shall and they are hereby severally and respectively authorized and required in such case to levy the same by distress and sale of the goods and chattels of the said person so refusing or neglecting rendering the overplus (if any there shall be) after deducting the tax charged on such person and the charges of such distress and sale to the said person so refusing or neglecting.

And be it further enacted by the authority aforesaid That the several collectors shall and they are hereby respectively authorized and required to pay the monies to be by them severally collected and received as and for the tax to be raised by virtue of this act into the hands of the county treasurer in their respective counties. And the several county treasurers are hereby authorized and required from time to time to pay the monies they shall so receive into the treasury of this State never retaining in their possession respectively a sum exceeding five thousand pounds.

Collectors to pay tax collected to county treasurer.

And be it further enacted by the authority aforesaid That the several collectors shall be allowed and they are hereby severally authorized to retain the same in their hands out of the monies they shall respectively collect and receive as and for the tax to be raised by virtue of this act a poundage of three pence in the pound for their services in collecting the said tax and paying the same into the hands of the respective county treasurers and the said several county treasurers shall be allowed and they are hereby severally authorized to retain the same in their hands out of the monies they shall respectively receive from the several collectors as aforesaid at the rate of one half per cent. for their services in receiving the said monies and paying the same into the treasury of this State.

Poundage to be retained by collectors.

Treasurers fees.

And be it further enacted by the authority aforesaid That the several collectors shall from time to time as they shall receive the said tax to be raised by virtue of this act pay the same in manner herein before directed never retaining in their possession respectively a sum exceeding one thousand pounds.

Payments by county treasurer.

And be it further enacted by the authority aforesaid That no person serving the United States of America either as a regimental officer or private raised within this State to serve for three years or during the war, shall be assessed or taxed for his personal estate, any thing herein contained to the contrary notwithstanding.

Officers and private exempt.

And whereas there are many large tracts of appropriated and unimproved lands in this State from which taxes in the usual mode cannot be collected without great inconvenience and delays.

Proviso as to unimproved lands.

Be it therefore enacted by the authority aforesaid That a tax of three pence in the pound be raised on the amount of all appropriated unimproved lands (except wood lands kept for the purposes of fuel and timber and deemed parts and parcels of improved farms) not subject to a right of commonage of any kind whatsoever to be assessed in manner hereafter directed.

Tax on same.

And be it further enacted by the authority aforesaid That the supervisors in the respective counties of Albany Ulster Dutchess Orange Westchester Tryon and Charlotte or any three of them respectively in each county named to that service by the supervisors or the majority of the supervisors of each county respectively shall be and they hereby are appointed commissioners in their several counties to assess all

Commissioners to assess same.

such appropriated and unimproved lands as aforesaid in their several Counties (not in possession of the enemy) at what shall in the judgment of the said commissioners respectively be deemed to have been the value thereof in the year of our Lord one thousand seven hundred and seventy-five. *And to the end* the said commissioners may be the better able to ascertain the contents and boundaries of the aforesaid tracts of land and the owners and proprietors thereof, they are hereby authorised as often as they shall see fit to examine the public records of this State for that purpose; and the secretary of this State is hereby required from time to time without fee or reward (except such allowance as may be allowed therefor by the legislature of this State in his annual account) to furnish the said commissioners with abstracts of such grants, patents and surveys of appropriated and unimproved lands as he may have in his custody and they may require.

May examine public records. Secretary of State to furnish abstracts, etc.

And be it further enacted by the authority aforesaid That the said commissioners in their several counties as soon as may be after the passing this act shall proceed upon the business of assessing the aforesaid appropriated and unimproved lands for which purpose they shall enter in a book by them to be provided for that purpose all such lands as they shall assess specifying the boundaries number of acres and owners of the same so far as shall come to their knowledge; distinguishing between the lands divided, and those that are undivided; and where lands have been divided into townships precincts or districts and where the division of such township precinct or district cannot be known, the assessment shall be made on the whole of such township precinct or district, but if the numbers of the allotments can be known each allotment shall be separately assessed; and as soon as the said assessments shall be made in each county the commissioners of each county shall make out two fair lists of such assessments under their hands and seals one of which they shall transmit to the secretary of the State to be filed in the secretary's office and the other they shall deliver to the sheriffs of their respective counties.

Assessment, how to be made.

And be it enacted by the authority aforesaid That the commissioners in each county before they enter upon the business of assessments, as prescribed in this act shall severally take the following oath to be administered by either of the judges of the supreme court of this State or either of the judges of the inferior court of common pleas of the County where such commissioners shall reside, in the words following, to wit.

Official oath.

Form of.

"I A. B. do solemnly swear and declare in the presence of Almighty God, that I will according to the best of my understanding true assessments make of all such appropriated unimproved lands as I shall assess and that I will in all such assessments follow the directions of a law of this State intituled, "*An act for raising monies to be applied towards the public exigencies of this State.*" And justly honestly faithfully and truly according to the best of my skill and abilities do perform fulfil and execute all other matters and things required of me as an assessor by the said Law."

Compensation.

Which commissioners severally shall be allowed the sum of twenty shillings per day for their services and expence for every day they shall be actually employed, in the business of assessing as prescribed in this act. *Provided always* That the whole amount thereof shall not exceed the sum of three pounds per day for the actual services and expences of the commissioners in any one county. And if any such commissioners shall neglect to act and take the oath above prescribed, each commissioner, so neglecting or refusing, shall forfeit the sum of

forty pounds, to the people of this State, to be sued for and recovered with costs of suit to be taxed (by the attorney-general of this State), in an action of debt, by bill plaint or information in any court of Record within this State, wherein the defendant shall be held to bail as in actions of debt, on specialty, and wherein also no essoign, protection or wager of law, nor more than one imparlance, shall be allowed; and on recovery of the said penalty, the same shall be paid into the treasury of this State.

And be it enacted by the authority aforesaid That the sheriff of each county where such assessment shall be made on receipt of the same from the commissioners of his said county shall, by advertisement in the public news papers of this State for the space of three months notify that he has received such assessments describing the patents tracts and parcels of such appropriated unimproved lands, and the owners thereof as the case may be, and that the same are assessed at such sum as the assessment specifies; and that unless the owner or owners of such lands or some other person or persons for them, pay the tax assessed on the same that he shall within six months from the date of the said advertisement, return the assessment on such lands into the secretary's office of this State, where the tax assessed on the said lands will be charged as due to this State with the interest of six per cent. to be collected by sale of the land or otherwise, as by the legislature of this State, shall thereafter be directed.

Sherrif to give notice by advertisement to owners of amount of tax, etc.

And be it enacted by the authority aforesaid That the sherifs of the said counties respectively, shall within thirty days after the time assigned by them severally in the said advertisements for the payment of the taxes assessed on the lands as aforesaid, pay into the treasury of this State, all such monies as they shall have received, for the taxes aforesaid except the sum of four pence on the pound, which they may retain in their hands, for receiving and paying the same. And also shall, at that time, return to the treasurer of this State the lists of assessments, which they shall have severally received, from the aforesaid commissioners of their respective counties, distinctly specifying on such lists of assessment, all such patents, tracts and parcels, of appropriated and unimproved lands, on which the tax assessed is refused or neglected to be paid, by the owners or proprietors thereof. Which lists of assessments, being so returned by the sherifs the said treasurer shall deliver to the secretary of this State by him to be filed in the secretary's office so that the lands therein mentioned may be charged with the taxes thereon assessed and unpaid, as due, owing and payable to this State, with interest thereon at the rate of six per cent; and the taxes so assessed and unpaid on the appropriated and unimproved lands in this State after the same is advertised and a return thereof made and filed in the secretary's office of this State as above directed are hereby declared to be due owing and payable to this State together with the interest thereon at the rate of six per cent. per annum to be collected by sale of such lands or otherwise, as the legislature of this State shall hereafter direct.

Sherrifs to pay over moneys collected.

Fees for collection.

To return lists to State treasurer.

Treasurer to deliver to secretary of State and tax and interest to be charged against lands and collected by sale of same.

And be it enacted by the authority aforesaid That no person or persons who shall have paid their respective proportions of the tax assessed on any tract or tracts of undivided land of which they shall respectively be part owners shall be deprived of their respective proportions or any part thereof upon a future division of the same, notwithstanding any part of the said tract may hereafter be sold for the payment of the taxes charged on the same, but upon such division, shall have their respective full shares and proportions of such lands

Part owners paying tax not to be deprived of their respective portions.

in the same manner as they would respectively have had if no such sale had been made.

Super-
visors to
fill vacan-
cies in
commis-
sion out of
their own
number.

And be it further enacted by the authority aforesaid That in case of the death or removal out of the respective counties or refusal to act of any of the commissioners for assessing such unimproved lands as aforesaid the supervisors of the several counties shall out of the supervisors of such county nominate other and others in the stead of the commissioner or commissioners so dying or refusing to act or removing as aforesaid; and that a majority of the commissioners in their respective counties shall be and they are hereby authorized to execute the powers and authorities vested in them by this act.

CHAP. 18.

AN ACT appointing commissioners to take in subscriptions on loan-office certificates.

PASSED the 30th of March, 1778.

Preamble.

WHEREAS the honorable the congress of the United States did by resolution passed the twenty second day of *November* last, recommend to the legislatures of the respective States to cause subscriptions to be opened under the inspection of one or more respectable citizens within each town or district for monies on loan: In pursuance of the said recommendation.

Commis-
sioners to
receive
subscriptions
to loan con-
tinental
money.

Be it therefore 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 in the county of *West Chester*, *Zebediah Mills* for the precincts of *Bedford Old Pound-Ridge North Castle and Salem*; *James Lequoy*, for the precincts of *Phillipsburgh, White-Plains, Harrison's Purchase and Rye*; and *Gilbert Drake* for the manor of *Cortlandt and Ryckes* patent that in the county of *Dutchess* *Roeloff Schenck* for the precincts of *Rumbout Fredericksburgh Philips's and Beekmans, Paul Schenck* for *Poughkeepsie* precinct *Matthias B. Miller* for *Charlotte* precinct, *Everardus Bogardus* for *Rhyneck* precinct, *Rufus Herrick*, for *Amenia* precinct, *Isaac I. Talman* for *Pawling's and South-East* Precincts, and *Lewis Graham* for *North-East* precinct, that in the county of *Orange* *John Haring*, for *Orange Town, John Coe* (son of *Daniel Coe*) for *Haverstraw, Thomas Moffat* for *Cornwall*, and *John Carpenter* for *Goshen* precincts; that in the county of *Albany* *Jacobus Teller* for the town of *Schenectady, Ezra Murray* for *King* district, *Richard Esselstyne* for *Claverack Samuel Ten Broeck* for the manor of *Livingston and East Camp, Isaac Goes* for *Kinderhook, Harmanus Cuyler* for *Coxhackie and Groet Embought, Peter Vroman* for *Schoharie, John Younglove* for *Cambridge, Flores Bancker* for the *East* district and *Volkert Othoudt* for the *West* district of the manor of *Rensselaerwyck*; that in the county of *Tryon* *Michael Etdick* for *German Flatts and Kingsland, Martin G. Van Alstyne* for *Canejoharie, Jacob G. Klock* for *Palatine* and *Andrew Wemple* for *Mohawk* districts; that in the county of *Ulster, Joseph Gersherie* for the townships of *Kingston and Hurly, Cornelius E. Wynkoop* for the townships of *Marble Town and Rochester* and precinct of *Mamacotting, Daniel Graham* for the precincts of *New Paltz, Shawangunk and New Marlborough, Patrick Barber* for the precincts of *Walkkill and Hanover*, and *Abel Bellknap* for the precincts of *New Windsor and New Burgh*; and

that in the county of *Charlotte Ebenexer Russell* and *John Williams* for the townships of *Argyle* and *Kingsbury* and the district of *New Perth* be and they are hereby severally appointed commissioners within the respective towns districts and precincts to receive subscriptions of all such persons as shall be willing to deposit upon loan any sum or sums of money in continental currency into the continental loan office within this State, provided, that no subscription shall be taken for less than two hundred dollars.

Subscriptions not to be less than two hundred dollars.

And be it further enacted by the authority aforesaid, That when and as often as any person or persons shall signify to any of them the said commissioners their willingness to deposit any money upon loan as aforesaid that each respective commissioner shall in a book provided by him for that purpose, insert the name and subscription of such person, and that copies of such subscriptions shall from time to time be sent by the said commissioners respectively to the commissioner of the continental loan office within this State.

Name and subscription to be entered and copies sent to commissioners of continental loan office.

CHAP. 19.

AN ACT for altering the judgments heretofore by law prescribed against persons found guilty of high treason and petty treason ; and those who on being arraigned for treason or felony stand mute or refuse to plead.

PASSED the 30th of March, 1778.

WHEREAS the judgments directed by the law of England, now in force in this State, in all cases of high treason, and in many cases of petty treason, are, so far as they respect the manner of putting the offenders to death, marked by circumstances of savage cruelty, unnecessary for the purposes of public justice, and manifestly repugnant to that spirit of humanity, which should ever distinguish a free, a civilized and a christian people. For remedy whereof,

Preamble.

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 such parts of the said judgment in high treason and petty treason as specify and prescribe the manner of putting the persons found guilty thereof to death, be and they hereby are abrogated and abolished. *And further* That the judgments hereafter to be given, against persons found guilty of high treason or petty treason, shall, so far as the same shall respect the manner of putting the said persons to death invariably be, that the said persons so found guilty be hanged by the neck until he she or they shall be dead.

Parts of judgments prescribing manner of putting persons to death abrogated.

And whereas the manner anciently prescribed by the said law, and in many cases still in force, for punishing persons indicted for treason or felony, who on their arraignment obstinately stand mute, or refuse to plead, is too barbarous to be either just or politic.

Further preamble.

Be it therefore enacted by the authority aforesaid That from henceforth no person or persons indicted for treason or felony, who on being arraigned shall obstinately stand mute, or refuse to plead and be tryed in the manner by law directed, shall for the said offence, be put to the *peine forte et dure*, or adjudged guilty of the crimes charged in the indictment. But that both said modes of punishing the said offenders, be, and they hereby are abolished.

Persons standing mute and refusing to plead not to be put to *peine forte et dure*, etc.

Standing mute, etc., to be adjudged a denial of facts charged.

And be it further enacted by the authority aforesaid That in all cases of treason or felony where the party indicted shall on being arraigned obstinately stand mute, or refuse to plead and be tried in due course of law, such obstinately standing mute, or refusal to plead and be tried as aforesaid, shall be adjudged to amount to, and be a proper traverse or denial of the facts, charged in the indictment, and the trial shall thereupon proceed in like manner, and the same judgment shall be given against the said party, if found guilty, as if he she or they had on being arraigned duly plead, and in proper form respectively put themselves on their trial.

CHAP. 20.

AN ACT to enable his excellency the governor out of the monies heretofore granted to him to defray the expence of paying and subsisting such of the militia as were in service previous thereto.

PASSED the 30th of March, 1778.

Preamble.

WHEREAS the legislature of this State have during the present session passed a law entitled, "*An act for granting to the governor the sum of ten thousand pounds for paying subsisting and defraying the contingent expences of the militia whenever he shall call them into actual service,* and no provision being made in the said law, for the paying and subsisting such of the militia as were in service previous to the passing of the said law;

Lawful to pay accounts for subsisting militia in service previous to passage of law.

Be it therefore 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 to and for his excellency the governor out of the monies so granted to him as aforesaid to pay and discharge all or any accounts that have accrued in or about the paying and subsisting such of the militia as were in service previous, in the same manner as if the same had been in service subsequent to the passing of the said law.

CHAP. 21.

AN ACT to authorize the commitment of persons that may be apprehended in the counties of West Chester or Ulster to the gaols of the counties of Dutchess Orange or Albany.

PASSED the 30th of March, 1778.

WHEREAS the gaols in the counties of *West Chester* and *Ulster* have in the course of the present war been destroyed.

Until gaols in counties named are finished, those in Orange, Dutchess or Albany may be used.

Be it therefore 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 until gaols for the said counties of *West Chester* and *Ulster* shall be erected the several sherifs officers and ministers of justice in and for the said two counties having criminal process and the custody of prisoners thereon shall and may make use of the present gaols of the counties of *Orange, Dutchess* or *Albany*; and the several

gaolers of the same gaols in the said counties of *Albany, Dutchess* or *Orange*, shall severally receive the prisoners and shall be answerable for them in like manner as if they had been delivered to their care respectively by the sherifs or other officers of the said three several counties last mentioned respectively.

CHAP. 22.

AN ACT for raising seven hundred men to be employed in the defence of this State.

PASSED the 31st March, 1778.

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 seven hundred men including officers shall be raised by drafts from the militia for the defence of this State to continue in service until the first day of *January* next unless sooner discharged and to be allowed the like pay and rations as are allowed in the army of the United States of *America*. And in order the more effectually to enable his excellency the governor to compleat the levies to be raised by virtue of this act.

Seven hundred men to be raised by drafts from militia.

Be it further enacted by the authority aforesaid That drafts for the purpose aforesaid shall be made from the regiments of militia commanded by colonels *Pierre Van Cortlandt, Joseph Drake* and *Thomas Thomas* in *Westchester* county and *John Field* and *Henry Luddington* in *Dutchess* county and from such other regiments of the militia of this State as his excellency the governor may deem necessary and in such proportions and in such manner as by orders from his excellency the governor to the commanding officers of the several regiments shall be directed; and the several commanding officers and all and every other officer and officers belonging to the several regiments or either of them neglecting or refusing to execute or obey the orders to be issued by his excellency the governor in this behalf, shall suffer and incur such penalties pains and punishment as shall be adjudged by a court martial for that purpose to be instituted and appointed by his excellency the governor by warrant under his hand, and to be composed of such officers belonging to the militia of this State as shall by his said excellency the governor be nominated and appointed for that purpose. *And to the end* That a proper bounty may be collected for such persons as shall voluntarily enlist in the said levies.

Drafts how and by whom to be made.

Be it further enacted by the authority aforesaid That certain resolutions of the council of safety made and passed on the thirty-first day of *July* last for assessing persons exempted from serving in the militia are hereby revived and extended to all persons upwards of the age of sixty years. *Provided nevertheless* That each and every person to be appointed an assessor in such manner as is prescribed in the said resolutions shall before he proceed to assess take an oath before the commanding officer of the regiment by whom he shall be appointed, and who is hereby authorized and required to administer the same faithfully and impartially without favour or affection to assess the several exempts within the district of the said regiment.

Resolutions named, revived and extended.

Proviso as to oath to be taken by assessors.

And provided also That where assessments have not as yet been made in either of the said five regiments above particularly mentioned,

Levies in which as-

assessment shall be made by assessors of town, etc.

and with respect to the assessments to be made in such other regiments of militia as by his excellency the governor shall be assigned and appointed to contribute towards the levies to be raised by virtue of this act, the assessors shall not be appointed by the field officers of the regiment, but the assessment shall be made by the assessors of the town district or precinct within which the several companies of militia so to be assessed, shall be; any thing in the said resolution of the thirty-first day of *July* to the contrary notwithstanding.

Moneys to be paid to commanding officer.

And provided further That the monies to be collected in consequence of such assessments shall be paid into the hands of the commanding officer of each respective regiment, to be by him distributed, to and among the drafts from the said regiment in equal proportions.

Proviso.

Whereas the council of safety did by resolution made and passed the fourth day of *January* last request his excellency the governor to provide for the defence of the frontier parts of this State by levies or detachments from the militia. And the more effectually to facilitate the raising the said levies or detachments the said council of safety did in and by the said resolution revive the said resolution of the council of safety of the thirty-first day of *July* last, in consequence whereof assessments have been made in the said three regiments of militia in the county of *Westchester* and of the sums so assessed a considerable part hath been collected and paid to persons who have inlisted in the said levies or detachments and cattle and other chattels of persons so assessed and refusing to pay the sums so assessed upon them, have been distrained and sold. *And whereas* Uneasiness and complaints having arisen by reason thereof; and it having been suggested to the legislature that in some instances the said assessments had been injudiciously made and that from thence had arisen the said uneasiness and complaints the senate and assembly did by their respective resolutions of the fourteenth day of *March* in the present year recommend to the field officers of the said three regiments forthwith to appoint for each respective regiment five other and new assessors to be discreet and reputable persons, not being commissioned officers belonging to either of the said three regiments, or subject to an assessment by the terms of the said resolution of the council of safety of the fourth day of *January* last, that the said assessors so to be appointed, should immediately review the assessments of the respective regiments and should apportion the whole amount of the assessments of the several regiments upon the several persons in each respective regiment who by the terms of the said last mentioned resolution were subject to be assessed in such manner as to the said assessors should appear just and reasonable, having due regard not only to the estate and ability of each respective person, but also to the services they have respectively rendered to their country, during the present war. That the assessments so to be made by the assessors last appointed should be deemed the true and proper assessments within the said regiments respectively. That where an abatement should be made in the former assessment of any persons, such persons should respectively be repaid the whole amount of such abatement, or such part thereof, as they should respectively have paid, out of the monies to be collected from the other persons subject to be assessed. And that all sales of goods distrained for payment of assessments made in consequence of the above resolution last mentioned should stand confirmed and that no future sales should be made of goods then already taken and distrained except where persons should refuse to pay the sums assessed upon them by the assessors last appointed. And that

Ibid.

the commanding officers of the said several regiments should cause the sums to be assessed by the said last appointed assessors, to be collected by distress and sale of the goods and chattels of the several persons who should refuse to pay the sums assessed on them respectively. *And whereas* his excellency the governor did on the sixth day of *January* last issue his orders to the commanding officers of the said five regiments above particularly mentioned, to make returns immediately of their respective regiments; that five companies of sixty privates were to be raised out of the said five regiments of militia and and to continue in service for the space of one year on continental pay and rations.

Ibid.

Be it therefore further enacted by the authority aforesaid That all and singular the powers and authorities vested in the assessors appointed by virtue of the resolution of the council of safety of the thirty-first day of *July* last revived and extended as aforesaid, shall henceforth cease determine and become void that all and singular the acts and proceedings of the said commanding officers of the said five regiments, and of each and every person and persons by the order or command of the said commanding officers, or either of them, in or about the premises in consequence of such orders as aforesaid from his excellency the governor, or in' pursuance and in consequence of the said resolution of the council of safety of the fourth of *January*, or of the said resolution of the senate and assembly, shall be and the same are hereby ratified and confirmed, and declared to be as valid and effectual to all intents and purposes, as if the same had been made and done by virtue of an act of the legislature of this state; and the several persons who have or shall be inlisted or drafted in pursuance of the said orders and resolution, shall be deemed and considered as duly and properly drafted and inlisted in, and as belonging to the levies to be raised by virtue of this act. *Provided*, That the several persons in the said three regiments in the county of *Westchester*, who have been assessed shall be compellable only to pay the sums at which they were respectively assessed by the assessors last appointed as aforesaid.

Powers vested in assessors named declared void, acts of commanding officers ratified and confirmed.

Persons inlisted or drafted deemed duly in service. *Proviso.*

And be it further enacted by the authority aforesaid That the levies to be raised by virtue of this act, shall from the time they shall be inlisted or drafted, be subject to the same rules and regulations as are contained in the articles of war made by the congress of the United States of *America* for regulating the armies of the said States; and that the courts-martial to be instituted and appointed for trial of any person or persons belonging to the said levies shall and may consist of officers belonging to the militia of this State, or to the said levies, as his excellency the governor shall from time to time deem proper.

Levies subject to rules and articles of war.

CHAP. 23.

AN ACT to empower the treasurer of this State, to pay into the treasury of the United States of America the sum therein mentioned.

PASSED the 1st of April, 1778.

WHEREAS the honorable the congress of the United States of America by a certain resolution of the twenty-second day of *November* in the year of our Lord one thousand seven hundred and seventy-seven

Preamble.

among other things therein contained recommended to the respective States, to raise, in the course of the year one thousand seven hundred and seventy-eight commencing on the first day of January in the said year the sum of five millions of dollars by taxes to be levied on the inhabitants of the respective States; and therein assessed the State of *New-York* at two hundred thousand dollars; declaring in and by the said resolution that the sums so to be assessed should not be considered as the proportion of any State but whenever the same is paid into the treasury of the United States of America should be placed to their respective credit bearing an interest of six per cent. per annum from the time of payment until the quotas should be finally ascertained and adjusted by the congress of the said United States agreeable to the confederation thereafter to be adopted. And ratified by the several States

State
treasurer
to pay into
U. S. treasury
sum of
\$200,000.

Be it therefore 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 the treasurer of this State is hereby empowered, authorised and required to transmit and pay into the treasury of the United States of America the said sum of two hundred thousand dollars out of the monies to be raised and which shall come to his hands by virtue of a certain act entitled "An act for raising monies to be applied towards the public exigencies of this State," made and passed in this present session; and upon payment of the said two hundred thousand dollars or any part thereof into the treasury of the said United States to procure treasury receipt or receipts for the sum or sums he shall so pay.

CHAP. 24.

AN ACT authorizing the person administering the government of this State for the time being to appoint a place for the meeting of the legislature.

PASSED the 1st of April, 1778.

Preamble.

WHEREAS in and by a certain act of the legislature of this State made and passed in this present session entitled "*An act to regulate elections within this State*" it is provided that the senate and assembly shall meet on the first Monday in July in every year but no place is therein assigned where the senate and assembly shall so meet.

Legislature
to meet at
place
named in
proclamation
of
governor.
Act not to
abridge
right to
adjourn to
another
place.

Be it therefore 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 the legislature of this State shall meet (until further provision shall be made by a future legislature) at such place or places as by the person administering the government of this State for the time being shall by proclamation to be issued for that purpose from time to time be assigned and appointed. *Provided* That nothing herein contained shall be construed to abridge the right of the senate and assembly whenever they shall be convened to adjourn by their mutual consent to such other place or places as they shall deem most convenient.

CHAP. 25.

AN ACT to dispense with the usual mode of administering oaths in favour of persons having conscientious scruples respecting the same.

PASSED the 1st of April, 1778.

WHEREAS many of the inhabitants of this State having conscientious scruples about the present mode of administering oaths by laying the hand on and kissing the gospels for the relief of all such persons,

Preamble.

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

Manner of administering oaths to persons named.

That all and every person or persons impowered to administer oaths within this State, shall be and they hereby are empowered, authorized and required to tender and administer the said oaths to all such person or persons as shall declare they have such conscientious scruples, in the form following, to wit. The said person or persons shall with his her or their hand or hands uplifted swear by the everliving God and shall not be compelled to lay his her or their hand or hands on the Gospels or kiss the same: And that all oaths to be administered agreeable to the mode prescribed by this act shall be and the same are hereby declared to be as good valid and effectual to all intents and purposes, as if the same had been administered by laying the hand on, and kissing the Gospels. And all persons who being sworn agreeable to the said mode and shall be guilty of false swearing or wilful and corrupt perjury, and be convicted thereof shall incur and suffer the same pains penalties or punishments, as if they had been respectively sworn on the Holy Evangelists.

CHAP. 26.

AN ACT to appoint a treasurer for this State.

PASSED the 1st of April, 1778.

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 Gerard Bancker Esq. shall be and he hereby is constituted and appointed treasurer of this State, to continue in office until sixty days after the first meeting of the legislature of this State after the first day of July which will be in the year of our Lord one thousand seven hundred and seventy-nine provided he shall with surety enter into such bond as is herein after mentioned.

Gerard Bancker appointed treasurer.

And be it farther enacted by the authority aforesaid That the speaker of the assembly for the time being shall take a bond from the above named Gerard Bancker on or before the first day May next with one or more sufficient surety or sureties to the people of this State in the sum of ten thousand pounds lawful money of this State, with condition that he the said Gerard Bancker shall and will during his continuance in the same well faithfully and honestly execute and perform the office of treasurer of this State,—which bond when so taken, shall be lodged in the secretary's office of this State.

Speaker of the assembly to take bond in penal sum of \$10,000.

Treasurer to take official oath.

And be it further enacted by the authority aforesaid That the said *Gerard Bancker*, Esquire if he shall take upon him the execution of the said office, shall on or before the first day of *May* next appear before one of the judges of the supreme court of this State and take the following oath *viz.*

Form of.

I *Gerard Bancker* appointed treasurer of this State do solemnly and sincerely swear and declare in the presence of Almighty God that I will during my continuance therein well faithfully and honestly to the best of my knowledge and ability execute the office of treasurer of this State, and that I will not on any occasion or pretence apply any monies which shall or may come to my hands as belonging to this State to any private uses or purposes whatsoever. So help me God.

CHAP. 27.

AN ACT to enable the person administring the government of this State for the time being to remove certain disaffected and dangerous persons and families.

PASSED the 1st of April, 1778.

Preamble.

WHEREAS divers disaffected and dangerous persons and families reside at or near the several posts and passes within this State and there is great reason to believe that they communicate intelligence to the enemy

Dangerous disaffected persons may be removed from near posts or encampments.

Be it therefore 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 to and for the person administring the government of this State for the time being from time to time as occasion may require, and whenever he shall judge it necessary for the public safety, to cause all such dangerous disaffected persons and families as now are or hereafter shall happen to be resident at or near any post pass or encampment within this State to be removed to such other place or places within the same as he shall deem expedient.

Names, etc., of persons removed to be certified to commissioners of sequestration, etc.

And whereas the removal of the persons or families aforesaid may prove very prejudicial to them *It is further enacted by the authority aforesaid* That the person administring the government of this State for the time being shall certify the names of such persons so removed and a discription of the houses and farms from which they shall be removed respectively to the commissioners of sequestration of the county to which such persons shall be removed who are hereby required to put them in possession on moderate rents of such sequestered farms or houses in the said county as may be then or thereafter vacant having respect to the value of the farms or houses, from which such persons may have been removed *Provided nevertheless* That no person or persons that shall be removed by virtue of this act shall by such removal gain a settlement in the district he she or they may be removed to so as to charge such district with their maintenance.

Persons removed not to gain settlement.

CHAP. 28.

AN ACT for compleating the five Continental battalions raised under the direction of this State.

PASSED the 1st of April, 1778.

WHEREAS it is absolutely necessary that the several battalions in the service of the United States of *America*, raised under the direction of this State should be forthwith compleated. Preamble.

And whereas the Congress of the United States of *America* did by resolution passed on the twenty-sixth day of *February* last require the several States to fill up by drafts from the militia or in any other manner that should be most effectual their respective battalions to serve for the space of nine months from the time they should respectively appear at the places of rendezvous unless sooner discharged; and that the drafts from the militia of this State should rendezvous at *Easton*, in the State of *Pennsylvania*.

Be it therefore 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 drafts shall be made from the militia of this State of every fifteenth man to serve in the said battalions for the space of nine months as aforesaid; and that *Easton* in the State of *Pennsylvania* shall be the place of rendezvous unless otherwise directed by the commander in chief of the continental army. Every fifteenth man to be drafted, place of rendezvous, etc.

And to the end that the said drafts may be made with the greater fairness and impartiality

Be it further enacted by the authority aforesaid That the captains or other commanding officers of the several companies of militia within this State shall cause true and exact lists to be made of their respective companies on or before the third Monday of *April* next, and shall immediately return (under oath to be administered by the said colonel or commanding officer of the regiment) such lists to the colonel or other commanding officer of the respective regiments and the colonels or other commanding officers of the regiments shall within one week thereafter meet with the other field officers and the captains or other commanding officers of the companies of their respective regiments on such day and at such place within the districts of their respective regiments as by the said colonels or commanding officers of the regiments shall for that purpose be appointed, and at this meeting, to be openly and publicly held the said colonels or commanding officers of the regiments shall cause the several companies belonging to their respective regiments to be respectively divided by lot into Classes, each class to consist of fifteen men, and if there should be a surplus or remainder of names in the several companies after they shall have been so divided into classes, the colonel or commanding officer of the regiment shall from the surpluses or remainders of adjoining companies into a class or classes of an equal number of men with the classes above mentioned, and if there should still be a surplus or remainder the colonel or commanding officer of the regiment shall add the persons of which such surplus or remainder as last mentioned shall consist to such class or classes in the companies to which the persons composing such surplus or remainder as last aforesaid may severally belong in such manner as he shall think proper. That the captains or commanding officers of the companies Captains to make and return lists of men.

Colonels to meet with field officers and captains.

Draft, how to be made.

shall cause to be delivered to at least two persons in each of the classes in their respective companies formed upon the first division, and the colonel or commanding officers of the regiments shall cause to be delivered to at least two persons in each of the classes formed of such surplusses or remainders as aforesaid lists of the persons belonging to their respective classes, and that each class shall within nine days after such lists shall have been delivered to them respectively furnish a man to serve in the said battalions for the space of nine months as aforesaid.

Proceedings in case classes shall omit or neglect to furnish a man.

And be it further enacted by the authority aforesaid That if any of the classes shall omit or neglect to furnish a man within the time above limited the captain or commanding officer of the company to which such class shall belong, or if the class shall have been composed of such surplusses as aforesaid, then the colonel or commanding officer of the regiment shall notify at least two persons in the class so in default either personally, or by notice at their usual place of abode of the time and place when and where it will be determined by lott, which of the persons in the said class so in default shall serve as a draft as aforesaid. At which time and place the captain or commanding officer of the company, or commanding officer of the regiment as the case may be, shall openly and publickly proceed to determine which of the persons belonging to the said class shall serve as a draft as aforesaid, and shall immediately thereupon either personally or by notice in writing notify the person on whom the lot shall so have fallen thereof and the said person shall from and immediately after such notice be deemed and considered as a draft to serve in the said battalions for the space of nine months as aforesaid, and if the said person should abscond desert or refuse to march he shall and may be apprehended taken and treated as a deserter from the said battalions.

One class not to procure a person from another class.

And be it further enacted by the authority aforesaid That no class shall be permitted to procure a person from another class unless the class from which the person so attempted to be procured may belong shall previously have furnished a man for the said drafts.

Preamble as to firelocks, etc.

And whereas the congress of the United States did also in and by the said resolution resolve that each of the said drafts who should supply himself with a good firelock and bayonet, a cartouch box haversack and blanket, and should at the expiration of his service, produce to the proper pay master a certificate from his captain or other commanding officer of his company that he hath been constantly provided therewith, shall receive for the use of his firelock bayonet and cartouch box two dollars and for the use of his blanket four dollars, and in a like proportion for any or either of them; and in case any or either of the said articles shall be lost or rendered useless in the service without the negligence or fault of the proprietor, he shall be paid the value thereof; and did also in and by the said resolution recommend to the several States to appoint officers to superintend the making and forwarding such drafts, and to appoint one or more persons to reside at the places of rendezvous to receive the drafts from the respective States, and deliver them over to the continental officers appointed to receive them, and also to make provision for their respective drafts upon their march to the said places of rendezvous.

Commissioners to execute act.

Be it therefore further enacted by the authority aforesaid That it shall and may be lawful to and for the person administering the government of this State for the time being and he is hereby authorized

and required to appoint three commissioners for executing this act. That the said commissioners or the major part of them shall appoint such and so many persons in the different parts of this State to be such superintendents as aforesaid and to appoint such and so many persons to receive the said drafts at the place of rendezvous and deliver them over to the continental officers appointed to receive them, as by the said commissioners or the major part of them shall be deemed proper. That the said commissioners or the major part of them shall be and they are hereby authorized to take such ways and means as to them shall appear expedient that provision be made for the said drafts on their march to the place of rendezvous. That the said superintendents and each and every of them shall be authorized to take apprehend and confine such of the said drafts as shall desert or refuse to march. That the several militia officers in and throughout this State shall and they are hereby respectively required to be aiding and assisting to the said several superintendents with such of the militia under their command respectively in pursuing apprehending confining or guarding the said drafts or any of them, when and as often as the said militia officers shall be severally thereunto required by the said superintendents or any or either of them. That if any of the commanding officers of the regiments of militia shall respectively refuse or neglect to make drafts from their respective regiments on the day for that purpose herein before specified, that the said commissioners or the major part of them shall in such case require such commanding officer so refusing or neglecting forthwith to proceed to make out drafts on such day as by the said commissioners or the major part of them shall for that purpose be appointed.

Commissioners to appoint superintendents, etc.

Powers of commissioners and superintendents.

Militia officers to aid superintendents.

Commissioners to require commanding officers to make draft.

And be it further enacted by the authority aforesaid That the said commissioners superintendents and the person to be appointed to receive such drafts at the place of rendezvous shall each of them be allowed besides their expences for each and every day they shall be severally actually employed in the business hereby committed to them the sum of twenty shillings per day.

Allowance to commissioners, superintendents, etc.

And to the end That provision may be made for the payment of the said commissioners superintendents and persons to be appointed to receive the said drafts and to defray the expence of providing for such drafts on their march and for the payment and subsistence of such of the militia as may be called out for the purpose of apprehending and guarding such of the said drafts as shall desert or refuse to march as aforesaid and other incidental charges that shall or may arise in and about the said business hereby committed to the said commissioners.

Provision to be made for payment of expences, etc.

Be it further enacted by the authority aforesaid That the said commissioners or the major part of them, shall be and they are hereby authorized from time to time to draw from the treasury of this State, (and the treasurer of this State is hereby authorized and required to pay the same) such sum and sums of money as they or the major part of them shall deem necessary for the purpose, so as the monies so by them to be drawn from the treasury shall not in the whole exceed the sum of two thousand five hundred pounds. And the said commissioners are hereby required to account with this State for the expenture of the said monies.

Commissioners may draw on treasurer of State for necessary money.

And be it further enacted by the authority aforesaid That each and every officer of the militia who shall omit or neglect to do or perform any of the matters or duties imposed on and required of them by this act shall be subject to and incur such penalties and punishments as shall be adjudged against him by a court martial to be in-

Penalty for refusal by officer to perform duty.

stituted and appointed by warrant from the person administering the government of this State for the time being for that purpose, and to consist of officers belonging to the militia of this State.

And whereas certain regiments of militia have already furnished men for certain services during the course of the present year;

Governor may order draft dispensed with in regiments named.

Be it therefore further enacted by the authority aforesaid That it shall and may be lawful to and for the person administering the government of this State for the time being by orders to the several colonels or commanding officers of the regiments to dispense with this act with respect to such regiments of militia as have at any time since the first day of *January* last furnished, or have been or shall be ordered to furnish men for any service, or to lessen the proportion of drafts to be furnished by the said regiments respectively for the said battalions in the service of the United States in such manner as he shall think proper, any thing herein contained to the contrary notwithstanding.

Persons exempt from draft.

And be it further enacted by the authority aforesaid That the chancellor, the judges of the supreme court, the members of the legislature, all justices of the peace, who previous to the making of the said draft shall have qualified on oath for the execution of their office, all sheriffs, all commissioned officers in the militia, all persons who have at any time heretofore borne military commissions, under the King of *Great-Britain*, or under the United States of *America* or under any provincial congress or convention of this State, all ministers of the gospel, the people called Quakers, all persons who have procured or shall procure others to enlist in either of the said battalions pursuant to the resolution of the convention or the act of the legislature of this State in such case made and provided, the attorney-general, the treasurer, the auditor-general, the commissioner of military stores, and commissary of clothing for this State, the secretary of the State, the clerk of the senate and the clerk of the assembly all clerks of courts, the commissioners for defeating conspiracies three powder makers to each powder mill five men to each furnace and two men to each fire at the several forges, to be elected by the master of each furnace and forge three persons as journeymen in each printing office to be elected by each of the printers respectively and all persons above fifty years of age, shall be and hereby are exempted from being drafted by virtue of this act any thing herein contained to the contrary notwithstanding.

Proviso as to persons having borne commissions from king.

Provided nevertheless That no person having borne a military commission under the King of *Great-Britain* shall by reason thereof be exempted from the draft to be made by virtue of this act unless such person shall procure a certificate under the hands of two justices of the peace of the county that such person is well affected to the cause of *America*, and hath uniformly behaved and conducted as such during the present war.

Exempt persons to contribute toward expense of drafts.

And to the end however That the said persons so exempted as aforesaid may be compelled to contribute towards the expence of the draft to be made, in pursuance of this act and that a bounty may hereby be raised for such persons as shall enter into the said service.

List of exempts to be made by captains and assessors.

And be it further enacted by the authority aforesaid That the captains or commanding officers of the several companies at the time of making lists of their respective companies as aforesaid shall also cause lists to be made of the several persons so exempted as aforesaid (ministers of the Gospel and persons who have procured or shall procure others to enlist as aforesaid excepted) resident within their respective beats, and cause such lists to be delivered to the assessors of the ward town, manor district or precinct who are hereby authorized and required forthwith

to assess the said several persons at such sums as the said assessors shall deem a proper compensation for the personal service of each respective person, having due regard not only to the estate and ability of the said several persons, but also to the services which they have respectively rendered to their country, during the present war.

Provided nevertheless That every person hereby exempted being capable of bearing arms, and between the ages of sixteen and fifty years and who shall prefer standing his draft to paying the sum so to be assessed against him, it shall be at his option so to do, and if the company previous thereto shall have been divided into classes, such exempt so choosing to stand his draft shall be added to such class in the company as the captain or commanding officer thereof shall think proper. *And provided farther* That no person shall be assessed at more than twenty dollars.

Exempt persons capable of bearing arms may elect to stand draft.

And be it further enacted by the authority aforesaid That the assessors as soon as they shall have compleated the assessments shall return a list of the same to the captain of each company, who shall immediately cause the sums assessed to be collected by one or more of the sergeants of the company, and in case any person or persons shall refuse or neglect to pay the sum or sums at which they shall be so assessed to cause the same to be collected from the several persons who shall so refuse by distress and sale of the goods and chattels of the said persons so refusing, by warrant to one of the serjeants of the said company; and the said monies, when so collected shall be paid into the hands of the colonel or commanding officer of the regiment to be by him divided and distributed to and among the several volunteers and drafts furnished by the regiment in equal shares and proportions as near as may be.

Assessment lists to be returned to, and collection to be made by captains.

CHAP. 29.

AN ACT for regulating impresses of forage and carriages and for billeting troops within this State.

PASSED 2d of April, 1778.

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 from and after the publication of this act no impresses of forage (under which term is comprehended hay, straw, barley, rye, oats indian corn and buckwheat) shall be made in this State by the commissary or deputy commissary of Forage, or by any forage master of the United States; but whenever a sufficient quantity of forage cannot be purchased therein or procured from the neighbouring States by the commissary or deputy commissary of forage, or by the forage masters for the use of the army in this State, that then on due proof thereof on oath, and application made to any justice of the peace resident in the town, manor, district or precinct in which such impress is required, it shall and may be lawful for the said justice, and he is hereby required immediately thereupon, by warrant or warrants under his hand, to appoint such and so many discreet and prudent inhabitants of this State, actually resident in the said town, manor, district or precinct, and thereby to authorize and direct him or them to distrain and take from the inhabitants of the said town, manor, district or precinct the quantity of forage to be specified in the said warrant. *Pro-*

Impress not to be made of forage.

Proceedings in case sufficient forage cannot be purchased.

vided there shall be so much forage therein over and above what shall on inquiry by such person or persons be found in his or their opinion necessary for the subsistence of the respective families and stock *bona fide* kept by each inhabitant in such town, manor, district or precinct, and to deliver to the commissary or deputy commissary of forage or to the forage-master a certificate in writing of the quantity of forage specifying each article thereof which shall be by the said person or persons so taken and distrained and the name of the inhabitants respectively from whom taken, together with the current price thereof. But it shall not be lawful for any commissary or deputy commissary of forage or forage master to remove the forage so taken from any inhabitant, until such time as a copy of the said certificate shall be by him or them delivered to the said inhabitant or his wife or one of his children at years of discretion; *and to the end* That the said impresses may be made with greater justice and impartiality.

Persons executing warrants to take oath prescribed herein.

It is further enacted by the authority aforesaid That forthwith on the receipt and before the execution of the said warrant or warrants by the persons to be named therein the said person or persons respectively shall appear before the said justice of the peace by whom such warrant was granted, and holding the same in his hand shall take an oath or if of the people called Quakers an affirmation, that he will to the best of his ability skill and judgment, honestly, diligently, impartially, without fear, favour, revenge or hope of reward, execute the trust and duty reposed in and enjoined on him by the said warrant, and the said justice shall thereupon indorse on the said warrant, a certificate under his hand of the said person or persons having taken the said oath or affirmation, and the time and place when and where the same was so taken.

Oath to be administered to inhabitants.

And it is further enacted by the authority aforesaid, That it shall be lawful for the person or persons in the said warrants to be named as aforesaid, and they are hereby required to demand of and administer, to each inhabitant of the town, manor, district or precinct named in the said warrant, an oath, or if of the people called Quakers an affirmation, "truly and honestly to declare the number of the cattle, horses, sheep and swine by him her or them kept, and the number of persons of which his her or their family may consist, and to declare, discover and shew to the said person or persons, all the hay, oats, rye, barley, Indian corn, buck-wheat and straw which he or she may then have." *And further* That it shall and may be lawful for the said person or persons at his or their discretion to examine witnesses by him or them to be summoned, sworn or affirmed, to declare the truth, the whole truth, and nothing but the truth, respecting the premises.

Witnesses may be examined.

Certificate to be delivered to inhabitants from whom forage is distrained.

And be it further enacted by the authority aforesaid, That whenever and as often as the person or persons to be named in the warrants aforesaid shall distrain forage from any inhabitant, it shall be his or their duty to give to the said inhabitant, or leave with his wife or one of his children at years of discretion, a certificate under his or their hand or hands of the Quantity and species of forage so distrained and the current price thereof; to the end that the said inhabitant by comparing the said certificate with the copy thereof to be received from the commissary of forage, or his deputy, or the forage master, may be the better enabled to detect any mistakes or frauds which may happen respecting the same.

Penalty for refusing to take oath and execute warrants.

And be it further enacted by the authority aforesaid, That if the said person or persons to whom such warrants shall be directed, shall not within thirty hours after receiving the same, severally take the oath or affirmation by this act prescribed, or shall proceed to execute the said

warrant, without having previously taken the same, he or they so offending, shall forfeit the sum of five pounds to be adjudged by the said justice who shall grant such warrant, and to be levied of the goods and chattels of the offender by warrant to any constable of the town, manor, precinct or district, and when recovered to be for the use of the poor of the said town, manor, precinct or district; *and further* That if any or either of the said persons to be named in the said warrant or warrants shall corruptly and wickedly execute the same, he or they so offending, shall on being convicted thereof, suffer all the pains and penalties, inflicted in cases of wilful and corrupt perjury.

Ibid, for corruptly executing same.

And be it further enacted by the authority aforesaid, That if any inhabitant of the manor, town, district or precinct, in which such warrant or warrants shall issue, shall on being required by the person or persons named therein, refuse to declare on oath, or if of the people called Quakers to affirm the quantity of forage they respectively possess or the number of persons their respective families do consist of, or the number of stock they severally keep, in the manner before prescribed in this act it shall be lawful for the said person or persons to take and distrain from such inhabitant, one half part of all the forage belonging to the said inhabitant so refusing, which can be found.

Amount to be distrained in case of refusal by inhabitant to declare amount on oath.

And further That if any of the said inhabitants shall refuse to deliver to the said commissary of forage, or his deputy or a forage master, the forage so distrained from such inhabitant, the said commissary of forage or his deputies or a forage-master, are hereby authorized and empowered forcibly to take such forage from the said inhabitant so refusing.

In case of refusal to deliver same may be forcibly taken.

And be it further enacted by the authority aforesaid, That if any person or persons shall refuse to appear and give evidence on oath or affirmation as directed by this act, when summoned thereto by the person or persons named in the warrants aforesaid, he she or they so offending shall by warrant under the hand and seal of the said person or persons, and directed to the sheriff or any one or more of the constables in the county, who are hereby required to execute the same be committed to the common gaol of the said county for the space of thirty days and no longer; and the keeper of said gaol is hereby commanded to receive and detain him her or them accordingly.

Persons refusing to appear and testify may be imprisoned.

And be it further enacted by the authority aforesaid, That if after the passing of this act, any commissary of forage or his deputy, or deputies, or any forage-master, or any other officer, soldier or person belonging to the army, shall presume to take by force from any inhabitant of this State, without his or her consent, any forage of any species or kind whatsoever, contrary to the true intent and meaning of this act, such person or persons so offending shall for every such offence pay treble damages and treble costs of suit to the party injured to be recovered in an action of trespass and in which the defendant shall be held to bail in any court of record within this State. And it is expressly made the duty of the person administering the government of this State for the time being, on due proof made to him of such unlawful taking of forage, by a person or persons belonging to the army, and that process hath been issued against such person or persons, and that the sheriff to whom the said process was directed hath been deterred from executing the same by unlawful resistance thereto, to demand of the general commanding the said army for the time being, that the said person or persons be delivered to the said sheriff; and on neglect or refusal to deliver him or them, to complain thereof to the commander in chief, or to the congress of the United States of America.

Penalty for taking forage forcibly, contrary to this act.

If verdict pass against defendant bail shall be required for good behavior.

And be it further enacted by the authority aforesaid, That if on the tryal of the said action of trespass, a verdict shall pass and judgment thereupon be given against the defendant or defendants in the said action, it shall be, and it is hereby declared to be the duty of the court in which such tryal shall be had, or judgment given, forthwith to cause the said defendant or defendants to be severally bound each of them with one sufficient surety resident and a freeholder in this State, in the sum of three hundred pounds, to keep the peace and be of good behaviour for the space of one year then next ensuing; and in defect of such surety to commit him or them to the common gaol of the county in which such tryal shall be had, for the space of three months, without bail or mainprize.

In case of emergency commanding officer may impress necessary supply.

Provided always nevertheless, That in cases of an incursion of the enemy, whereby a sudden movement of the American army or armies within this State may be necessary, and the urgency of the occasion shall not admit of the delays incident to the due execution of this act, it shall and may be lawful for the general or commander of such army or armies respectively, by warrant under his or their hand respectively, at their discretion, to impress a necessary supply of forage *pro hac vice* within this State any thing in this act to the contrary thereof in any wise notwithstanding.

Compensation to persons executing warrants.

And be it further enacted by the authority aforesaid, That the several persons named in the warrants aforesaid, shall for so long time as they shall be employed in the execution thereof, be allowed the like wages as are allowed to the forage-masters, and the same shall be paid by the commissary of forage or forage-master, or other person applying for such warrant. *And further* That no second impress of forage shall be made in any town, manor, precinct or district, until the said wages due to the said person or persons shall have been first paid. And the justices of the peace shall not severally grant warrants for such second impress, until it shall appear to them that the said wages due to the persons by them respectively appointed have been duly paid.

Impress of teams to be made by warrant.

And be it further enacted by the authority aforesaid, That no impress of teams, horses or carriages, or drivers for the same, shall be here after made within this State, on any pretence whatever, without warrant from a justice of the peace for that purpose first had and obtained.

Impress, how made.

And be it further enacted by the authority aforesaid, That whenever the public service shall require a greater number of teams, horses and carriages, with drivers for the same, than can be supplied by the quarter master of any part of the army within this State, it shall and may be lawful for any one of the justices of the peace, (on proof thereof, and application as aforesaid) resident in the city, town, manor, district or precinct, in which such impress is required, to grant his warrant under his hand and seal, directed to any of the constables within the said city, manor, town, district or precinct, for the impressing of such number of teams, horses and carriages with drivers for the same, as the public service shall then in the judgment of the said justice actually necessarily require, to be furnished by the said city, town, manor, district or precinct, in addition to the teams horses and carriages then supplied by the said quarter master; and which said warrant shall contain the names of the several persons who in the judgment of the said justice, (having due respect to the estate and ability of each respective person, and the number of days and times their respective teams, horses or carriages shall previous thereto have been impressed, or have been in the service) ought to furnish teams horses or carriages with drivers, and the number of teams, horses carriages or drivers, to be furnished by each respective

person, and the number of days for which the same shall be retained in service, or the distance to which each respective team, horse or carriage shall be compelled to go. And the said constable shall be allowed the sum of two shillings for each team he shall procure in consequence of such warrant, for his fees and services, to be paid by the officer or other person requiring such impress to be made.

And be it further enacted by the authority aforesaid, That on performance of the service or services so to be performed by the said impressed teams, horses, carriages and drivers, the quarter master or other officer attending and requiring the said service, shall either immediately pay to the owners or drivers of the teams horses and carriages so impressed, according to the common usual and then accustomed rate and fare allowed for the like services, or otherwise satisfy the said owners or drivers for such services, so performed.

Payment to be made.

And be it further enacted by the authority aforesaid, That any constable receiving such warrant or warrants to impress teams horses or carriages with drivers, who shall omit, neglect or refuse, immediately to execute the said warrant or warrants, he shall for every offence forfeit the sum of five pounds, to be adjudged by the said justice by whom such warrant was granted, and to be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the said justice, to be issued to any other constable of the said city, town, manor, district or precinct; and for want of such goods or chattels then to take the body of the said offender and him to commit to the common gaol of the county for a space not exceeding twenty days; and in case any of the teams, horses, carriages or drivers shall not appear or be brought by the several inhabitants who by the said warrant were required to furnish the same, at the time and place of rendezvous in the said warrant for impressing specified, the owners of such teams horses or carriages, shall respectively forfeit the sum of five pounds, to be adjudged and levied as aforesaid; and for want of wherewithon to levy the same, then to be committed as aforesaid for a space not exceeding twenty days and shall notwithstanding be liable to have the horse team or carriage so withheld, to be forcibly taken and used in the service for which they were impressed, and every driver, and each abettor, solicitor and seducer to such neglect, or delay, shall each and every of them, for each and every such offence, forfeit the sum of five pounds to be raised and levied as aforesaid; and for want of wherewithon to levy the same, then they and each of them to be committed as aforesaid, for a space not exceeding twenty days, which several fines, shall on recovery, be paid to the county treasurer where the same shall arise.

Penalty in case constable refuses to execute warrant.

Ibid, in case inhabitants refuse to deliver teams at place of rendezvous.

And be it further enacted by the authority aforesaid, That in case of any special and extraordinary movement or emergency, it shall and may be lawful for the person administering the government of this State for the time being, or any general in actual service in this State, without the aid of a justice or justices of the peace, to issue their warrants, to make a general impress of all such teams, carriages, horses and drivers, as they may think necessary, duly providing for the payment for such services; any thing in this act to the contrary notwithstanding.

In case of emergency commanding officer may impress teams.

And be it further enacted by the authority aforesaid, That whenever, and as often as it shall be necessary that quarters should be provided within this State for any troops in the service of the United States of America or of this State it shall and may be lawful to and for any one justice of the peace resident within the city, town, manor, district or precinct, where such quarters shall be required by the commanding

Cases in which billets for quarters for troops may be granted.

officer of the corps or party of troops for whom such quarters shall be required, if it shall appear necessary to the said justice that such quarters should be provided, to grant billets for the said troops, whereby to billet the same on the several inhabitants of the said city, town, manor, district or precinct, in such proportion as to the said justice shall appear just and proper having due regard to the respective estate and ability of the said inhabitants. That each billet shall contain the name of each inhabitant, on whom such troops shall be quartered and the number of men to be quartered on such inhabitant, and the number of days they shall be so quartered, and the said justice shall be and he is hereby authorized to alter and change the quarters and billets of the said troops from such of the inhabitants of the said city, town, manor, district or precinct, to others thereof, by new billets to be made out for that purpose, from time to time, in such manner as he shall deem just and equitable.

What
billet to
contain.

When jus-
tice of
neighbor-
ing town
may grant
billet.

And be it further enacted by the authority aforesaid, That if there should be any town, manor, district or precinct, in which there shall be no justice of the peace resident, it shall and may be lawful to and for a justice of the peace resident in any neighbouring town, manor, district or precinct, to grant such warrants of impress and billets as aforesaid, in the said town, manor, district or precinct, in which there shall be no justice of the peace resident as fully and amply as if he had been actually resident therein.

CHAP. 30.

AN ACT to amend an act entitled An Act to remove doubts concerning the corporation of the city of Albany.

PASSED the 2d of April, 1778.

Word
"eight"
to be
deemed
"nine."

Be it enacted by the People of the State of New-York, represented in the Senate and Assembly and it is hereby enacted by the authority of the same That the word *Eight* in the said law shall be deemed and esteemed, as the word *Nine* and the said law shall to all intents constructions and purposes whatsoever operate as tho' the word *Nine* instead of the word *Eight* had been contained therein at the time of passing thereof any thing in the said law contained to the contrary hereof in any wise notwithstanding.

CHAP. 31.

AN ACT for encreasing the number of commissioners for detecting and defeating conspiracies within this State.

PASSED the 3d of April, 1778.

Preamble. WHEREAS by an act entitled "*An act appointing commissioners for detecting and defeating conspiracies and declaring their powers*" made and passed by the legislature of this State, the fifth day of *February* last past; it is enacted, that the governor lieutenant-governor or president of the senate who for the time being shall administer the government of this State be and he is thereby authorized and im-

powered from time to time to appoint by commission by and with the advice and consent of the council of appointment so many persons, not exceeding ten as he shall think proper to be commissioners for the purposes therein mentioned; *And further* That the said commissioners or any three of them shall be and thereby are impowered and authorized to do and perform the several acts, matters and things therein after mentioned: For increasing the number of the said commissioners.

Be it therefore 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 the person administering the government of this State for the time being be and he is hereby farther authorized and impowered from time to time to appoint in the manner in and by the said act mentioned any farther or greater number of commissioners not exceeding twenty to be commissioners with the like trust, powers and authorities, and under the same restrictions qualifications, provisions pay and continuance as are mentioned in the said in part recited act.

Governor may appoint not exceeding twenty additional commissioners.

And be it farther enacted by the authority aforesaid That the said commissioners or any three of them shall be and they are hereby authorized and impowered to do and perform the several acts, matters and things mentioned in the said in part recited act any thing in the said act contained to the contrary thereof in any wise notwithstanding.

Powers of commissioners.

Provided always That as many quorums of three of the said commissioners, as the whole number of thirty will admit of shall and may exercise the powers and authorities so reposed in them as aforesaid at one and the same time any thing in this or the above recited law to the contrary hereof in any wise notwithstanding.

Quorums of three.

CHAP. 32.

AN ACT to permit the raising a sum not exceeding two thousand pounds by way of lottery towards re-building the court-house and gaols in the county of Ulster.

PASSED 3d of April, 1778.

WHEREAS the court-house and gaols in the county of *Ulster* were destroyed by the enemy on the sixteenth day of October last; to the end therefore that the inhabitants of the said county may be assisted with monies towards re-building the same.

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 the judges of the inferior court of common pleas and the supervisors of the county of *Ulster* may by way of lottery raise a sum not exceeding two thousand pounds to be applied towards re-building the court-house and gaols of the said county any law of this State, to the contrary notwithstanding.

Officers named may raise money by lottery to rebuild court-house and gaols.

CHAP. 33.

AN ACT for regulating the militia of the State of New-York

PASSED the 3d of April, 1778.

Preamble. WHEREAS the wisdom and experience of ages point out a well regulated militia as the only secure means for defending a State against external invasions and internal commotions and insurrections;

And whereas this and the other United States of *America* are now invaded by foreign enemies and the safety of this State may be endangered by intestine commotions and insurrections;

And whereas it is therefore become the duty of the legislature of the State to put the militia thereof on such an establishment as will most effectually encourage a martial spirit, among the people; provide for the internal and external security of the State and enable it most vigorously to co-operate with the other United States in a cause no less noble and exalted than the defence of the common rights and liberties of *America* against hostile tyranny and oppression;

Persons to be enrolled. *Be it therefore 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 every able bodied male person Indians and slaves excepted residing within this State from sixteen years of age to fifty (except such persons as are herein after excepted) shall immediately after the passing of this act tender himself to be enrolled as of the militia to the captain or in his absence the next commanding officer of the beat wherein he shall reside who shall enrol him accordingly and in case of delay, or neglect to make such tender as aforesaid the said captain or commanding officer shall cause such person to be enrolled and to be duly warned thereof. In order that the militia may receive augmentation from the annual increase of the number of the inhabitants of this State that every captain or other commanding officer of a company shall from time to time enter on the said roll every male person able bodied and free (except as herein before and after excepted) who shall from time to time arrive at the age of sixteen years or come to reside or sojourn within his beat and without delay notify such inrollment to each person so inrolled respectively, by some inferior officer of the company who on oath shall be a competent witness to prove such notice. That if any dispute should arise with respect to the age or ability to bear arms of any person it shall be determined by the captain or commanding officer of the company, with right of appeal to any person who may conceive himself aggrieved, to the colonel or commanding officer of the regiment whose determination in the case shall be final. That every person so inrolled and notified shall within twenty days thereafter respectively furnish and provide himself at his own expence with a good musket or firelock fit for service a sufficient bayonet with a good belt, a pouch or cartouch box containing not less than sixteen cartridges suited to the bore of the musket or firelock each cartridge containing a proper quantity of powder and ball or in lieu of such pouch or cartouch box and cartridges with a quantity of powder and ball respectively disposed of in a powder horn and shot bag and wadding equivalent to such cartridges, and two spare flints a blanket and a knapsack and shall appear, so armed accoutred and provided when called out to exercise or duty as herein after directed except that when called out

Enrollment to be made by captains.

Disputes, how to be determined.

Equipments.

to exercise only he may appear without blanket or knapsack. And if any such person shall appear to the captain or commanding officer to be too poor to arm accoutre and provide himself in manner aforesaid he shall be supplied for the purpose out of the monies to arise from the fines from time to time to accrue in the regiment to which he shall belong; and in case of deficiency thereof out of the public magazines of stores of this State by order of the person administering the government of this State for the time being.

That there shall be one brigadier general for the county of *Tryon*, one for the county of *Albany*, one for the bounties of *Gloucester* and *Cumberland*, one for the county of *Charlotte* one for the county of *Dutchess*, one for the county of *Ulster*, one for the county of *Orange*, one for the county of *Westchester*, one for the city and county of *New-York*, one for the counties of *Queens*, *Kings* and *Richmond*, and one for the county of *Suffolk* each of whom shall respectively have rank authority and command in the militia of this State like as a brigadier general in the army of the United States of *America*. But his command unless in the field shall not extend beyond his proper brigade.

Brigadier
generals.

Provided nevertheless That it shall be lawful for the person administering the government of this State for the time being, by and with the consent and advice of the council of appointment to appoint colonels commandant instead of brigadiers general in such of the said brigades, as the said person administering the government and council of appointment shall deem necessary and expedient. And that the said colonels commandant shall have the like command in their respective brigades with brigadiers general and when in the field shall take rank of all colonels or other officers commanding regiments and if any person so to be appointed a colonel commandant should be a colonel of a regiment of militia he shall still continue in the command of the said regiment.

Colonels
may be ap-
pointed
command-
ants of
brigades.

That the present division of the State into regiments and companies shall be and remain, with power nevertheless to the person administering the government of this State for the time being by general orders to be issued for that purpose to abridge or enlarge the limits of the present regiments or companies, or to form new regiments or companies as he from time to time shall think most conducive to the public service. Copies of such general orders to be filed in the clerks office of the county where the regiment or company shall be.

Division of
State into
regiments,
etc.

That each brigadier general shall have one brigade major of his own choice, each of whom shall rank as major in the militia.

Brigade
major

That each regiment shall have and be commanded by one colonel, one lieutenant-colonel, and one major unless in cases where it shall be thought necessary to appoint two majors with the rank authority and command to them respectively belonging as field officers. That each company shall be officered by one captain, one first lieutenant, one second lieutenant and one ensign as commissioned officers and by four serjeants four corporals one drummer and one fifer, and the staff of each regiment shall be one adjutant and one quarter master who shall respectively rank as first lieutenants. And the serjeants, corporals, drummers and fifers shall be appointed by the captains or other commanding officers of the several companies; and if any person so to be appointed a serjeant or corporal shall refuse to accept the said office he shall forfeit the sum of five pounds to be adjudged levied and disposed of in manner as is herein directed, in cases of persons neglecting squad duty.

Regimen-
tal and
company
officers.

Colors. That each regiment shall be provided with a standard or colours at the expence of the field officers, and each company with a drum and a fife, at the expence of the commissioned officers thereof.

Troopers. *And whereas* it is or may be necessary that some troops of horse and companies of grenadiers be kept up within this State, that therefore in each county there may be troopers not exceeding fifty officers included to be formed into one or two troops each having one captain one first and one second lieutenant, and one cornet, two serjeants and two corporals to be composed of volunteers from the foot militia of this State, or others already in the horse service, and also a company of grenadiers in each regiment of foot which may conveniently furnish the same. That the said troops of horse and companies of granadiers shall respectively be formed and composed of volunteers in the respective beats and regiments respectively inhabiting at such convenient distances from each other that they may with ease and dispatch be called out for training and discipline, or for service. *Provided,* That no grenadier company shall be established in any regiment, except with the consent of all the field officers nor exceed sixty men officers included.

Consent necessary.

Enlistments to be certified. That on every such inlistment of a volunteer the captain of such troop of horse or of such company of Grenadiers do immediately certify to the captain of the beat from which such volunteer shall inlist, the inlistment of the said voluntier into the troop of horse or company of grenadiers.

Equipments.

That each trooper shall be equipt furnished and provided with a good serviceable horse at least fourteen hands high with a good saddle, housen, holsters breast-plate and crupper a case of good pistoels, a good horseman's sword, a pair of boots and a pair of spurs and a carbine well fixed with a good belt swivel and buckets and a cartridge box to contain twelve cartridges at least. That each grenadier shall be equipt and furnished with a grenadier's cap a good musket and bayonet a broad sword a belt, pouch or cartridge box and so equipt and furnished, they the troopers and grenadiers shall respectively be called out in squads and companies as often (for the usesand purposes intended by this law) and under the direction of their inferior and principal officers as is hereby required with respect to the rest of the militia of this State.

Appearance at reviews, training days, etc.

That each non commissioned officer and private shall at every exercise by squads as herein after mentioned, and at every company or regimental training field day or ;review herein after directed, attend at the place or parade allotted for the squad, company or regiment to which he shall belong armed accoutred and provided as above directed.

Companies to be divided into squads, etc.

That the several companies of militia, horse and foot shall each be divided by the commissioned officers thereof into four squads, and one squad thereof shall be exercised and trained to discipline by the captain and the other three squads, by the other three commissioned officers of the ompany respectively, on each of which squads of foot one serjeant and one corporal and of which squads of horse one serjeant or one corporal shall attend for the purpose of assisting in exercising and training the squad, and in forming the squads, attention shall be paid to the respective places of abode of the several officers and privates of the company, by placing the privates respectively in the squad belonging to the officer nearest to whom they shall respectively reside. And the several officers are hereby authorized and required to call out their respective squads and exercise and discipline them twice a month sufficiently for their due instruction and improvement. That in order

to the same purpose and for compleating proper company returns every captain or other commanding officer of every company of militia whether horse or foot shall once in every two months call out his company to his place of parade which shall be the most convenient for the purpose where he shall parade his company, see that the non commissioned officers and privates are properly armed accoutred equipped and provided; note the several defaulters and sufficiently exercise and discipline the company for their due instruction and improvement. And if upon such exercise and discipline it shall appear to the officers of the said company or the majority of them that any of the said men are so perfect in the exercise as that they ought to be excused from squad duty, they are hereby authorized to give such person or persons an exemption from squad duty under their hands.

Company
parades.

Exemp-
tions from
squad
duty.

That each colonel or commanding officer of a regiment shall in the first or second week in *April* and in the first or second week in *November* in every year call out his regiment to his regimental parade, which shall be the place in his district the most convenient for the purpose and having paraded the same shall require from the captain or commanding officer of every beat in the regiment a return thereof expressing the exempts, and the absentees and the causes of the respective exemptions and absences, cause the said regiment except the exempts thus paraded, to be called by the company rolls and the arms, ammunition and accoutrements of each man to be examined, and the defaulters to be noted, and shall cause them to be sufficiently exercised trained and disciplined for their instruction and improvement, and shall within two weeks thereafter respectively make or cause a compleat regimental return (expressing therein by name the exempts or absentees) to be made to the governor or commander in chief for the time being until a brigadier-general be appointed to the brigade to which the regiment shall belong.

Regimen-
tal parades.

That every troop of horse, shall on every regimental field day above mentioned attend and parade with the regiment under the command of the colonel, or other field officer of the district wherein the captain of the said troop shall reside and the captain or commanding officer of the troop, shall there be required by the colonel or commanding officer of the regiment to make him a proper return of the troop in the same manner as is above directed to be required of the captain of the companies of foot belonging to the regiment cause them to be called off by the return and proper inspection to be made of their respective horses arms, ammunition and accoutrements and their respective defaults to be noted And shall cause the captain or commanding officer of the troop to train exercise and discipline the same sufficiently for their instruction and improvement, and shall include them in his regimental return aforesaid.

Troops of
horse to
parade
with regi-
ment.

That every commissioned officer of the militia in this State who shall omit or neglect to perform any of the duties by this act enjoined on him of inrolling training exercising and disciplining in and to the use of arms the militia of this State or making perfect returns of the militia or not calling out to actual service the militia or any part thereof when necessary; and shall if under the rank of a brigadier be thereof convicted by a brigade court martial from the brigade to which he shall belong consisting of at least thirteen members, which court martial the brigadier is hereby authorised and required to appoint and direct to sit, and the sentence thereon be confirmed in manner herein after mentioned be *ipso facto* removed from his office and reduced to do duty in the ranks, as a foot soldier any exemption from duty to the contrary in any wise notwithstanding.

Officers
neglecting
duty to be
court-mar-
tialed.

Meeting of
general
and field
officers to
review
court-mar-
tial pro-
ceedings.

And be it enacted by the authority aforesaid That the brigadier general and the field officers of each brigade shall on the second Tuesday in *January* and the second Tuesday in *June* yearly and every year meet together at such town or place within the brigade as the brigadier general shall appoint. To which meeting all sentences of courts martial in such brigades not before confirmed or disallowed shall be brought and shall by the said brigadier general or next commanding officer and field officers or the majority of them be respectively confirmed or disallowed upon determining all which the brigadier general or next commanding officer shall sit as president and shall immediately thereafter particularly report under his hand to the person administering the government of this State all such sentences as shall be so confirmed, and all brigadier generals, for offences, not particularly provided for in this law, shall be tried by a general court martial to be appointed by the commander in chief of the militia of this State and if on conviction the sentence thereof be confirmed by such commander in chief of the militia for the time being, that thereupon such brigadier general shall be removed from his office. That all sentences of courts martial so confirmed shall be by the person administering the government of this State, from time to time laid before the council of appointment to the end that they may appoint others instead of the officers so found guilty.

Fines for
non-ap-
pearance
by non-
commis-
sioned of-
ficers, etc.

That every foot soldier of the said militia who shall neglect to appear when called out, without sufficient excuse shall for every such offence forfeit the sum of twenty shillings and if he shall appear wanting any of the arms ammunition or accoutrements prescribed for him by this law without sufficient excuse he shall for every deficiency forfeit the sum of eight shillings; and if any noncommissioned officer or private in any troop of horse shall be charged with either of the said offences and shall not have sufficient excuse he shall forfeit for the offence of not appearing forty shillings and for every other of the said offences sixteen shillings. That all fines to arise from offences in a squad or company only shall be adjudged of and inflicted by the commissioned officers of such company and shall be levied with costs by warrant under the hand and seal of the captain or the commanding officer respectively directed to one or more of the sergeants of the said company by distress and sale of the goods and chattels of the offender and paid by the sergeant or sergeants to the said captain of the company or commanding officer.

How col-
lected.

And that all fines to arise from the like offences upon the calling out of a regiment shall be adjudged of and inflicted by the field officers or the major part of them of the regiment and shall be levied, with costs by warrant under the hand and seal of the colonel of the regiment directed to one or more of the sergeants of the said regiment by distress and sale of the goods and chattels of the offenders respectively and by him paid to the said colonel or commanding officer; all which fines shall by them respectively be paid over to the quarter-master of the said regiment to be by him laid out under the direction of the field officers of the said regiment for arming accoutring and furnishing with ammunition the privates thereof in manner aforesaid; and where in any case no goods or chattels shall be found, then on such warrant such sergeant or sergeants shall take the body of the offender and him convey to the common goal of the county there to be kept in safe custody until he pay the said fine with costs and such goaler is hereby required and commanded to receive such offender with the warrant and him safely to keep until he shall have paid the said fine and costs. Which goaler shall on demand by such sergeant or sergeants pay the same to him or them and

thereupon such fines shall be disposed of in manner herein before directed for the disposal of fines.

That a captain of horse shall rank as eldest captain of the regiment Rank. and all officers in the militia shall take rank according to the dates of their commissions preference nevertheless being given to him who was entitled to rank, by a former commission before any other person in the same line of office with him to whom he had preference in rank by such former commission.

That from all returns, to be made by the colonels or commanding officers of regiments respectively to the respective brigadiers general, brigade returns shall without delay be made to the commander in chief. Returns to be made.

That one brigade, regiment, troop of horse, or company of foot (except grenadiers who shall form on the right of the regiment) shall not be considered as elder than or having rank or preference of the other. But each brigade regiment, troop of horse and company shall be posted and disposed of in the line on command as the commanding officer on the spot, shall on every occasion or emergency think proper. Position in line, etc.

That on every emergency of a sudden invasion by the enemy or insurrection within this State, the commanding officer of any brigade regiment or company as the case may require shall immediately draw out the militia under his command and with them oppose the enemy, or the insurgents; and that all brigades, regiments and troops of horse and foot companies of the militia shall from time to time be subject to general brigade regimental and company orders as is usual according to the course and practice of war for suddenly taking the field for the purpose aforesaid. And all such orders by any officer under the rank of commander in chief shall be reported in writing by express to the governor or commander in chief for the time being and also to the colonel or commanding officer of the regiment if given by one under his command and if given by the colonel or the commanding officer of the regiment shall be reported to the brigadier general and if given by the brigadier general to the commander in chief; all which reports shall be acted upon by the respective persons to whom the same shall respectively be made as the emergency may require, and by such persons respectively be reported with their respective doings thereon to his next superior officer and so on in succession till they reach the commander in chief. Duty of commandants of brigades, etc., in case of invasion, etc.

That every person in the militia whether officer or private, when called out into actual service either to act separately or in conjunction with the troops of the United States of *America* shall from the time of his receiving due notice thereof from his commanding officer until he be properly discharged from that Service, if and as long as he shall perform the same and until properly discharged or dismissed be allowed pay and rations, according to the continental establishment; and on every wilful neglect or refusal to march after such notice as aforesaid shall be dealt with as a deserter, or having marched out on such notice, and before his proper discharge or dismissal shall commit any offence or shall before such discharge or dismissal desert from the corps to which he shall belong, or from his post shall for every such offence be subject to the rules and articles established by the continental congress for the better government of the troops raised or to be raised and kept in pay by and at the expence of the United States of *America* which shall be put in execution against the offender by the militia orders and authority in like manner as the same are put in execution in the continental army, against offenders therein by proper orders and authority thereof, and that in all such cases the governor or commander in chief for the time being and all militia officers subordinate to him shall and may enjoy and exercise Pay and rations. Liable to rules and articles of war from time of receiving notice.

all the powers by the said rules and articles of war given to the commander in chief of the army of the United States and the several officers subordinate to him in the said army.

Power to order out militia.

That the governor or commander in chief for the time being shall have power and authority from time to time in his discretion to order out the whole or any part of the militia of this State into actual service not only for the defence of this State but to give assistance to any of the other United States, or to reinforce the army of the United States or any part thereof and to cause them to march out of this State for either of the said purposes; *provided always* That none of the militia of this State shall be compelled to do duty out of the same, for a greater space of time than forty days.

Service out of State limited.

Regular courts martial to be instituted.

That for the several purposes aforesaid regular courts martial and of inquiry shall from time to time as cases may require be instituted and formed, and general brigade and regimental orders from time to time given upon the plan directed by the aforesaid rules and articles for the better government of the troops of the said United States, and by the officers in rank respectively in the militia, equal with those respectively authorized for the purpose by the said articles of war. In respect whereof the governor or commander in chief and all militia officers respectively shall be considered as on the same footing as the general and commander in chief of and as the officers in their respective ranks belonging to the army of the United States of *America*. *Provided always*

Proviso as to sentence of commissioned officers.

That no commissioned military officer except when questioned upon the aforesaid rules and articles of war, shall be sentenced or adjudged to any other punishment than to be broke and rendered incapable of any military office whatsoever within this State. *And provided also* That it shall and may be lawful for a court martial, whenever they shall conceive it proper to fix and determine a fine for which any person adjudged to receive corporal punishment may commute such punishment, and if the said fine shall be paid within the time by the court martial for that purpose limited, the said person shall be accordingly acquitted of such corporal punishment. That all such fines shall be paid into the hands of the eldest militia officer from this State on the spot, and shall by him be paid into the treasury of this State.

Proviso as to fine instead of corporal punishment.

Privates to be divided into classes and perform tour of duty in numerical order.

That a roll of the privates of each company, horse and foot shall be made and divided by the captain or commanding officer of the company, into eight classes, as nearly equal in number to each other as conveniently may be and a sergeant or a corporal shall be allotted on the roll by the captain or commanding officer to each class; which said eight classes in each company shall, on detachments or drafts in pursuance of this law perform their tour of duty in numerical order; and to ascertain which class shall take the first, which the second which the third and which the fourth tour of duty on detachment and so on to the eighth class; eight slips of paper numbered respectively from one to eight inclusively shall be so rolled up or otherwise closed as to conceal the number, and being put into a hat box or vessel and well shook together in the same the sergeant or corporal of each class shall in the order to be directed by the captain or commanding officer in behalf of his class take out one of the ballots, and the numbers drawn by the sergeants and corporals respectively, shall determine the respective tours of duty of their several classes. The class which draws number one to have the first tour of duty, and so on the numerical order throughout all the eight classes, determining their respective tours of duty and in the same numerical order shall the eight classes continue their rotation without any new balloting until the numbers respectively contained in each class shall by the events

Tours of duty to be determined by ballot.

of war or other accidents become very unequal when there shall be a new balloting as above directed.

That when and as often as the classes shall be thus fixed each captain or commanding officer of each company shall form a roll consisting of the eight classes and containing the names of the men in each class with the names of the sergeant and corporal respectively prefixed to each class and numbered according to the order of balloting; which he shall keep for his own use guidance and direction and shall notify each sergeant corporal and private to what class he shall belong and shall return a copy thereof with the list of his commissioned officers prefixed thereto, without delay to the colonel or commanding officer of the regiment, who shall enter all such and every other company return, in a book to be kept by him for the purpose.

Roll of
classes.

That the colonel or next commanding officer of the regiment shall on receipt of all the classed returns of the companies in his regiment convene together all the commissioned officers in his regiment and proceed in like manner to fix by ballot the respective tours of duty of all the commissioned officers under the rank and degree of a field officer from and including number one to and including such number as shall be equal to the number of companies in the regiment. Which balloting shall be made separately and severally in the four several lines of office and be entered by the colonel or commanding officer in his said book, as also the quota of each detachment both as to officers and privates in order thereby from time to time to ascertain the rotation of the service of both; which shall ever be determined by such quota's respectively.

Tours of
duty to be
fixed by
ballot.

That if there be two majors belonging to a regiment they shall decide by lot which of them shall take the first tour of duty and the order or tour of duty thereby established shall ever after govern.

That to establish the rotation of duty on detachments among the several field officers in the regiments composing a brigade, the colonels, lieutenant colonels and majors shall without delay meet together and decide the same by several and separate lots in numerical order as aforesaid in the several lines of office; which being done a roll thereof shall immediately be made, and subscribed by them all and returned to the brigadier general of the brigade.

That to a brigadier general's command of detachments the person administering the government shall appoint such brigadier respectively as shall in his judgment appear most proper for advancement of the service.

Brigadier
to be ap-
pointed by
governor.

That every private shall be allowed to substitute on detachments an able bodied private in his stead who shall nevertheless take his own tour of duty in the order wherein it shall have been fixed as aforesaid; and that in case by sickness or unavoidable accident an officer or private shall be prevented from taking his tour of duty on any detachment, the next to him on the respective rolls of detachment without regard to classes with respect to privates shall fill his place and the person so prevented shall in return take the proper next tour of duty on detachment, of him so filling his place; and all classings as aforesaid shall go on in rotation in the several numerical orders abovementioned, as long and as often as the public service shall require the same. *Provided always* That the governor or commander in chief of the militia for the time being shall and may from time to time in his discretion order out on detachment as great a part of any brigade or regiment or troop of horse, or the whole militia into actual service; and also that the like discretionary power may on sudden emergencies and without waiting for the order of his superior officer, be exercised by the commanding officer of any brigade, or regiment or troop of horse, or foot company respectively over

Substitutes
to be al-
lowed.

Governor
may order
out whole
or part of
force.

Emer-
gency cases
like power
exercised
by com-

manding
officers.

each such brigade regiment troop of horse or foot company respectively giving notice thereof in writing without delay, together with all things relating thereto as well to his commanding officer as to the governor or commander in chief for the time being.

Persons
exempt
from serv-
ing in en-
rolled
militia.

That all persons under the age of fifty five years, who have held civil or military commissions and are not or shall not be reappointed to their respective proper ranks of office and all other persons between the ages of fifty and fifty five years who have not associated and elected their officers, and shall associate themselves in manner herein after mentioned, shall be exempted from serving as part of the enrolled militia and within eight weeks after the passing of this act form themselves into voluntary associated regiments or companies according to their number in each respective county and recommend their own officers; and that all such associated regiments or companies whether already associated or hereafter to associate shall make returns thereof respectively to the governor or commander in chief for the time being without delay after the said term of eight weeks, who with the advice of the council of appointment shall issue commissions to them accordingly. In default of which returns they shall respectively do duty in the ranks with the militia of the beat within which they shall respectively reside until they shall respectively associate as aforesaid. That the substance of such associations shall be, that the associators will severally on all occasions obey the orders of their respective commanding officers and will in cases of invasion or incursions of the enemy or insurrections march to repel the enemy or suppress such insurrection, in like manner as the enrolled militia are compelled to do: So as that they shall not when called out in detachments be annexed to any other regiment or company or be under the immediate command of any other than their own officers.

Ibid.

That the lieutenant-governor, members of the senate members of the assembly and their several clerks and all judicial officers, the secretary of this State, and two of his deputies, the treasurer, the auditor-general, and the attorney-general of this State, the commissioners for defeating conspiracies the clerks and registers of courts and the county clerks and sheriffs and their respective deputies not exceeding one and the coroners not commissioned in the militia and all ministers of the Gospel and all physicians and surgeons except in their several and respective professions and callings and the actual occupant of every grist mill, and all ferrymen licensed by the governor or commander in chief for the time being shall notwithstanding their being respectively able bodied above sixteen and under sixty years of age and all such persons in the service or employ of the United States or of this State or engaged or employed in any manufacture or business so that it it would be for the good of the public that they should be exempted, who shall procure special exemptions from the commander in chief of the militia for the time being under his hand shall respectively be exempted from training and doing duty in the militia. But shall nevertheless be armed accoutred and provided as above mentioned.

Ibid.

That all those male persons between the ages of sixteen and fifty five years who in judgment of law are or shall be of the people called Quakers shall be exempted from all personal military service whatsoever to which they would respectively be subject by this law were they not respectively of the people called Quakers. And for such exemption shall yearly and every year severally pay the sum of ten pounds in lieu of all military service whatsoever required by this law except services on detachments and calling out the militia for actual service by virtue of this law in which cases each of them shall annually pay the sum of ten pounds

Payment
to be
made for
exemption.

and for the purpose of levying the said annual sums the captain of every beat shall annually return to the supervisors of the district wherein he shall reside a list of such Quakers as aforesaid residing within his beat. And the supervisors of the county at either of their meetings shall make out a separate tax list thereon with a warrant to be issued by them to the collectors respectively for levying the same in the manner prescribed by a certain law passed by the legislature of this State during this session entitled *An act for raising monies to be applied towards the public exigencies of this State*" and the monies to be levied on such warrant shall be paid and disposed of in such manner and subject to such deductions as by the said law is directed with respect to the monies to be levied by the said law on personal estates within this State, and in default of goods and chattels of any Quaker so to be assessed as aforesaid the warrant for levying the same shall authorize the collector to commit him to the county gaol and the keeper of the said gaol is hereby required to keep him in safe and secure custody in the said gaol until he shall have paid the sums so assessed on him as aforesaid, to the said collector who is hereby required to dispose of the same in manner aforesaid. *Provided always* That this law or any thing in the same contained shall not in cases of drafts or detachments of the militia affect any person who has furnished or shall furnish a sufficient able bodied man for service in one of the five continental regiments of this State pursuant to law. That in all cases where notice is required by this act verbal notice to the party himself or left at his usual place of abode with a person of the years of discretion by any commissioned or non commissioned officer or corporal of the company, shall be deemed a legal and sufficient notice.

Tax list and warrant to be issued by supervisors.

Proviso as to persons furnishing substitutes.

And lastly That every article, clause, provision, matter or thing in any law or resolution of the legislature, or any provincial congress, or convention or committee, or council of safety of this State for the regulation of the militia thereof which is repugnant to, or in any wise inconsistent with the provisions hereby made, or any or either of them, shall be and the same are hereby declared and enacted to be absolutely repealed and made null and void to all intents constructions and purposes whatsoever. And this act shall continue in force for the space of two years from the publication thereof and no longer.

Inconsistent acts repealed.

CHAP. 34.

AN ACT to regulate the wages of mechanicks and labourers, the prices of goods and commodities and the charges of innholders, within this State, and for other purposes therein mentioned.

PASSED the 3d April, 1778.

WHEREAS the honorable the congress of the United States of *Preamble.*
America by certain resolutions bearing date the twenty second day of *November* in the year of our Lord one thousand seven hundred and seventy seven, did among other things therein mentioned recommend to the legislatures of the respective states of *New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations Connecticut, New-York, New-Jersey, Pennsylvania and Delaware* respectively to appoint commissioners to convene at *New-Haven in Connecticut* on the fifteenth day of *January* then next in order to regulate and ascertain the price of

labor manufactures, internal produce and commodities imported from foreign parts, military stores excepted, and also to regulate the charges of innholders and that on the report of the commissioners each of the legislatures should enact suitable laws, as well for enforcing the observance of such of the regulations as they should ratify and enabling such innholders to obtain the necessary supplies, as to authorize the purchasing commissaries of the army or any other person whom the legislatures may think proper, to take from any engrossers, forestallers or any other person, possessed of a larger quantity of any such commodities or provisions than shall be competent for the private annual consumption of their families, and who shall refuse to sell the surplus at the prices to be ascertained as aforesaid, paying only such price for the same.

And Whereas in pursuance of the said resolutions, commissioners in behalf of the several States of *New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence-Plantations, Connecticut, New-York, New-Jersey and Pennsylvania* did convene at *New-Haven* in *Connecticut* and after sundry adjournments did on the thirtieth day of the said month of *January*, resolve and agree as follows, to wit.

Wages of
farmers,
etc.

First, That the various kinds of labor of farmers, mechanics and others be set and affixed, at rates not exceeding seventy-five per centum advance from what the prices of their respective labor were in the same places, in the several States aforesaid, through the various seasons of the year of our Lord one thousand seven hundred and seventy-four.

Ibid.
teamsters.

Secondly, That the price of teaming and all land transportation should not exceed the rate of five twelfths of a continental dollar for the carriage of twenty hundred neat weight per mile including all expences attending the same.

Prices of
American
manufac-
tures.

Thirdly, That all kinds of American manufactures, and internal produce not particularly mentioned and regulated by the said convention be estimated at rates not exceeding seventy-five per centum advance from the prices they were usually sold at in the several parts of the respective States aforesaid in the year one thousand seven hundred and seventy-four.

Hemp,
flax, wool,
etc.

Fourthly, That the price of hemp, flax, sheep's wool, all kinds of linnen and woollen clothes hosiery of all kinds, felt hats, wire and wool cards manufactured in *America* shall not exceed the rate of centum per centum advance from the price they severally were at in the several parts of the States aforesaid in the year of our Lord one thousand seven hundred and seventy four.

European
goods, etc.

Fifthly, That the prices of all kinds of European goods wares and merchandizes imported from foreign parts or brought into the respective States by capture or otherwise shall not exceed the rate of one continental dollar for each shilling sterling of prime cost of the same respectively in Europe, exclusive of all other charges when sold by the importer or captor, excepting only the following articles, *viz.* All kinds of woollen and linnen goods and checks suitable for the army, drugs and medicines, duck of all kinds, cordage, tin plates, copperas, files, alum, brimstone, felt hats, nails, window-glass, salt, steel, wire, wool cards, cotten cards, and naval and military stores.

Woolen
clothes,
etc.

Sixthly, That all woollen clothes, blankets, linnen, shoes, stockings, hats and other articles of clothing suitable for the army theretofore imported, which are or shall be seized and taken by lawful authority of the respective States, for the use of the army shall be estimated at the above rates with the addition of the stated allowance for land carriage, if any there be, to the place where taken.

Seventhly, That the price of the following articles at the first port of delivery or place of manufacture within the respective States shall not exceed the rates to them affixed respectively *vis.* Good *West-India* rum three dollars per gallon by wholesale, good merchantable *New-England* rum two dollars per gallon, by wholesale, best *Muscovado* sugar, thirty three dollars and one third of a dollar per hundred, gross weight and all other sugars in usual proportion according to quality; best molasses one dollar and an half per gallon, by wholesale; coffee three fourths of a dollar per pound by the hundred weight; good merchantable geneva two dollars per gallon. Good merchantable brandy two dollars per gallon. Good merchantable whisky, one dollar and one sixth of a dollar per gallon. All other distilled spirits, not therein enumerated, not to exceed two dollars per gallon.

Rum, sugar, etc.

Eighthly. That no trader, retailer or vendor of foreign goods wares or merchandizes shall be allowed more than at the rate of twenty-five per cent. advance upon the price such goods wares and merchandizes are or shall be sold for by the importer or captor agreeable to the regulations therein prescribed and fixed with the addition only of the cost and charge of transportation by land at the rate of five twelfths of a dollar per mile for transporting twenty hundred neat weight from the first port of delivery to the place where the same shall be sold and delivered by retail.

Traders limited to twenty-five per cent advance.

Ninthly. That innholders be not allowed more than fifty per centum advance on the wholesale prices of all liquors or other foreign articles therein stated and by them sold in small quantities allowing as aforesaid for charges of transportation, and for all other articles of entertainment refreshment and forage not exceeding seventy five per centum advance on the prices which the same were sold at in the same places in the year one thousand seven hundred and seventy four.

Innholders to fifty per cent advance.

Tenthly. That the following enumerated articles shall not be sold at higher prices within the respective States than are set down and affixed to such articles respectively with the addition only for the stated allowance for land carriage if any there shall be; the said sums being estimated at six shillings lawful money per dollar.

Enumerated articles not to be sold at higher price than herein fixed.

And whereas the said sums, as far as they respect this State, converted into lawful money of *New-York* are as follows; that is to say.

Good merchantable wheat, pease and white beans, thirteen shillings per bushel. Good merchantable wheat flour one pound sixteen shillings per hundred gross weight. Good merchantable rye or rye meal eight shillings and eight pence per bushel. Good merchantable Indian corn or Indian meal six shillings per bushel. Pork, well fatted, and weighing from one hundred to one hundred and fifty pounds per hog, seven pence one farthing per pound. Pork, well fatted and weighing from one hundred and fifty to two hundred pounds per hog, eight pence per pound. Pork, well fatted and weighing more than two hundred pounds per hog, eight pence three farthings per pound. American cheese of the best quality one shilling per pound. Merchantable oats, four shillings per bushel. Best grass fed beef with hide and tallow two pounds six shillings and eight pence for every hundred pounds weight and so in proportion for that of inferior quality. Best stall fed beef with the hide and tallow three pounds four shillings for every hundred pounds weight and so in proportion for that of inferior quality. Good butter by the firkin or cask one shilling and eight pence per pound and by the single pound or small quantity one shilling and nine pence half penny. Raw hides six pence per pound and other skins in the proportion of price they usually bore to raw hides. Good

Wheat, pease, beans, flour, pork, etc.

well tanned soal leather two shillings and eight pence per pound ; and all kinds of curried leather in the proportions of price they usually bore to well tanned soal leather. Common sort of mens shoes made of neat leather sixteen shillings per pair. Mens calf skin shoes of the best quality twenty shillings per pair ; and womens and childrens shoes in due proportion. Bloomery iron at the place of manufacture sixty four pounds per ton ; and in that proportion for a lesser quantity. Refined iron at the place of manufacture seventy four pounds thirteen shillings and four pence per ton, pig iron at the place of manufacture twenty four pounds per ton. Best manufactured American steel fit for edged tools two shillings and eight pence per pound ; and common American manufactured steel one shilling and nine pence half penny per pound.

Sales not to be made at higher prices than herein fixed.

Be it therefore 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 no person or persons whatsoever shall ask demand, have receive take offer give pay or allow, either in money or in barter or exchange either directly or indirectly for any of the articles of labor or mechanical work, provisions, produce, manufactures, goods, commodities, wares or merchandizes, salt excepted and also except as is above excepted, or for refreshments or other supplies for man horse or cattle at any inn or inns within this State, the respective rates and prices whereof have been severally fixed and ascertained as aforesaid, any greater sum or sums, rate or rates, price or prices for the same respectively than those at which the same have been severally and respectively fixed and ascertained as aforesaid. *Provided always* that nothing herein contained shall extend to hinder or prevent bartering or exchanging between neighbours according to the several usages and customs in this State in the year one thousand seven hundred and seventy four for their own and families' use and consumption only.

Proviso as to barter between neighbors.

Persons having surplus must not refuse to sell.

And be it enacted by the authority aforesaid. That no person or persons having any greater quantity or number of the above mentioned enumerated or non enumerated articles, except as above excepted, than shall be sufficient for the necessary use and consumption of himself or themselves or his or their family or families respectively, being demanded to sell, shall refuse to sell the surplus thereof respectively or any part thereof, and in case of such refusal any one of the judges of the county court of common pleas, or a justice of the peace of the county, shall at the request of the party to whom such refusal shall be made determine whether the cause of such refusal shall have been sufficient to justify such refusal consistently with the true intent and meaning of this law. And if any person or persons whatsoever shall wittingly or knowingly offend in any matter or thing whatsoever against the tenor or true intent and meaning of this law he she or they so offending shall be subject to prosecution by information or indictment for the offence and moreover shall forfeit and pay for every offence treble the value or price as above rated and ascertained of every article which he she or they shall so sell barter or exchange or refuse to sell, or for which he she or they shall offer give pay or allow or ask or demand any greater price than is above ascertained, to be recovered with costs of suit, in a summary way before a justice of the peace of the county where the offence shall have been committed if such treble value shall not exceed five pounds, and if it shall be greater than five pounds, in any court of record within this State having cognizance thereof, by any person who shall sue and prosecute for the same to his own use,

Penalty for violating this section.

in an action of debt by bill plaint or information; in which suit in a court of record the defendant shall be held to bail, as in actions of debt on specialty and have no essoin, protection or wager of law nor more than one imparlance. And if the plaintiff in any such suit or suits as aforesaid shall become non suit or discontinue or withdraw his suit or if judgment therein shall be rendered for the defendant that then and in every such case the defendant shall have execution for his costs to be taxed. *Provided always* That no such determination as aforesaid by any judge or justice shall be given in evidence or any such information or indictment or in any such popular action as aforesaid.

And be it further enacted by the authority aforesaid That in case any person or persons whatsoever shall refuse to sell to any person or persons appointed to the commissary or quarter masters department of the army of the United States of America or of any other forces employed by the said United States or either of them, for the use of such forces only, any of the articles herein before rated, that in such case it shall and may be lawful to and for such commissary or quarter master to apply to two of the nearest justices of the peace who are hereby authorized and required immediately to inquire into the cause of such refusal and to issue their warrant under their hands and seals without delay authorizing such commissary or quarter master to take from such person or persons so refusing such articles the prices whereof are hereby respectively rated, as the said person or persons so refusing shall in their judgment be able reasonably to spare to such commissary or quarter master, he paying therefor at the price or prices hereinbefore regulated; *provided always* That no person shall be deemed or esteemed as belonging to the commissary's or quarter master's department for the purposes above mentioned unless regularly appointed thereto and such appointment be approved by the person administering the government by writing under his hand.

In case of refusal to sell to commissary, etc., of army application to be made to justices of peace and warrants issued.

And be it further enacted by the authority aforesaid That this law, unless sooner repealed by the legislature of this State, shall be and continue in full force and effect during the present war between the United States of America and Great-Britain and no longer. *Provided always* That this law shall not take effect in the county of Dutchess until six days after the passing thereof, nor in the counties of Ulster and Orange or either of them until ten days after the passing thereof, nor in the county of Albany until twelve days after the passing thereof nor in the county of Tryon until sixteen days after the passing thereof, nor in the county of Charlotte until twenty days after the passing thereof, nor in the counties of Cumberland and Gloucester or either of them until twenty-five days after the passing thereof, nor in the county of Westchester until eight days after the passing thereof.

Law to continue effect during war. When law to take effect.

CHAP. 35.

AN ACT for the payment of the salaries of the several officers of government and for other purposes therein mentioned.

ASSESSED the 4th of April, 1773.

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 there shall be paid and allowed to the several officers and per-

Allowance for salaries.

sons herein after named, the several salaries and sums of money herein after specified, and the treasurer of this State is hereby authorized and required to pay the said salaries and sums, to the said several officers and persons respectively, that is to say.

Governor. To his excellency the governor, for administering the government of this State from the thirtieth day of *July* last, to the first Monday in *July* next, at and after the rate of two thousand pounds per annum.

Delegates in congress. To the honorable *Philip Livingston, James Duane, Francis Lewis, Philip Schuyler, William Duer* and *Gouverneur Morris* esquires, delegates from this State in the congress of the United States of *America*, each the sum of two pounds and sixteen shillings per day for each and every day they shall respectively attend in congress, or in a committee of congress, and including a reasonable number of days to be allowed to each for travelling from his place of abode to congress, and from congress to his place of abode, agreeable to such accounts as he shall produce thereof, to be audited and allowed by the auditor-general of this State.

Chancellor. To the Honorable *Robert R. Livingston* Esq chancellor of this State for his services in that station from the twenty second day of *May* last, until the first Monday in *July* next, exclusive of of the time intervening between the twentieth day of *September* and the seventeenth day of *October* last, at and after the rate of three hundred pounds per annum.

Chief justice. To the Honorable *John Jay* Esq, chief justice of this State, for his services in that station from the twenty second day of *May* last, until the first Monday in *July* next, exclusive of such time as aforesaid, at and after the rate of three hundred pounds per annum.

Puisne justices. To the Honorable *Robert Yates* Esq one of the puisne justices of the supreme court of this State, for his services in that station from the nineteenth day of *June* last until the first Monday in *July* next exclusive of such time as aforesaid, at and after the rate of two hundred pounds per annum.

To the Honorable *John Sloss Hobart* Esq, one other of the puisne justices of the supreme court of this State, for his services in that station from the first day of *June* last, until the fifth Monday in *July* next, exclusive of such time as aforesaid, at and after the rate of two hundred pounds per annum.

Ibid. additional salary. To said *John Jay, Robert Yates* and *John Sloss Hobart* Esquires, exclusive of the above salaries to them respectively, for each and every day they shall severally attend on the execution of commissions of oyer and terminer and general gaol delivery, in the several counties, and for each and every day they shall be respectively travelling for that purpose, each the sum of forty shillings, agreeable to such accounts as they shall severally produce thereof, to be audited and allowed by the auditor-general of this State.

Secretary of State. To the Honorable *John Morin Scott* Esq, secretary of this State, for attending the session of the legislature for the purpose of receiving laws, and for recording the same, and for his services as clerk to the council of appointment, from the twenty sixth day of *March* instant to the first Monday in *July* next, at and after the rate of sixty pounds per annum.

Senators and members of assembly. To the several members of the senate and assembly for each and every day they shall severally attend in senate or assembly, each the sum of sixteen shillings agreeable to such accounts thereof as they shall severally produce, to be certified by the president of the senate or speaker of the assembly as the case may be, and a reasonable number of days to be allowed to each member for the time he shall

have been travelling from his place of abode to the place of the meeting of the legislature and in returning from the said place of the meeting of the legislature to the said place of abode. And the account of the president of the senate, of such attendance to be certified by the clerk of the senate. And the account of the speaker of the assembly of such attendance to be certified by the clerk of the assembly.

To *Robert Benson* Esq clerk of the senate for his services in that station, twenty shillings per day, agreeable to such account thereof as he shall produce to be certified by the president of the senate. To the said *Robert Benson* for sundry sums advanced by him for the use of the senate agreeable to such account thereof as he shall produce to be certified by the president of the senate. Clerk of the senate.

To *John McKesson* Esq clerk of the assembly for his services in that station, twenty shillings per day agreeable to such account thereof as he shall produce to be certified by the speaker of the assembly. Clerk of the assembly.

To the said *John Mc'Kesson* for sundry sums advanced by him for the use of the assembly, agreeable to such account as he shall produce thereof to be certified by the speaker of the assembly.

To *Victor Bicker* door-keeper of the senate, for his services in that station, sixteen shillings per day agreeable to such account as he shall produce thereof to be certified by the president of the senate. Door-keeper of senate.

To *Richard Ten Eyck* door keeper of the assembly, for his services in that station, sixteen shillings per day, agreeable to such account as he shall produce thereof to be certified by the speaker of the assembly. Ibid. of assembly.

And be it enacted by the authority aforesaid That there shall be allowed unto *Gerard Bancker* Esq treasurer of this State for his services in that station from the first day of *April* instant to the first Monday in *July* next at and after the rate of three hundred pounds per annum. Treasurer.

And be it further enacted by the authority aforesaid That there shall be allowed to *Comfort Sands* Esq, auditor-general of this State, for his services in that station from the day of the last payment of his salary to the first Monday in *July* next, at and after the rate of three hundred pounds per annum. And the treasurer of this State is hereby authorized and required to pay the same unto the said *Comfort Sands*. Auditor-general.

To his excellency the governor for the expences of expresses or messengers and other incidental charges which may arise in or about the administering the government, such sum or sums as he shall from time to time require, in the whole not to exceed the sum of one thousand pounds; and that his excellency the governor account with the legislature of this State for the expenditure thereof. Governor for incidental charges.

And to *William Floyd*, *Comfort Sands*, *Peter T. Curtenius* and *William Denning* Esquires each the sum of thirty pounds to reimburse them for their expences in attending the convention of the commissioners at *New-Haven* in the State of *Connecticut* in the months of *January* and *February* last; and the treasurer of this State is hereby authorized and required to pay the said sums to the said *William Floyd*, *Comfort Sands*, *Peter T. Curtenius* and *William Denning* respectively. Commissioners at New Haven.

And whereas Doubts have arisen whether the treasurer of this State can out of the treasury pay off and discharge accounts audited by the auditor general without any other warrant for the purpose: For the removal of such doubts, and to the end that the treasurer may not only be indemnified against such payments, but also against all sums paid by him in consequence of the joint resolutions of the senate and assembly therefore, Payments by treasurer

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 Treasurer indemnified.

the same, That the treasurer of this State shall be and he is hereby indemnified against all such sums as he has paid or shall pay in discharge of any accounts audited or to be audited by the auditor general of this State without any farther or other warrant or warrants to be issued to him for that purpose, and also against all such sums as he hath paid or shall hereafter pay in consequence of any joint order or resolution of the senate and assembly at any time heretofore passed.

CHAP. 36.

AN ACT to prevent the spreading of the small-pox within this State.

PASSED the 4th of April, 1778.

Pest-houses to be appointed by justices of the peace.

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 any one or more of the justices of the peace resident in the several towns, manors, districts and precincts within this State shall as soon as conveniently may be after the publication of this act and from time to time thereafter as occasion shall require appoint one or more house or houses not exceeding three in each respective town manor district or precinct as they shall deem necessary wherein persons infected or diseased with the small-pox shall and may reside and be kept and attended.

Persons not to be inoculated for small-pox.

And be it further enacted by the authority aforesaid That no physician, surgeon practitioner in physic, or other person shall inoculate any person or persons for the small-pox in any place or places within this State; and if any physician surgeon practitioner in physic or any person whatsoever shall inoculate any person or persons for the small-pox in any place or places within this State he or she so offending shall for each and every offence forfeit the sum of twenty-five pounds to be recovered in any court of record within this State having cognizance thereof by any person who will sue for the same.

Persons infected to be removed to pest-house.

That if any person shall be casually taken with the small-pox in any town manor district or precinct within the State it shall and may be lawful for any justice of the county who is hereby on complaint and information required by warrant under his hand and seal to any one or more inhabitant of the neighbourhood having had the small-pox and who is and are hereby required to execute the same to cause such person to be removed to one of the said houses in the town manor district or precinct appointed to receive persons infected with the small-pox.

Cases in which justice of peace may make appointment and order persons removed.

That if by reason that any troops shall march or be quartered in or through that neighbourhood or by reason of any other cause or contingency any house so to be appointed as aforesaid should become inconvenient or improper for the purpose it shall and may be lawful for any justice of the peace to revoke such appointment and cause the several persons (by warrants as aforesaid in the said house infected or diseased with the small-pox to be removed to such other house or houses which he shall thereupon appoint for the purpose as to the said justice shall appear necessary and proper.

Consent of owner required.

Provided nevertheless That no house shall be appointed as aforesaid, without the consent of the owner thereof.

And this act shall continue in force until the first day of *December* next and no longer.

CHAP. 37.

AN ACT to remove doubts concerning the powers of the last convention and council of safety of this State and to indemnify those who have acted under their authority respectively.

PASSED the 9th of June, 1778.

WHEREAS the legislature of this State at their late sessions at *Kings-^{Preamble.}ton* were prevented from proceeding on business, by reason that many of their members (officers in the militia) were called into actual service on the irruption of the enemy into this State, in which conjuncture the members of the senate and assembly then present did form themselves into a convention and appointed a council of safety out of their number with like powers as former conventions and councils of safety of this State did heretofore exercise, and to continue so long as the necessities of the State should require ; which appointment of the said convention and council of safety at that time was absolutely necessary, and the orders, recommendations and resolutions by them from time to time made have been found greatly beneficial to this State. *And whereas* doubts have arisen in the minds of some of the good people of this State, concerning the powers of the said convention and council of safety notwithstanding the absolute necessity of such appointment, there being no provision made for that purpose in the constitution of this State.

Be it therefore 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 all and every order and resolution of the said convention or council of safety, except such of their said orders and resolutions as by the legislature of this State have heretofore been confirmed or repealed, be and they are hereby ratified and confirmed and declared to be good and valid to all intents and purposes whatsoever. Orders and resolutions confirmed.

And be it enacted by the authority aforesaid That the several members of the said convention or council of safety, and that all and every person and persons whatsoever having acted under the authority of the said convention or council of safety, or who hereafter shall act in pursuance of such of their said orders or resolutions which have not as yet had their full operation and effect, be, and they hereby are indemnified and saved harmless against all suits actions and prosecutions whatsoever, for or by reason of the premises. Members of council, etc., indemnified.

CHAP. 38.

AN ACT to appoint a commissioner to take the superintendence of such poor as were removed out of the city of New York into Dutchess county and for other purposes therein mentioned.

PASSED the 29th of June, 1778.

WHEREAS the commissioners appointed by the council of safety of Preamble. this State for superintending the poor removed from *New-York* into *Dutchess* county decline to serve any longer.

Commissioners to take superintendence of poor.

Be it therefore 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 Dirck Brinckerhoff junr. be and hereby is appointed commissioner to take the care and superintendence of such poor as were removed out of the city of New-York into Dutchess county, with full power and authority to do and perform every act matter and thing required of the commissioners appointed by a resolution passed by the convention of this State on the eighth day of May one thousand seven hundred and seventy-seven.

And whereas the commissioners for superintending the poor who were removed into the counties of Dutchess Westchester and Ulster, may have expended the monies by them respectively drawn from the treasury of this State for the maintenance and support of the said poor.

Payments to be made commissioners by treasurer.

Be it enacted by the authority aforesaid That on application of the commissioners for superintending the said poor, in either of the said counties of Ulster Dutchess or Westchester for that purpose, the treasurer of this State pay to the commissioners in each of the said counties respectively a sum not exceeding six hundred pounds to be by such commissioners in each of the said counties respectively accounted for to this State.

Compensation of commissioners.

And be it further enacted by the authority aforesaid That the said commissioner herein named in the county of Dutchess shall be allowed and the commissioners in the counties of Ulster and West Chester shall be also allowed for such services as they shall perform after the passing of this act, each the sum of sixteen shillings for each and every day they shall severally be actually employed in the execution of the business hereby committed to them.

CHAP. 39.

AN ACT for enabling the inhabitants in the eastern district of this State to elect a senator representatives in assembly, supervisors assessors and other town officers, notwithstanding the several annual days for electing these officers have elapsed, and providing a temporary representation for the southern district of this State.

PASSED 29th of June, 1778.

Preamble.

WHEREAS the inhabitants in the eastern district of this State did omit to elect a senator for the said district representatives in assembly for the several counties, and supervisors assessors and other town officers for the several towns districts and precincts, within the same, on the several annual days for that purpose by law appointed; *to the end therefore* That the inhabitants of the said eastern district, may be enabled to elect a senator for the said eastern district, in the stead of the senator whose seat will become vacant in the present year by rotation, and representatives in assembly for the several counties, and supervisors assessors and other town officers for the several towns, districts and precincts within the same, for the ensuing year.

Election of supervisors, assessors and over-

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 to and for the inhabitants of the several towns districts and precincts in the eastern district of this State,

to meet in the respective towns precincts and districts at the usual places of town meeting on the last Tuesday in *August* next, and then and there by plurality of voices, to elect supervisors and assessors, for their respective towns districts and precincts, agreeable to the direction of the act for increasing the number of assessors within this State; *and also* then and there to elect overseers of the poor and highways, and other town officers.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the inhabitants of the said eastern district to hold elections in the several towns precincts and districts on the second tuesday in *September* next for electing a senator for the said eastern district, and representatives in assembly for the several counties within the same, agreeable to the directions of the act for regulating elections within this State.

And whereas it is possible that from unforeseen accidents, the inhabitants of the said several counties may not proceed to elect representatives in assembly on the day for that purpose herein before assigned.

Be it therefore further enacted by the authority aforesaid That in case elections for representatives in assembly should not be held in the several counties in the said eastern district on the said second Tuesday in *September* that in such case it shall and may be lawful to and for the respective sheriffs of the said counties by notice under their hands respectively, to be affixed in at least ten places in each county, to assign such other day for holding elections for representatives in assembly, for such of the said counties wherein elections for that purpose shall not have been held on the said second Tuesday in *September*, as the said sheriffs shall severally deem most convenient.

And be it further enacted by the authority aforesaid That if any of the towns districts or precincts within the said eastern district shall omit to elect supervisors and assessors on the said last Tuesday in *August*, that then it shall and may be lawful to and for the sheriff of the county by writing under his hand to nominate and appoint in such town district or precinct so omitting to elect supervisors and assessors not more than five nor less than three persons to be inspectors of the elections to be held in consequence of this act, in such town district or precinct for a senator for the said district, and representatives in assembly, or representatives in assembly only, as the case may be.

And whereas the law has made no provision for electing senators and members of assembly for the southern district but on the anniversary day appointed for the purpose throughout this State, and that district may be abandoned by the enemy before the next anniversary day of election, in which case the electors of that district will not be able to have a representation in the legislature in conformity to the Constitution of this State;

Be it therefore enacted by the authority aforesaid That in case the said event shall take place elections shall be held throughout the said district in the manner following to wit; the person administering the government of this State for the time being shall within thirty days thereafter issue his warrants to the several sheriffs in the said southern district commanding them severally and respectively to hold elections for the purposes aforesaid, who shall after fifteen days notification thereof in the manner accustomed before the establishment of the said Constitution hold courts of elections for representatives in senate and assembly in manner heretofore and before this State became an independent State, accustomed, for the elections of representatives in general assembly, and make returns thereof to the senate and assembly

Provided as to Westchester county.

respectively in the then next session of the legislature. *Provided also* That nothing herein contained shall be construed to extend to the county of *Westchester* as far as respects the election of representatives in assembly.

CHAP. 40.

AN ACT to expedite the payment of debts due to this State.

PASSED the 29th of June, 1778.

Preamble.

WHEREAS great sums of money have at different times been paid out of the treasury of this State to divers persons for various purposes, a very considerable part of which still remains unaccounted for, and large sums of money otherwise due to the same have long remained unpaid.

Persons indebted to State to have accounts examined and to make payments within six months.

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 all persons who have received money from the treasury of the State for public uses or who now stand indebted to the same on any account whatever do within six months, to be computed from the day of the passing of this act, cause their accounts to be examined and liquidated by the auditor-general of this State for the time being and pay whatever ballances or sums of money they now respectively owe to this State into the treasury of the same.

Interest to be charged if payment is not made within time fixed.

And be it further enacted by the authority aforesaid That all Sums of money whatever now due to this State from any person or persons whatsoever (the congress of the United States of *America* only excepted) and which shall not be paid into the treasury of the same within six months as aforesaid, shall be and hereby are charged with the payment of interest at the rate of fifteen pounds a year for every hundred pounds now due and then unpaid; which interest shall be computed from the expiration of the said six months to the day on which the principal sums respectively shall be thereafter paid. *Provided* That nothing in this act contained shall extend to debts due on loan of monies from the colony of *New-York*, and secured by mortgages on lands to the loan officers of any of the cities and counties within this State.

Act not to apply to loan mortgages.

CHAP. 41.

AN ACT for providing the continental battalions raised under the direction of this State, with accoutrements.

PASSED the 29th of June, 1778.

In compliance with a recommendation contained in a resolution of the honorable the congress of the United States of *America* for that purpose

Commissioner to procure accoutrements, etc.

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 *Peter T. Curtenius* shall be and he is hereby appointed a commissioner to get made with all possible dispatch one thousand compleat setts of accoutrements, and one thousand bayonet sheaths

for the use of the five continental battalions raised under the direction of this State; the cartouch boxes to be made to hold twenty nine rounds of cartridges when made up with ounce balls, and the cover of good substantial leather, with a small cover or flap under it, that the ammunition may be most effectually guarded against rain. But in case the said commissioner can with more ease procure tin than leather, instead of cartouch boxes he may get made an equal number of tin cartouch cannisters, agreeable to a pattern or discription to be sent by the continental board of war. But if a sufficient quantity of leather or tin cannot be procured for the purposes aforesaid, the said commissioner instead of leather may cause the said cartouch boxes to be covered with painted canvas, or other cloth sufficient to guard the ammunition against rain.

And be it further enacted by the authority aforesaid, That the said commissioner shall transport the said accoutrements and bayonet sheaths to the said troops and deliver the same to the colonel or commanding officer of each of the said battalions in equal proportions, taking receipts for the same. Same to be transported to troops.

And be it enacted by the authority aforesaid That it shall and may be lawful for the said commissioner from time to time to draw from the treasury of this State such sums of money as may be necessary for the providing and transporting the said accoutrements and bayonet sheaths not exceeding in the whole the sum of two thousand pounds. Commissioner may draw on treasury for necessary money.

And be it enacted by the authority aforesaid That the said commissioner shall be allowed by the legislature of this State such sum of money as may be adequate for his services in procuring and sending forward to the said troops the said accoutrements and bayonet sheaths. Allowance to commissioner.

CHAP. 42.

AN ACT for suspending an act to regulate the wages of mechanicks and labourers, the prices of goods and commodities and the charges of innholders within this State, and for other purposes therein mentioned.

PASSED the 29th of June, 1778.

WHEREAS the honorable the congress of the United States of America did by resolution passed the fourth day of June in this present year, reciting that by a change of circumstances in the commerce of these States the regulation of prices by them lately recommended might be unnecessary, and the measure not being yet adopted by all the States, did recommend to the legislatures of the several States that had adopted it, to suspend or repeal their laws for that purpose. In compliance therefore with the said recommendation, Preamble.

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 a certain act of the legislature of this State entitled "*An Act to regulate the wages of mechanicks and labourers, the prices of goods and commodities, and the charges of innholders within this State, and for other purposes therein mentioned*" shall be and the same is hereby suspended until twenty days after the first meeting of the legislature of this State after the first Monday in July next. Act to regulate wages, etc., suspended.

CHAP. 43.

AN ACT to exempt and disqualify all deserters from the enemy, not subjects of any of the United States, from serving in the militia of this State.

PASSED the 29th of June, 1778.

In compliance with the recommendation contained in the resolution of the honorable the congress of the United States of *America* passed for that purpose

Deserters from the enemy disqualified from serving in militia.

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 from and after the passing of this act, all persons not subjects of any of the United States who having during the present war deserted, or shall hereafter desert from the British army or navy shall be and are hereby declared to be exempted and disqualified during the present war, from serving in the militia of this State, or in any drafts or detachments from the same, either personally for themselves or as substitutes for others.

Contracts with deserters to serve declared void.

And be it further enacted by the authority aforesaid That all contracts and agreements made or to be made with any such deserter as aforesaid, or with any prisoner of war to serve as a substitute in the militia of this State, or in any draft or detachment from the same, shall be, and the same are hereby declared to be null and void.

Deserter may retain money received.

Provided nevertheless That every such deserter and prisoner of war shall and may retain and appropriate to his own use all monies by him received upon such contract or agreement.

CHAP. 44.

AN ACT for advancing to the several persons the several sums therein mentioned.

PASSED the 30th of June, 1778.

Treasurer to advance £5,000 to Peter T. Curtenius.

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 the treasurer of this State shall be and he is hereby authorized and required out of the monies which shall then be in the Treasury to pay unto *Peter T. Curtenius* esquire commissary to purchase clothing for this State, when he shall demand the same the sum of five thousand pounds, to be expended and applied by him in the execution of the business committed to him as commissary as aforesaid.

To pay David Currie £5,000.

And be it further enacted by the authority aforesaid That the treasurer of this State shall be and he is hereby authorized and required out of the monies which shall then be in the treasury to pay to *David Currie* esquire commissary for supplying the troops of this State with such articles as are not allowed to them by the commissary-general, when he shall demand the same, the sum of five thousand pounds to be expended and applied by him in the execution of the business committed to him as commissary as aforesaid.

And be it further enacted by the authority aforesaid That the treasurer of this State pay out of any of the monies in the treasury thereof unto Mr. *Henry Benson* the sum of twenty two pounds thirteen shillings and six pence for public services done by him and take his receipt for the same on his account thereof.

To pay Henry Benson sum named.

CHAP. 45.

AN ACT for supplying the families of the persons belonging to the five Battalions of continental troops raised under the direction of this State and who have engaged in the same for three years or during the war with the necessaries of life at moderate prices.

PASSED the 30th of June, 1778.

WHEREAS the increase of the prices of all kinds of provisions renders it difficult for the persons belonging to the said battalions to maintain their families on the present establishment of their pay. Preamble.

And whereas those who have been detached from the militia of this State to fill up the said battalions have received large bounties, whereby they have been enabled to make comfortable provision for their families during their short services; and justice and sound policy requires that some adequate supply be furnished to the families of those who have engaged or shall engage in the public service in the said five continental battalions for three years or during the war.

Be it therefore 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 the justices of the peace or the major part of them within every city borough town, precinct district and manor respectively within this State be and they are hereby authorized and required to supply the families of those persons who are or shall be engaged in the said five battalions respectively for three years or during the war with such quantities of the necessaries of life herein after mentioned and at the prices herein after specified, as the said justices of the peace shall judge sufficient for their support respectively, that is to say, wheat at seven shillings per bushel, fresh beef at three pence per pound, fresh pork at four pence per pound, salt beef at four pence per pound, salt pork at six pence per pound, and smaller meats in the like proportion of price; the said justices of the peace receiving pay for such supplies at the aforesaid rates at the respective times of delivery of the same, and taking receipts for the said supplies; and that the said justices of the peace shall transmit their accounts respectively on oath with the said receipts to the auditor-general to be audited by him; and upon such audit the treasurer of this State is hereby authorized and required to pay the same; deducting thereout the amount of the several supplies specified in such accounts at the several rates at which they are herein above respectively rated.

Necessaries of life to be furnished families of persons in service at prices named.

Accounts to be transmitted to auditor-general.

CHAP. 46.

AN ACT to amend an act entitled an act for regulating the militia of the State of New York.

PASSED the 30th of June, 1778.

Preamble.

WHEREAS by the said act it is enacted that there shall be one brigadier general for the county of *Tryon*, one for the county of *Albany* one for the counties of *Gloucester* and *Cumberland*, one for the county of *Charlotte*, one for the county of *Dutchess*, one for the county of *Ulster*, one for the county of *Orange*, one for the county of *Westchester*, one for the city and county of *New-York*, one for the counties of *Kings*, *Queens* and *Richmond*, and one for the county of *Suffolk*— and that the person administering the government of this State for the time being by and with the consent and advice of the council of appointment may appoint colonels commandant instead of brigadiers general in such of the said brigades as the said person administering the government and council of appointment shall deem necessary and expedient. *And whereas* the militia of the respective brigades or of some of them may become or be too numerous for one brigade.

Governor may appoint colonels commandants of brigades.

Brigades may be divided, etc.

Be it therefore 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 and consent of the council of appointment, when and as often as such case shall happen to divide such brigade and appoint a colonel commandant to the command of one division thereof; which colonel commandant shall have the like command in his division with brigadiers general in their brigades, and when in the field shall take rank of all colonels or other officers commanding regiments; And if any person so to be appointed a colonel commandant should be a colonel of the militia he shall still continue in the command of his regiment.

Rank.

Major brigade, rank of. Requisitions for ammunition.

That each colonel commandant so to be appointed shall have one major brigade of his own choice who shall rank as major in the militia.

And be it further enacted by the authority aforesaid That the commissioner of military stores of this State do on application of any or either of the colonels or commanding officers of regiments of the militia of this State by a draft in writing on the said commissioner in favor of the quarter-master of the regiment, backed with a warrant from the person administering the government of this State for the time being, furnish such quarter-master or quarter-masters with such quantities of ammunition made up in cartridges for the said regiment as shall be directed by the said warrant; the said quarter-master paying for the same the first cost thereof and the expence of making up the same; which monies the said commissioners shall from time to time lay out again in the purchase of ammunition.

CHAP. 47.

AN ACT more effectually to prevent the mischiefs arising from the example and influence of persons of equivocal and suspected characters in this State.

PASSED the 30th of June, 1778.

WHEREAS certain of the inhabitants of this State have during the course of the present cruel war, waged by the king and parliament of *Great-Britain* against the people of these States, affected to maintain a neutrality which there is reason to suspect was in many instances dictated by a poverty of spirit and an undue attachment to property. *And whereas* divers of the said persons, some of whom advocated the *American* cause till it became serious, have notwithstanding the forbearance of their countrymen and contrary to the faith pledged by their paroles, ungratefully and insiduously from time to time by artful misrepresentations and a subtle dissemination of doctrines fears and apprehensions false in themselves and injurious to the *American* cause, seduced certain weak minded persons from the duties they owed their country. *And whereas* the welfare of this State loudly demands that some decisive measures be taken with respect to the said persons, and it being repugnant to justice as well as good policy that men should be permitted to shelter themselves under a government which they not only refused to assist in rearing, but which some of them daily endeavour to undermine and subvert. *And whereas* such few of the said persons as may have been led to take a neutral part by conscientious doubts and scruples, have had more than sufficient time to consider and determine the same

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 the commissioners appointed for inquiring into detecting and defeating all conspiracies which may be formed in this State against the liberties of *America* or any three of them be and they hereby are authorized and strictly charged and required to cause all such persons of neutral and equivocal characters in this State whom they shall think have influence sufficient to do mischief in it, to come before them and to administer to the said persons respectively the following oath (or if of the people called Quakers) affirmation *viz*

"I A B do solemnly and without any mental reservation or equivocation whatever, swear and call God to witness (or if of the people called Quakers) affirm that I do believe and acknowledge the State of *New York* to be of right a free and independent State. And that no authority or power can of right be exercised in or over the said State, but what is or shall be granted by or derived from the people thereof. *And further* that as a good subject of the said free and independent State of *New York*, I will to the best of my knowledge and ability faithfully do my duty. And as I shall keep or disregard this oath, so help addeal with me Almighty God."

And be it further enacted by the authority aforesaid, That if on the said oath or affirmation being so tendered, the said person or persons shall refuse to take the same, the said commissioners do forthwith remove the said person or persons so refusing to any place within the enemy's lines, and by writing under their hands and seals certify the names of such person or persons to the secretary of this State, who is hereby required to record and file the said certificates.

Preamble.

Commissioners for enquiring into conspiracies to administer oaths to persons named.

Form of oath.

Persons refusing to take oath to be removed.

Notice to absconding persons to be published.

And be it further enacted by the authority aforesaid That if any of the said neutrals shall abscond or absent himself with an apparent view to avoid the force of this act, the said commissioners shall by notice published in one or more of the news papers of this State, demand of the said person or persons so absconding or absenting, to appear before them at such place in this State and at such time not exceeding twenty-one days from the time of such publication, as they shall assign. *And further* that default in such appearance shall be adjudged to amount to, and is hereby declared to be a refusal to take the said oath or affirmation.

Failure to appear and take oath misprison of treason.

And be it further enacted by the authority aforesaid That if any of the persons removed to places within the enemys lines by the said commissioners in pursuance of this act, or who having as aforesaid absconded or absented shall not on notice as aforesaid appear before the said commissioners and take the oath or affirmation aforesaid, shall thereafter be found in any part of this State, such person or persons so found shall on conviction thereof be adjudged guilty of misprison of treason.

And to the end that this State may be in some measure compensated for the injuries it has sustained by the evil example or practices of the said neutrals, and that others may be deterred on similar occasions from acting a part so unmanly and ignominious,

Lands of such persons to be charged with double taxes.

Be it further enacted by the authority aforesaid That all lands held in this State on the twenty-sixth day of *June* instant in fee simple or fee tail, or which may hereafter be acquired by or devised granted or descend to any of the persons who shall refuse to take the aforesaid oath or affirmation when called upon by the said commissioners, shall forever thereafter be charged with double taxes in whosesoever hands the said lands may hereafter be.

Notice to be given the governor.

And be it further enacted by the authority aforesaid That the said commissioners previous to the removal of the said several persons within the enemys lines shall from time to time notify the person administering the government of this State for the time being of the several persons so to be removed who is hereby authorized to detain and confine such of the said persons as he shall think proper for the purpose of exchanging them for any of the subjects of this State in the power of the enemy.

Governor to cause this act to be speedily executed.

And be it further enacted by the authority aforesaid, That the person administering the government of this State for the time being be and he is hereby required to do his best endeavours that this act be fully and speedily carried into execution and; all magistrates sheriffs and constables are required to be aiding therein.

L A W S

OF THE

STATE OF NEW YORK

PASSED IN THE

SECOND SESSION OF THE SENATE AND ASSEMBLY OF THE SAID
STATE, BEGINNING THE FIRST DAY OF OCTOBER,
1778, AND CONTINUED BY ADJOURNMENTS.

CHAP. 1.

AN ACT to enable the mayor aldermen and commonalty of the
city of Albany to order the raising of a sum not exceeding
four hundred pounds for the purposes therein mentioned.

PASSED the 17th of October, 1778.

WHEREAS the establishing of a regular well constituted night watch Preamble,
within the city of Albany has been found necessary for the safety of its
inhabitants and others.

*Be it therefore enacted by the People of the State of New York, rep-
resented in Senate and Assembly and it is hereby enacted by the authority of* Mayor,
etc., may
levy tax.
the same That the mayor, aldermen and commonalty of the city of
Albany shall have full power and authority, at such time as they shall
think convenient, to order a tax not exceeding four hundred pounds
upon all the estates, real and personal, of all the freeholders inhabitants
and residents living in that part of the said city which lies within half a
mile of Hudson's river and to the north of a west line drawn from the
old fort, for the payment of so many watchmen, not exceeding forty, as
the mayor, aldermen and commonalty of the said city in common
council convened shall think necessary for guarding the said city;
which tax shall be rated and assessed by the assessors of the said city;
they having regard to the estate and ability of the said several persons,
to be taxed.

And be it further enacted by the authority aforesaid That the as- Duty of
assessors
to return
list and
sessor, as soon as they shall have completed the assessments, shall
return a list of the same to the mayor aldermen and commonalty of the

mayor,
etc., to
issue tax
warrant;
collection,
etc.

said city, who shall annex thereto a warrant or warrants, under the seal of the said city, to be directed to the collector or collectors of the said city commanding him or them without delay to collect the sums so assessed and in case of neglect or refusal of any person or persons to pay the sum or sums at which he, she or they shall be so assessed as aforesaid to levy the same by distress and sale of the goods and chattels of the person or persons so neglecting or refusing, and to pay the monies so to be collected into the hands of the chamberlain of the said city (retaining three pence in the pound for their trouble in collecting the same) to be by them the said mayor, aldermen and commonalty from time to time applied to the purposes aforesaid.

Watchman
to obey
order of
mayor,
etc.

And be it further enacted by the authority aforesaid That all such persons as shall be employed to watch and guard the said city shall be under the direction of and obey such orders as they shall from time to time receive respecting the premises, from the mayor, aldermen and commonalty of the said city.

CHAP. 2.

AN ACT to repeal an act entitled "An act to regulate the wages of mechanicks and labourers, the prices of goods and commodities, and the charges of inholders within this State; and for other purposes therein mentioned."

PASSED the 28th of October, 1778.

Preamble.

INASMUCH as the act entitled "An act to regulate the wages of mechanicks and labourers, the prices of goods and commodities and the charges of innholders within this State; and for other purposes therein mentioned," passed on the third day of April last, has not answered the salutary purposes for which it was intended by reason of the neglect or refusal of some of the other United States to pass similar laws.

Act to
regulate
wages,
etc., re-
pealed.

Be it therefore 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 the said act, entitled "An act to regulate the wages of mechanicks and labourers, the prices of goods and commodities and the charges of innholders within this State, and for other purposes therein mentioned;" and every clause, article and thing therein contained, shall be, and is hereby repealed and made void, to all intents, constructions and purposes whatever.

CHAP. 3.

AN ACT for continuing the powers of the commissioners for detecting and defeating conspiracies.

PASSED the 29th of October, 1778.

Preamble.

WHEREAS the act of the legislature of this State for appointing commissioners for detecting and defeating conspiracies and declaring their powers, and the act for encreasing the number of commissioners for detecting and defeating conspiracies within this State will expire on the first day of November next.

Be it therefore 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 the said two several acts and the powers and authorities by them or either of them granted to the said commissioners or any and every three of them, and a power to the said commissioners or any three of them to remove within the enemy's lines all such persons who in pursuance of the "Act more effectually to prevent the mischiefs arising from the influence and example of persons of equivocal and suspected characters in this State," have already appeared before the said commissioners or any three of them and have not taken the oath in the said act contained shall be, and are hereby continued until twenty days after the next meeting of the legislature and a quorum of both houses shall be convened to proceed on business. And the treasurer of this State, shall be, and he is hereby authorized and required to pay to the said commissioners or any three of them such farther sum or sums as they shall from time to time require to defray the expence of the business committed to them so as the amount of such farther sum or sums shall not in the whole exceed the sum of three thousand pounds.

Act named continued.

Payments to be made to commissioners.

CHAP. 4.

AN ACT for procuring a further supply of cloathing for the five Continental battalions raised under the direction of this State.

PASSED the 30th of October, 1778.

WHEREAS the act for procuring a supply of shoes and stockings, for the use of the troops raised under the direction of this State, hath not in certain places been carried into execution

Preamble.

Be it therefore 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 the supervisors of those counties, which have not already furnished their quota's, of shoes and stockings, agreeable to the said act shall, as soon as conveniently may be, after the passing of this act, cause the several towns precincts and districts within their respective counties, which have not already furnished the same to furnish their quota's of shoes and stockings agreeable to the said act, and the clerks of the several counties shall with all convenient speed by circular letters call a meeting of the supervisors for that purpose.

Supervisors to cause towns to furnish quotas of shoes. etc.

And be it further enacted by the authority aforesaid, That Peter T. Curtenius Esquire, commissary of cloathing for this State, shall be and he is hereby authorized with the monies herein after directed to be paid to him for that purpose, to purchase and cause to be made, such further quantities of cloathing and accoutrements, as he shall deem necessary, suitable and proper, not only for the privates, but also for the officers, of the said troops, That the said Peter T. Curtenius, shall be, and he is hereby authorized to purchase either for cash, or upon the credit of this State, from the commissary general of hides in the American army, such numbes of raw hides as he shall from time to time deem proper, and the same to cause to be tanned and curried, or exchanged for leather in such manner as he shall conceive most beneficial for this State, and best calculated to answer the purpose of providing the said troops with shoes and accoutrements, That the said Peter T. Curtenius, Esquire shall be, and he is hereby authorized to deliver leather to the respective com-

Peter T. Curtenius to purchase clothing. etc.

manding officers of the said battalions or their respective orders, in such quantities as he shall think proper, for the purpose of mending the shoes of the said troops

Payments to be made by State treasurer.

And be it further enacted by the authority aforesaid, That the treasurer of this State, shall be, and he is hereby authorized and required out of the monies, which shall be in the treasury, to pay to the said Peter T. Curtenius, a sum not exceeding ten thousand pounds, to be applied and expended by him in purchasing and procuring cloathing and accoutrements for the said troops

May demand and receive leather, etc.

And be it further enacted by the authority aforesaid That the said Peter T. Curtenius shall be and he is hereby authorized and required to demand and receive from the persons who shall severally be possessed of the same any hides, leather or other materials proper for cloathing or accoutrements belonging to this State.

CHAP. 5.

AN ACT more effectually to provide supplies of flour, meal and wheat for the army.

PASSED the 31ST of October, 1778.

Preamble.

WHEREAS on suggestion of congress, and other due information it appears that by the wicked arts of speculators, forestallers and engrossers, in this and others of the United States, it is rendered difficult to obtain timely and sufficient supplies for the operations of the army and navy unless the most vigorous measures are without delay adopted to restrain practices so destructive to the publick weal. Therefore

Flour, meal or wheat purchased with intent to be sold may be seized for use of army.

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 all flour, meal or wheat purchased or which may be purchased with intent to be sold again, or to be exchanged or bartered for any goods, wares or merchandize or to be exported out of this State, shall be subject to be seized and taken by the commissary general of purchases for the American army, or any of his deputies or agents, to and for the use of the said army, the person seizing and taking the same paying for such flour meal and wheat, at and after the rate following to wit, For wheat at the rate of five dollars per bushel, for flour at the rate of fifteen dollars per hundred weight and a proportional price for meal.

And to the end that such seizures may be conducted with the greater order and to prevent abuses in the same

Agents and deputies not to make seizure unless duly appointed in writing.

Be it further enacted by the authority aforesaid, That no person either as deputy or agent to the said commissary general, shall be authorized to seize or take any such flour, meal or wheat unless he shall be properly appointed by writing under the hand of the said commissary general or under the hand of the commander in chief of the said army, for the time being, or under the hand of a commandant of a department being a general officer, or under the hand of a deputy commissary general of purchases, in a department, and which said appointment shall be confirmed by the person administering the government of this State for the time being — That where any deputy or agent so appointed as aforesaid, shall suspect that any flour, meal or wheat purchased with such intent as aforesaid is in the possession of any person or persons, he shall thereupon apply to a justice of the peace of the county where such flour,

Enquiry to be made by justice of the peace and

meal or wheat shall be, who is hereby upon such application authorized and required, forthwith to make enquiry respecting the same, by examining any witness or witnesses on oath touching the said flour, meal or wheat, whether the same was purchased and if purchased, whether it was purchased with such intent as aforesaid, and if upon such enquiry and examination it shall either from the quantity purchased by any individual or from other circumstances in evidence appear probable to the said justice, that the said flour, meal or wheat was purchased with such intent as aforesaid, he shall thereupon by writing under his hand authorise the said deputy or agent, to seize the said flour meal or wheat, specifying the quantity, as near as can be discovered, for the use aforesaid, The said deputy or agent paying for the same at the rate aforesaid, but if on such enquiry as aforesaid such intent as aforesaid shall remain doubtful and if any person or persons in whose possession such flour, meal or wheat shall be, shall not upon being summoned to appear, before the said justice to be examined on oath as aforesaid, appear upon such summons, and due proof made of the service of such summons, by leaving a copy thereof at the usual place of his, her or their abode, and no sufficient excuse appearing to the said justice for such non appearance or appearing shall refuse to answer to interrogatories upon oath aforesaid, or on such oath, shall not declare himself ignorant of the intent, for which the said flour, meal or wheat was purchased, or shall declare, that the same was purchased with such intent as aforesaid, the said justice, shall in either of the cases above mentioned adjudge the said flour, meal or wheat to be purchased with such intent as aforesaid, and the same shall be subject to be seized in like manner, as it would have been, had the person, in whose possession the same shall be, appeared before the said justice, and confessed that the same was purchased, with such intent as aforesaid.

seizure
author-
ized.

And whereas many farmers within this State, with various intentions injurious to the common cause of America, have withheld their wheat of the crops of the last and preceeding years To the end therefore that such farmers, may be compelled to part with such wheat for the use of the army.

Farmers
have held
wheat to
injury of
common
cause.

Be it further enacted by the authority aforesaid That where any person or persons shall be possessed of any wheat of their own raising, either threshed or in straw of the crop, of the of the year, one thousand seven hundred and seventy seven, or any preceeding year, such wheat shall be, and is hereby made subject to seizure by virtue of this act, in like manner as wheat purchased with such intent as aforesaid, and the same powers and authorities are hereby granted to the commissary general, his deputy or agent, with respect to such wheat, and the same proceedings, shall be had respecting the same, as in cases of wheat purchased with intent to be sold, bartered, exchanged or exported as aforesaid. Provided always That in every such case, a sufficient quantity of wheat, shall be left for the necessary support of the family of every such farmer.

Wheat of
crop of
1777 may
be seized.

And be it further enacted by the authority aforesaid, That if any person shall attempt to remove any flour, meal or wheat, suspected to be purchased with such intent as aforesaid, the justice shall upon such application as aforesaid, cause such flour, meal or wheat to be seized and detained, until such enquiry as aforesaid, respecting the same can be made.

Wheat,
etc., may
be de-
tained
pending
enquiry.

And be it further enacted by the authority aforesaid, That when any wheat hereby made subject to seizure shall be unmerchantable, that the justice shall in such case, cause the same to be appraised by three freeholders upon oath, who shall have regard in such appraisement, to the price hereby fixed for good and merchantable wheat, and the person

Unmer-
chantable
wheat to
be ap-
praised,
etc.

seizing such unmerchantable wheat, shall pay for the same, only such price, as the same shall be appraised at, by any two, of the three freeholders, any thing herein contained, notwithstanding, and where any wheat subject to seizure by virtue of this act shall be in the straw, that the person seizing the same, shall be permitted to retain, out of the price hereby allowed for the same, the expence of threshing and cleaning the same, and may enter into the barn of the person possessing such wheat, and use the same together with the flails or other implements, for the purpose of threshing and cleaning such wheat.

Justice failing to perform duties liable, penalty

Compensation.

Monies to be paid into State treasury.

Commissary general, etc., may break into house, etc., to seize wheat adjudged liable to seizure.

And be it further enacted by the authority aforesaid, That if any justice of the peace upon such application as aforesaid shall refuse to perform the duties required of him by this act, he shall for every offence forfeit the sum of fifty pounds, to be recovered in an action of debt, with costs by any person, who will sue for the same, and every justice shall, for his services in making such enquiry in each distinct case be entitled to demand and receive, from the person requiring such enquiry to be made, the sum of three dollars per day, for every day he shall be actually employed therein, and every constable serving a summons or subpoena in the execution of this act, shall be allowed and paid by the person requesting such service mileage at the rate of one shilling per mile, going and the like for returning.

And be it further enacted by the authority aforesaid That all flour, meal or wheat which shall after the twentieth day of November next be purchased with intent to be sold again, bartered or exchanged as aforesaid, such intent to be enquired into and adjudged in manner as aforesaid, shall be taken and seized by virtue of such authority as aforesaid the person so taking and seizing the same, applying the same to the use of the army and paying to such justice, authorizing the seizure, for the same at and after the price above fixed, and the said justice is hereby required to pay the monies thence arising into the treasury of and for the use of this State.

And be it further enacted by the authority aforesaid, That it shall be lawful for the commissary general and his deputies or agents, and every person who shall be aiding them therein, to break and enter any house, mill, barn, store or other place, where any flour, meal or wheat so adjudged liable to seizure, shall be deposited, in order to seize and take the same, and it shall in like manner be lawful, for any justice of the peace to break and enter into any place where any such flour, meal or wheat, subject to seizure by virtue of this act shall be suggested to be. in order to view or ascertain the quantity of the same

CHAP. 6.

AN ACT to establish a night watch in the counties of Ulster Tryon Charlotte Dutchess and Albany.

PASSED the 2d of November, 1778.

Preamble.

WHEREAS the militia law has not provided in a particular manner for a night watch, and as it may be necessary for the safety and preservation of many of the good people of this State that a night watch should be kept in some parts thereof by the militia; for the obtaining of which.

Night watch.

Be it therefore 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 from and after the passing of this act it shall and may

be lawful for every officer commanding a regiment of militia in the said counties, to order a night watch or watches, if it be judged necessary by the majority of the field officers of the said regiment, and for that purpose every able bodied male inhabitant, Indians and slaves excepted, residing within the limits and bounds of such regiment from sixteen years of age till sixty, excepting such as are hereih after excepted, shall immediately after being thereunto required by order of the captain or in his absence the next commanding officer of such company, beat or district, wherein he or they shall reside, tender himself or themselves to be enrolled, and in case of delay or neglect to make such tender as aforesaid, the captain or in his absence the next commanding officer shall cause such person or persons to be enrolled, after which, he shall divide the whole into watches each watch to consist of not less than eight men; and in each watch the captain or in his absence the next commanding officer shall appoint one of such watch to be the officer of the same and after the whole, or such part of the regiment as the said field officers may think fit, shall be divided as aforesaid, each captain or in his absence the next commanding officer shall and is hereby required to make a full and perfect return of the same to the colonel or in his absence the next commanding officer.

Persons liable to be enrolled for that purpose.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the said colonel and in his absence the next commanding officer to order one or more night watch or watches in his regiment, and to make establish and ordain such rules orders and regulations for the government duty and behavior of the said watch or watches and watchmen as to the said colonel or in his absence the next commanding officer shall from time to time seem meet and necessary.

Commanding officer may order night watches and make rules, etc.

And be it further enacted by the authority aforesaid That every commissioned officer who shall refuse or neglect to perform the duty, by this act enjoined on him and be thereof convicted by a regimental court-martial shall be *ipso facto*, removed from his office and reduced to do duty in the ranks as a private soldier; any exemption from duty to the contrary in any wise notwithstanding.

Officers refusing to perform duty to be dismissed.

And be it further enacted by the authority aforesaid That every person, not being a commissioned officer who shall refuse neglect or delay to do the duty required of him, by this act shall for every such offence forfeit, without a sufficient excuse can be given, the sum of forty shillings, which shall be levied with costs by warrant under the hand and seal of the captain or in his absence of the next commanding officer, directed to one of the serjeants of the company by distress and sale of the goods and chattels of the offender (the overplus if any there be to be returned to the owner) and paid by the serjeant to the captain or in his absence the next commanding officer, to and for the use of such watch to which such offender shall belong: provided, nevertheless that every person who shall by virtue of this act be obliged to watch shall be allowed to substitute, on such watch a sufficient person in his stead. And provided also that nothing in this act contained shall be taken adjudged or construed to exempt any person from doing the duty required of him by an act entitled "An act for regulating the militia of the State of New York passed the third day of April, one thousand seven hundred and seventy eight.

Persons refusing to do duty to be fined.

Not to exempt persons from militia duty.

And be it further enacted by the authority aforesaid That the lieutenant-governor, the members of the senate and the members of assembly and their several clerks, the chancellor, the judges of the supreme court, the secretary of the State, the treasurer, auditor-general, the attorney-general of the State, the commissioners for defeating con-

Exempt persons.

spiracies, sherifs all ministers of the gospel and all phisicians and surgeons shall be and hereby are exempted from all duty required by this act; except that in the city of Albany and town of Schenectady the ministers of the gospel be only excepted.

Act to be
in force
till end of
war.

And be it further enacted by the authority aforesaid That this act shall continue and be in force until the end of the present war and no longer.

CHAP. 7.

AN ACT for the payment of the several sums, and for other purposes, therein mentioned.

PASSED the 4th of November, 1778.

Payments
to be
made by
treasurer.

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 the treasurer of this State, shall out of the monies which now are or shall be in the treasury pay the following several sums of money to the following persons respectively, that is to say.

Governor.

To his excellency the governor the further sum of twenty thousand pounds, for paying, subsisting and defraying the contingent expences of such of the militia, as he hath or shall call into service for the defence of this State.

Ibid.

To his said excellency the governor the further sum of one thousand one hundred and ninety-two pounds eleven shillings and nine pence, to reimburse him the like sum advanced by him in discharge of the balance due on the account of the State of New Hampshire against this State accrued in subsisting and other incidental expences relative to the prisoners removed to that State by the committee of convention for detecting conspiracies, in the year of our Lord one thousand seven hundred and seventy six.

Delegates
in con-
gress.

To the delegates from this State in the congress of the United States of America, for their services from the fourth day of July last, to the fourth day of October last, in addition to the sum of seven dollars per day heretofore allowed to them, the further sum each of three dollars per day.

Members
of legisla-
ture.

To the several persons who attended as members of the legislature, in the late convention or council of safety, for each day they respectively attended, agreeable to such accounts as they shall respectively produce thereof, to be certified by either of the secretaries of the said convention, each day the sum of sixteen shillings per day.

Dirck
Brinker-
hoff.

To Dirck Brinkerhoff Junior Esquire commissioner appointed to have the care and superintendence of such poor as were removed from the city of New York to the county of Dutchess the sum of twelve hundred pounds for the support of the said poor.

Abraham
Bevier.

To Abraham Bevier Esquire commissioner appointed to take the care and superintendence of such of the said poor as were removed to the county of Ulster the sum of six hundred pounds for the support of the said poor.

George
Andries.

To George Andries of the county of Ulster the sum of one hundred pounds as a gratuity for his valour and resolute conduct in effecting the escape of Jacob Oosterhout and himself when captivated by the Indians.

Micah
Townsend
and Sam-
uel Knight.

To Micah Townsend and Samuel Knight Esquires, the sum of sixty pounds each respectively to reimburse them their expences in attend-

ing upon the legislature, on the business of quieting the disorders prevailing in the north-eastern parts of this State.

To David Currie Esquire commissary to provide the Continental troops raised under the direction of this State with such necessaries as they are not supplied with by the commissary general the sum of six thousand pounds to be expended by him for the use of the said troops in like manner as the monies last granted by the legislature for the like purpose.

David Currie.

To Victor Bicker door keeper, to the senate, and Richard Ten Eyck door keeper to the assembly for their services in their respective stations during the present meeting of the legislature each the sum of three dollars per day agreeable to such accounts as they shall respectively produce thereof, to be certified by the president of the senate, and the speaker of the assembly respectively

Victor Bicker and Richard Ten Eyck.

To the said Richard Ten Eyck, the sum of six pounds eight shillings, for his services as door keeper to the late convention.

To the several delegates from the State in congress appointed in the present session of the legislature each a sum not exceeding four hundred pounds, in advance on their respective salaries at a rate not exceeding ten dollars per day

Delegates in congress.

To each person drafted to serve either personally for himself or as a substitute for another for the space of nine months in either of the Continental battalions raised under the direction of this State, who shall previous to the expiration of the term for which he was drafted to serve, enlist in either of the said battalions for the further time of three years or during the war a bounty of fifty dollars to be paid upon the certificate of any two of the field officers of the regiment in which such person shall so enlist.

Drafted persons.

Whereas the congress of the United States of America have advanced to this State the sum of one hundred thousand dollars.

Preamble.

Be it therefore further enacted by the authority aforesaid That his excellency the governor be and he is hereby authorized to send for the said monies in such manner as he shall think most proper and to cause the same to be deposited into the treasury of this State and that the legislature will provide for the expence attending the same.

Governor to send for moneys.

Whereas several persons in this and the neighboring States are possessed of considerable sums belonging to certain of the subjects of and deemed forfeited to this State, and of considerable sums which have arisen upon the sales of vessels, cattle and other effects belonging at the time of the sale, to subjects of this State, and for which or for the monies arising from the sales thereof no claimants have appeared.

Preamble as to moneys deemed forfeited.

Be it therefore further enacted by the authority aforesaid That the several persons possessing any such monies as aforesaid, shall be and they are hereby severally authorized and required, to pay the monies, they shall so respectively possess, to the treasurer of this State or his order and the treasurer is hereby authorized to demand and receive the same, or to depute other person or persons for the purpose, and the said treasurer is hereby authorized and required to deposit the said monies in the treasury of this State to keep a particular account thereof and to collect all the accounts papers and vouchers relative to the same.

Payments to be made State treasurer.

CHAP. 8.

AN ACT, for ascertaining the mode of appointing the officers in the Continental forces raised under the direction of this State.

PASSED the 17th of February, 1779.

Preamble. WHEREAS there are now several vacancies among the commissioned officers in the Continental forces raised under the direction of this State.

Vacancies among commissioned officers, how to be filled. *Be it therefore 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 the council of appointment of this State shall appoint persons to all such vacancies as now are or hereafter may be among the officers in the said forces, and the person administering the government of this State for the time being shall by and with the advice, and consent of the said council accordingly appoint all officers in the Continental forces raised or to be raised under the direction of this State.

CHAP. 9.

AN ACT for pardoning Amy Auger, for the felony therein mentioned.

PASSED the 17th of February, 1779.

Preamble. WHEREAS Amy Auger, now the wife of James Auger, and at present as to conviction of Amy Auger. of the precinct of Goshen in the county of Orange but late Amy Jones, of the borough of Elizabeth in Essex county in the State of New Jersey spinster at a late court of oyer and terminer and general goal delivery held in and for the said county of Orange was indicted and convicted of the murder of her bastard child charged to have been committed on the fifteenth day of February in the year of our Lord one thousand seven hundred and seventy-seven at the precinct of Cornwall in the county aforesaid *And whereas* on suggestion that the said conviction was occasioned by the non attendance of a material witness on the trial of the said Amy Auger for the felony aforesaid she hath been represented to the legislature of this State as a proper object of mercy.

Pardon granted. *Be it therefore 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 the said Amy Auger be and she is hereby fully and absolutely discharged and pardoned of and from the felony aforesaid and the conviction aforesaid and all execution and forfeitures thereon ; and also that the said Amy shall be and she hereby is fully and wholly restored in person and estate to the same state and condition wherein she was at any time before the said fifteenth day of February in the year aforesaid, the said conviction for the felony aforesaid in any wise notwithstanding.

CHAP. 10.

AN ACT to amend an act entitled An act more effectually to prevent the mischiefs arising from the influence and example of persons of equivocal and suspected characters in this State and for continuing the powers of the commissioners for detecting and defeating conspiracies.

PASSED the 17th of February, 1779.

WHEREAS by the terms of the said law the commissioners therein mentioned are required on refusal of any person or persons to take the oath or affirmation therein prescribed forthwith to remove the said person or persons so refusing to any place within the enemy's lines. Preamble

And whereas sound policy and common charity require that every person so refusing should be admitted to take the said oath or affirmation if he or she shall notwithstanding such refusal, voluntarily offer to take the same before the commencement of his or her actual removal

Be it therefore 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 every person who has already refused or shall hereafter refuse to take the said oath or affirmation and shall before the actual commencement of his or her removal as aforesaid voluntarily offer to take the said oath or affirmation before any three of the said commissioners shall be admitted to take the same and on taking thereof shall be and hereby is declared to be fully and wholly absolved from all the penalties of the said law, such former refusal or any thing in the said law to the contrary in any wise notwithstanding. Provided always that nothing herein contained shall extend or apply to the cases of those who by virtue of the said law now are or shall hereafter be detained and confined by the person administering the government of this State for the time being for the purpose of exchanging them for any of the subjects of this State in the power of the enemy. Persons heretofore refusing to take oath may be admitted to take same, etc.

And be it further enacted by the authority aforesaid That all and singular the powers and authorities vested in the said commissioners are hereby continued until twenty days after the next meeting of the legislature and a quorum of both houses shall be convened on business in like manner as the same are continued in and by "An act entitled "An act for continuing the powers of the commissioners for detecting and defeating conspiracies" passed the twenty-ninth day of October last; and the treasurer of this State shall be and he is hereby authorized and required to pay to the said commissioners or any three of them such further sum or sums as they shall from time to time require to defray the expense of the business committed to them so as the amount of such further sum or sums shall not in the whole exceed the sum of three thousand pounds. Power vested in commissioners continued.

CHAP. 11.

AN ACT, to authorize the person administering the government of this State, for the time being to transmit copies of the laws of this State, to the honorable the congress of the United States, and to the executive authority of each of the said United States.

PASSED the 17th of February, 1779.

Preamble.

WHEREAS an interchange of the laws passed and to be passed, from time to time, in the several United States, may be of public utility.

Copies of laws to be transmitted to Congress and other States.

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 the person administering the government of this State, for the time being, shall be, and he is hereby authorized and required to transmit, from time to time three copies of all the laws passed, and to be passed, by the legislature of this State to the honorable the congress of the United States, and to the executive authority of each of the said United States, and to request a reciprocal interchange from each of the said States.

CHAP. 12.

AN ACT, for holding courts of common pleas and of general sessions of the peace in the county of Charlotte.

PASSED the 17th of February, 1779.

Preamble.

WHEREAS in and by the act further to organize the government of this State, it is enacted, that the inferior courts of common pleas, and the courts of general or quarter sessions of the peace, in the several counties within this State, should be held on and at such days and times, as they were respectively held in the year of our Lord, one thousand seven hundred and seventy-four.

And whereas, notwithstanding the aforesaid provision, no inferior court of common pleas or general or quarter sessions of the peace, have from various impediments since the passing of the said act, been held in the said county, and the day on which the same ought in pursuance of the said act to have been held, hath elapsed, by reason where of, it hath become necessary, farther to provide for the holding of the said courts in the said county.

Times and places of holding courts in Charlotte county.

Be it therefore 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 inferior courts of common pleas, and courts of general sessions of the peace, in and for the said county of Charlotte, shall be held on the second Tuesday in April, and on the second Tuesday in October, in every year, at New Perth in the said county; and that the said inferior courts of common pleas, and courts of general sessions of the peace, shall be vested with, and exercise, similar powers and authorities, with the inferior courts of common pleas, and courts of general sessions of the peace, held in and for the other counties within this State.

CHAP. 13.

AN ACT, to revive an act, authorizing the person administering the government of this State for the time being, to direct the issuing of the several stores, clothing and necessaries therein specified.

PASSED the 17th of February, 1779.

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 a certain act of the legislature of this State, entitled, "An act, to empower the governor, lieutenant governor, or president of the senate administering the government of this State, to order the commissioner and commissaries therein mentioned, to issue the several stores clothing and necessaries therein specified to the uses and purposes therein directed," passed the fourth day of February last, and which expired by its own limitation on the first day of January last, shall be, and the same is hereby revived and continued, during the present war.

Act named, revived and continued in force during present war.

CHAP. 14.

AN ACT, to continue to the person administering the government of this State, the power of appointing the place for holding the supreme court.

PASSED the 26th of February, 1779.

WHEREAS by the act farther to organize the government of this State, passed the sixteenth day of March last, it is declared that the supreme court of judicature of this State, should, for one year then next to come, be held at such place or places as the person administering the government of this State for the time being, shall by proclamation, from time to time, appoint and direct.

Preamble.

Be it therefore 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* that the power granted as above mentioned, to the person administering the government of this State for the time being, to appoint and direct the place where the supreme court shall be held, shall be, and is hereby farther continued, until the first day of April, in the year of our Lord one thousand seven hundred and eighty. And that all processes in the said supreme court, shall accordingly, until the said first day of April, in the year one thousand seven hundred and eighty, and until twenty days after the next meeting of the legislature, and a quorum of both houses shall have met, be returnable, wherever the said court shall be held, in this State.

Power to appoint time and place of holding court continued.

Process, where returnable.

* So in original.

CHAP. 15.**AN ACT, to cancel certain bills of credit of this State.**

PASSED the 26th of February, 1779.

Preamble. WHEREAS it is expedient that the bills of credit issued by the authority of the provincial congresses or conventions of the late colony of New York, or of this State, of the denomination of one dollar and under, should as they from time to time come into the treasury, be cancelled.

Bills of credit, how to be cancelled.

I. *Be it therefore 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 any and every two members of the legislature for the time being, shall be, and they are hereby authorized, to superintend the cancelling of such of the said bills of credit, as now are, or hereafter shall from time to time, be received into the treasury of this State. That any two members of the legislature, may upon the request of the treasurer, attend for the purpose at such place where the treasury of this State shall be. That the treasurer shall be, and he is hereby authorized and required, in the presence of the said two members, who shall so at any time attend, by burning and reducing to ashes, to cancel all such of the said bills, as shall be then in the treasury; and previous thereto, shall make a true and exact list of the number of bills of the several denominations, so to be cancelled; and the said two members attending, having examined the said bills, previous to the cancelling there of, and having found the said list to be true and exact, shall give to the treasurer, a certificate of the amount of the bills so cancelled. That the two members attending, shall each of them be allowed, the sum of three dollars per day, for the time they shall severally be actually employed in the business, hereby committed to them; and the treasurer is hereby authorized to pay the same accordingly.

Account of, under oath to be made to legislature.

II. *And be it further enacted by the authority aforesaid,* That the two members so attending, shall at the next meeting of the legislature, after they shall respectively have superintended the cancelling of any of the said bills, lay before the legislature an account on oath, of the number and amount of the bills cancelled, under their superintendence, respectively.

CHAP. 16.**AN ACT for raising monies by tax to be applied towards the public exigencies of this State.**

PASSED the 2d of March, 1779.

Preamble. WHEREAS it is necessary in order to defray the expence of the present war, to discharge the debts due from this State, and to make provision for the support of the civil government thereof, that monies should be raised within the same by tax.

Tax on improved lands and personal estate.

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 a tax of one shilling in the pound on the amount of all improved lands (including wood lands, kept for the purposes of fuel and timber and deemed parts and parcel of an improved farm) not subject to a

right of commonage of any kind whatsoever, and of six pence in the pound, on the amount of all personal estate, within this State, shall be raised within the time herein after limited, That all such improved lands shall be assessed by the assessors of the several wards, in the several cities and of the several towns, manors, districts or precincts, in which such lands respectively are; and each several and distinct possession to be assessed separately by itself, at what, with the houses, mills, stores or other buildings, or improvements on the same, at the time of assessing, and right of commonage appertaining to the same, would have been deemed the value thereof in the year one thousand seven hundred and seventy-five, without having regard to any rents, mortgages or other incumbrances to or with which the same may be charged or subject: That the personal estate of each respective person shall be assessed by the assessors of the several wards in the several cities, and of the several towns, manors, districts or precincts, in which such persons shall respectively reside, at what in the judgment of the assessors shall be deemed the amount, beyond the debts due from each respective person, or value thereof, at the time of assessing: That the assessors shall form an assessment roll for their respective wards, towns, manors, districts and precincts to contain the assessments of such improved lands, and the names of the several persons possessing such lands respectively, and the assessments of the personal estate of each respective person within the respective wards, towns, manors, districts or precincts— That the said tax shall be levied and collected by the collectors of the respective wards, towns, manors, districts or precincts, in manner following viz. If any person or persons shall refuse or neglect to pay the tax laid on the lands by them possessed respectively, that the collectors shall and they are hereby severally authorized and required in such case to levy the same by distress and sale of such goods and chattels as shall be found on the lands which by the tax list shall be supposed to be possessed by the said persons so refusing or neglecting, rendering the overplus, after deducting the amount of the tax charged on such lands, and the charges of such distress and sale, to the said person so refusing or neglecting; And that if any person or persons shall refuse or neglect, to pay the tax laid on them for their respective personal estates, that the collectors shall, and they are hereby severally authorized and required in such case, to levy the same by distress and sale of the goods and chattels of the said person so refusing or neglecting, rendering the overplus, after deducting the tax charged on such person, and the charges of such distress and sale, to the said person so refusing or neglecting; And for want of goods and chattels whereon to levy the tax in either of the cases aforesaid that the collector shall be and he is hereby authorized and required to recover the same with costs of suit from the person so refusing or neglecting by action to be commenced in his own name before any justice of the peace of the county (where at the time of the commencement of such action the defendant shall happen to be) the authority and jurisdiction of which justice is hereby extended to all such actions notwithstanding the sum to be sued for, shall exceed the sum of five pounds. That the several collectors shall, and they are hereby respectively authorized and required to pay the monies, to be by them severally collected and received, as and for the tax, to be raised by virtue of this act, into the hands of the county treasurer in their respective counties; and the said county treasurers are hereby authorized and required, from time to time, to pay the monies, they shall so receive into the treasury of this State, never retaining in their possession respectively, a sum exceeding twenty thousand pounds— That the

How to be assessed.

Assessment roll.

Tax, how collected.

Collectors to pay monies to county treasurers.

Poundage for services.

several collectors shall be allowed, and they are hereby severally authorized to retain the same in their hands, out of the monies, they shall respectively collect and receive as and for the tax to be raised, by virtue of this act, a poundage of four pence in the pound for their services in collecting the said tax and paying the same into the hands of the respective county treasurers; and the several county treasurers shall be allowed, and they are hereby authorized to retain in their hands out of the monies, they shall respectively receive from the several collectors as aforesaid, at the rate of one half per cent for their services, in receiving the said monies, and paying the same into the treasury of this State. And, that the several collectors, shall from time to time, as they shall receive the said tax to be raised by virtue of this act, pay the same in manner herein before directed never retaining in their possession respectively a sum exceeding two thousand pounds.

When assessments to be made.

And be it further enacted by the authority aforesaid, That the assessors, shall proceed to make the assessments, in pursuance of this act, as soon as conveniently may be, so that the same may be completed on or before the first Tuesday in April next, and the collectors shall collect the tax to be raised by virtue of this act, within thirty days, after the tax lists shall be delivered to them respectively. And the supervisor or in his absence the town clerk in each respective ward, town, manor, district or precinct shall forthwith, upon the passing of this act convene the assessors, in order that they may enter upon the business of making the assessments.

Preamble as to former assessments.

And whereas Assessments in consequence of the act, for raising monies to be applied towards the public exigencies of the State, passed the twenty eighth day of March last, have in many places been unequally made, and in many places the tax to be raised by virtue of the said act, hath not been duly collected; in order therefore the more effectually to provide against unequal assessments, and for the more orderly collecting of taxes in future.

Supervisors to meet and appoint three supervisors to superintend raising of tax.

Be it enacted by the authority aforesaid, That the supervisors of the several counties shall meet together, in their respective counties at such time and in such place as shall be notified by the clerks of the respective counties (who are hereby severally authorized and required forthwith after the passing of this act, by circular letters, to call a meeting of the said supervisors in their respective counties for the purpose) That the supervisors of the county, or the major part of them at such meeting shall appoint, three persons out of their body, to superintend the raising of the tax to be raised by virtue of this act, in their respective counties.—That the said three supervisors so to be appointed for each county, or the majority of them, shall within the respective counties for which they shall be so appointed, be vested with the following powers and authorities, (to wit) From time to time whenever they shall deem it expedient, to summon the assessors and collectors of the several wards, towns, manors, districts and precincts within their respective counties, to appear before them, at such time, and in such place, in each respective ward, town, manor, district or precinct, as they shall appoint — To cause the assessors to lay the assessment-rolls before them, for their inspection, and where they shall suspect that any lands or the personal estate of any person shall be assessed either at an higher or lower rate than the same ought to be assessed at, agreeable to the mode of assessing prescribed, by this act, to recommit such improper assessments, to the assessors, to be reviewed and reconsidered by them — In cases where the assessors shall not have made the assessments within the time, for that purpose herein before limited, to assign a further time within

Powers and duties of supervisors so appointed.

which such assessments shall be made, and if the several collectors shall not have collected the tax, to be raised in pursuance of this act, within the time herein before limited, to assign a further time not exceeding thirty days, except in the cases of appropriated unimproved lands, within which they shall respectively collect the same — To note the defaults or misconducts of the assessors and collectors, and report them to the attorney-general for prosecution — In cases where the inhabitants of any town, manor, district or precinct shall not have elected assessors or collectors or either of them, or where by the death, removal, refusal to accept, or inability to serve, there shall not be a majority of assessors, or collector, in any ward, town, manor, district or precinct, to issue their warrant to the town clerk, for calling a town meeting, on such day, as they shall appoint, (or where there shall be no town clerk, then to call a town meeting themselves) for electing assessors and collector, where none shall have been elected, or for electing an assessor or assessors or collector in the stead of the assessor or assessors or collector, so dying, removing, refusing to accept or becoming unable to serve, as the case may be — To cause the assessment rolls and tax lists to be fairly made out, and when so made out, to sign the tax lists (and which tax lists so signed, by any two of the said supervisors, shall be sufficient warrants to the collectors, for levying and collecting the taxes contained in them, without any other or further warrant) and cause them to be delivered to the collectors, and to cause copies of the assessment rolls to be filed with the treasurer of the county, and the treasurer of the State; to cause the several collectors when they shall so appear before them to render an account of the monies which they have severally collected, and of the taxes, which shall remain unpaid, and if they shall deem it expedient to direct the several collectors to pay the monies which they shall severally have in hand into the hands of the treasurer of the county. Provided always that no monies of the Continental emissions of the twentieth of May one thousand seven hundred and seventy-seven, and the eleventh of April one thousand seven hundred and seventy-eight, shall be paid to or received by the several collectors, in payment or discharges of taxes, after the first day of May next; nor to or by any county treasurer, for the use aforesaid, after the eighth day of May next; nor to or by the treasurer of this State, for the use aforesaid, after the twentieth day of May next.

Tax lists sufficient warrant to collectors for collecting tax.

Proviso as to Continental money.

And be it further enacted by the authority aforesaid, That the said three supervisors or a majority of them shall as soon as the assessments shall be completed in any ward, town, manor, district, or precinct within the counties for which they shall be so respectively appointed, form agreeable to such assessments, a tax list for such ward, town, manor, district or precinct to contain the names of the persons severally possessing such improved lands as aforesaid, within such town, ward, manor, district or precinct and opposite to the names of the said persons respectively the amount of the tax laid on the said lands respectively to be computed at the rate of one shilling in the pound for every pound at which the said lands shall be, respectively assessed, And the names of the several persons residing within such ward, town, manor, district or precinct who shall have been assessed for their personal estate and opposite to the names of the said persons respectively the amount of the tax laid on such persons respectively, for their personal estate, to be computed at the rate of six pence in the pound for every pound at which the personal estate of the said persons respectively shall be assessed.

Tax list, what to contain.

And be it further enacted by the authority aforesaid, That the assessors, before they make the assessments, shall divide their respective wards,

Assessors to divide

towns, etc., into neighbourhoods, etc.

towns, manors, districts and precincts into neighbourhoods, and divide themselves into classes, and assign to each class a neighbourhood, and that each class shall within the neighbourhood to be assigned to them, make due and diligent enquiry with respect to the value of the lands, and with respect to the amount of the personal estate of each respective person.

Penalty for neglect to perform official duty.

And be it further enacted by the authority aforesaid; That if any assessor or collector shall refuse or neglect to appear before the said three supervisors or a majority of them, when duly notified by writing under their hands, or if the assessors shall refuse to lay the assessment rolls before them, when thereunto required, or if the assessors shall refuse to review or reconsider such assessments, as shall be recommitted to them for that purpose, or if the collectors shall refuse to render an account, to the said three supervisors, or a majority of them in manner herein before directed, when thereunto required by the said three supervisors, or a majority of them, or if the assessors shall neglect to compleat the assessments, within the time by the said three supervisors, or a majority of them, from time to time to be assigned, the person or persons so offending shall for each and every such offence, forfeit the sum of one hundred pounds to the people of this State to be recovered by action of debt, in the name of the treasurer of this State in the supreme court of this State, with costs of suit, and when recovered, shall be paid into the treasury of this State; and it is hereby expressly made the duty of the said three supervisors, or the majority of them, to report every such offender, to the attorney general, and it is hereby also, expressly made his duty to sue and prosecute for the recovery of every such penalty, and to pay the same when recovered into the treasury of this State.

Collectors neglecting to pay over moneys liable for arrears of tax with interest.

And be it further enacted by the authority aforesaid That if upon rendering such account as aforesaid, it shall appear to the said three supervisors or a majority of them, that any collector shall be possessed of any monies which he ought to have paid into the hands of the county treasurer, or that any of the tax to be raised by virtue of this act shall be in arrear, and which such collector could have levied and collected, such collector shall be liable to pay all such monies which he shall be then possessed of, and which he ought to have paid into the hands of the county treasurer, and all such arrears of tax with interest for the same at the rate of fifteen per cent per annum, from the time when such monies ought to have been paid into the hands of the county treasurer, or when such arrears of tax could have been levied and collected, to be recovered with costs, by action of debt and to which suit the defendant may plead the general issue and give any special matter in evidence. And it is hereby expressly made the duty of the three supervisors, or the majority of them, to report every such case to the treasurer of the county for the time being, who is hereby expressly required to sue and prosecute for the same, in the manner herein directed; and on recovery thereof, to pay the same, into the treasury of this State. And to the end that the assessors may be enabled to obtain evidence with respect to the value or amount of any personal estate, the value whereof shall in the judgment of the assessors be doubtful.

Treasurer to prosecute for same.

Assessors may examine persons on oath as to value of personal estate.

Be it further enacted by the authority aforesaid, That the assessors or a majority of them, may by writing under their hands, summon any person at such time, and at such place within their respective wards, towns, manors, districts and precincts, as they shall think proper, to be examined on oath, or if of the people called Quakers, on affirmation, which oath or affirmation, the assessors or a majority of them are

hereby authorized to administer touching the value or amount of any personal estate ; and if any person so to be summoned shall not upon being served with such summons appear before the said assessors, or appearing shall refuse to answer to interrogatories upon oath, or if of the people called Quakers, on affirmation, touching the value or amount of the personal estate, of any person within such ward, town, manor, district or precinct, shall for every offence forfeit the sum of one hundred pounds to be recovered and when recovered paid in like manner as is herein before directed in the sixth clause of this act, so as the person to be summoned shall not be compelled to answer to any interrogatories touching the value or amount of his or her property; provided always, that no such evidence shall be conclusive for forming any assessment, but that the assessors shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means which in their judgment may be deemed most proper for estimating such actual value.

And be it further enacted by the authority aforesaid, That the fees, salaries, perquisites, profits or earnings of any office place or commission under the United States or this State (not being an office or commission in the line of the army of the United States) or if any traffic, trade or profession shall be deemed part of the personal estate of the person holding using or exercising such office place commission traffic trade or profession, and exclusive of and be added to his or her other personal estate; And the same shall be assessed at what in the judgment of the assessors, shall be deemed the amount thereof, for the space of nine months next preceeding the time of making the assessments to be made in pursuance of this act, So as this clause shall not be construed to subject a person holding any office or place under this State, to be taxed for any salary which may be granted to such person by the legislature, or the ministers of the gospel, to be taxed for their respective salaries.

Fees, etc., of office, personal estate.

To be assessed.

And be it further enacted by the authority aforesaid, That each and every of the said three supervisors, so to be appointed in each county to superintend the raising of the tax, to be raised in pursuance of this act, shall with respect to the said tax be vested with and exercise the powers and authorities hereby granted, notwithstanding the time for which they were respectively elected supervisors may expire before the tax to be raised in pursuance of this act shall be collected, and paid into the hands of the county treasurers; and that in case of the death, removal or inability to serve of any of the three supervisors, to be appointed as aforesaid, to superintend the execution of this act, it shall be lawful for the supervisors in the respective counties to appoint other, or others of their body, in the stead of the person so dying, removing or becoming unable to serve, as the case may be; and the clerks of the several counties, shall upon information of such vacancy, by circular letters, from time to time call meetings of the supervisors for the purpose of filling up any vacancies that may happen in either of the cases aforesaid.

Powers of three supervisors to superintend raising of tax, etc.

And be it further enacted by the authority aforesaid, That the said three supervisors so to be appointed in each county shall be allowed such sum for their services and subsistence for each day they shall be respectively actually employed in the business, hereby committed to them, (besides the expences of messengers, clerks, paper and other incidental matters) as the supervisors of the respective counties shall deem reasonable and adequate; and which sums and incidental expences, shall be allowed and paid in like manner as the contingent charges of the

Compensation of.

county are allowed and paid and that each assessor shall be allowed for each day he shall be actually employed in making the assessments in pursuance of this act, the sum of sixteen shillings for his subsistence, to be allowed, and paid, in like manner as last aforesaid.

Persons ex-
empt from
taxation
under this
act.

And be it further enacted by the authority aforesaid, That no person serving in the army of the United States of America, as a regimental Continental officer, or as a private engaged to serve for the space of three years, or during the war, and no person having a family whose personal estate shall not be assessed at upwards of three hundred pounds, shall be subject to be taxed by virtue of this act, for their personal estate, any thing herein contained to the contrary notwithstanding.

Tax on un-
improved
lands.

And be it further enacted by the authority aforesaid, That a further tax of one shilling on the pound shall by virtue of this act, be raised on the amount of all unimproved appropriated lands (except wood lands, kept for the purposes of fuel and timber, and deemed parts of an improved farm) not subject to a right of commonage of any kind whatsoever

How to be
assessed.

That such unimproved lands, shall be assessed by the assessors, of the town, manor, district or precinct in which such lands shall respectively be, and if any such unimproved lands shall not be comprehended within the limits of any town, manor, district or precinct the supervisors of the county shall at the meeting, to be held in pursuance of this act, for electing three supervisors to superintend the execution of this act in the county, or at some subsequent meeting, annex such unimproved lands as last aforesaid to the adjacent towns, manors, districts or precincts in such manner as they shall deem most expedient, in order that the same may be assessed by the assessors of the town, manor, district or precinct to which they shall be so respectively annexed — That all such unimproved appropriated lands, shall be assessed, at what in the judgment of the assessors would have been deemed the value thereof in the year one thousand seven hundred and seventy five — And the assessors shall return the assessments of such unimproved appropriated lands to the commissioners in the said act, for raising monies to be applied towards the public exigencies of the State, mentioned, which commissioners shall with respect to such unimproved appropriated lands enjoy and exercise in all things similar powers and authorities, and be subject to similar duties, as by this law is given and prescribed to the supervisors to be appointed by virtue hereof with respect to appropriated improved lands, and the said tax hereby laid on such unimproved appropriated lands, shall in every other respect be raised in like manner as the tax on unimproved appropriated lands is directed to be raised in and by the said act.

Proviso as
to persons
impover-
ished by
war.

And whereas by the destruction of the estates and property of divers of the subjects of this State, by the calamities of war and the want of means by their honest industry to repair their respective losses occasioned in manner aforesaid, some of them are rendered totally unable at present to pay any taxes, and others of them are so far impoverished, that a tax on their remaining property in the manner hereby above established would be an intolerable burden.

Assessors
may omit
such per-
sons.

Be it therefore enacted by the authority aforesaid, That the assessors, shall and are hereby authorized at their discretion either totally to omit such persons respectively out of their assessments, or to assess their remaining estates respectively, without having regard to the real value of the said estates respectively, any thing herein contained to the contrary hereof in any wise notwithstanding.

And to the end that justice may be done to such parts of the State where assessments shall be properly made. And that the legislature of this State may be enabled to correct inequalities in assessments.

Be it enacted by the authority aforesaid, That the several county treasurers in this State shall transmit without delay to the treasurer of this State, certified under their respective hands, copies of the amount of the several sums paid into the respective county treasuries, as well between the years one thousand seven hundred and sixty and one thousand seven hundred and seventy, as on the last tax law of this State for government taxes, by each respective city, town, borough, manor, district and precinct, within the several counties respectively. And also that the several and respective supervisors, shall without delay transmit to the treasurer of this State certified copies of the special assessments of fifty pounds per thousand in the last mentioned tax laid on those who have gained by trade, merchandize, trafic or manufactory, since the twelfth day of December one thousand seven hundred and seventy six, with an arrangement of the names of the persons taxed, in their several places of abode; and that the treasurer of this State, shall lay the said certified copies, before the legislature at their next meeting.

County treasurers to transmit to legislature account of sums raised.

Supervisors to transmit copies of special assessments.

And be it further enacted by the authority aforesaid, That the public faith of this State, shall be, and is hereby pledged, to the inhabitants of such parts of the State, who shall bear and pay their equal and due proportion of the tax to be raised by virtue of this act. That the legislature will at a future day, devise ways and means for discovering where the lands or personal estates within any ward, town, manor, district or precinct, have not been assessed at the full amount or value thereof, agreeable to the rate of assessing hereby prescribed, and for compelling such wards, towns, manors, districts or precincts, where it shall appear that the assessments were made at an under rate, to pay their deficiencies with interest for the same at the rate of six per cent per annum from the time when the same ought to have been paid.

Public faith pledged to inhabitants paying tax.

CHAP. 17.

AN ACT, to lay a duty of excise on strong liquors, to appropriate the monies arising therefrom, and for the better regulation of inns and taverns within this State.

PASSED the 2d of March, 1779.

I. 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 the following several persons shall be commissioners of excise for the several cities, towns, manors, districts and precincts within this State, that is to say, for the city of Albany, the mayor of the said city for the time being, and for each town, manor, district or precinct within this State, the supervisor or supervisors thereof, for the time being. That the said commissioners shall by writing under their respective hands, grant to the several persons within the respective places for which they are severally hereby appointed commissioners, who shall apply for the same, licences to retail strong or spiritous, liquors under five gallons; And which licences shall continue in force from the time of granting the same, until the first day of March which will be in the year one thousand seven hundred and eighty, and no longer.

Commissioners of excise.

To grant licence.

To determine amount to be paid for license.

That the said commissioners shall, within the respective places, for which they are hereby appointed commissioners, determine and ascertain, what each respective person applying for such licence as aforesaid, shall pay for the same, as a duty of excise; and which sum so to be determined and ascertained, together with the sum of sixteen shillings as a fee to the said commissioner for granting such licence, shall be paid by the person applying for such licence, before such person shall be entitled to the same.

Proviso as to certificate of character to be furnished and oath to be taken.

Provided nevertheless, That the said commissioners shall not respectively grant a licence to any person, applying for the same as an inn keeper or tavern keeper, to retail strong and spiritous liquors, to be drank and consumed within their own houses, unless such person shall previously produce to, and lodge with such commissioner a certificate subscribed by two justices of the peace of the county residing nearest to the place of abode of such person and six substantial freeholders of the city, town, manor, district or precinct, in which such person so applying shall reside, certifying that such person is of good and honest fame and reputation, and well attached to the freedom and independence of the United States; and unless also such person shall produce and lodge with the commissioner a certificate signed by a justice of the peace, in the city, borough, town, manor, district or precinct, wherein, or nearest to that wherein the commissioner shall reside that the said person has taken before him the following oath of allegiance to wit.

Form of oath.

I, A B. do solemnly swear and declare in the presence of Almighty God, (or if of the people called Quakers declare and affirm) that I will bear true faith and allegiance to the State of New York, as a free and independent State; and that I will in all things to the best of my knowledge and ability, do my duty as a good subject of the said State ought to do; so help me God; and that it is necessary for the convenience and accomodation of travellers that such persons should be permitted to retail strong or spiritous liquors. And provided farther that the sum so to be determined and ascertained by the commissioner, for the licence aforesaid, shall be in proportion to the quantity of strong or spiritous liquors deemed to be retailed by each respective person, and shall not be less than two dollars, nor more than four dollars, for each month for which the said licence shall be granted.

Moneys received to be paid county treasurer.

II. *And be it further enacted by the authority aforesaid,* That the commissioners shall from time to time pay the monies they shall respectively receive, as and for the duty of excise, to be raised by virtue of this act, into their respective county treasuries, to be applied towards defraying the contingent charges of the counties where the same shall be raised.

Penalty for retailing liquors without license.

III. *And be it further enacted by the authority aforesaid,* That any and every person who shall after the first day of April next, retail strong liquors, without such licence first had and obtained the person so offending, shall for every offence forfeit the sum of ten pounds, with costs of suit, to be recovered in an action of debt in the name of the commissioner of the city, town, manor, district or precinct, where the offence shall arise, before any justice of the peace of the county, And when recovered paid and applied in like manner as aforesaid. And it is hereby expressly made the duty of the several commissioners, from time to time, as such offences shall arise, to prosecute for the penalty above inflicted.

If commissioner fails to pay over money same may

IV. *And be it further enacted by the authority aforesaid,* That if any commissioner shall refuse or neglect to pay into the county treasury, the monies which he shall from time to time receive as and for the duty of excise to be raised by virtue of this act, or for the above penalties, all

such monies which he shall so from time to time detain, shall be recoverable from him, by suit to be commenced in the name of the treasurer of the county, on assumpsit for monies received to his use, in which action the defendant shall be held to bail, and the plaintiff shall be entitled to costs, as in other actions on assumpsit.

be recovered by suit.

V. *And be it further enacted by the authority aforesaid,* That the mayor, aldermen and commonalty of the city of Albany in common council convened, and the supervisors and assessors of each respective town, manor, district or precinct, within this State, or a majority of them, shall every three months assize and determine the price of victuals, forage, lodging and liquors, to be taken by the several tavernkeepers and innholders within their respective jurisdictions, and shall forthwith cause copies of such assize to be left at the usual place of abode of each tavernkeeper or innholder, within their respective jurisdictions; and each and every tavernkeeper or innholder shall place a copy of the said assize in the most public part of his house and if any such tavernkeeper or innholder, shall after being served with such assize in manner aforesaid, either directly or indirectly demand or receive from any passenger or traveller, any greater price for victuals lodging, forage or liquors, than shall be specified and prescribed by such assize; or refuse to shew such copy of the assize to any person who shall require the same; such tavernkeeper or innholder shall forfeit for every such offence the sum of five pounds, to be recovered in a summary way before any justice of the peace within the county where such tavernkeeper or innholder shall reside, in an action of debt, by any person that will sue for the same; And to be levied by distress and sale of the goods and chattels of the offender, by warrant to be directed to any constable of the city, town, manor, district or precinct where the offence shall arise.

Officers named to determine price to be paid for victuals, liquors, etc. Copies to be posted. Penalty for receiving greater price, etc.

VI. *And be it further enacted by the authority aforesaid,* That each and every person who now is possessed of any monies which he may have heretofore received as a commissioner of excise, for a duty of excise, shall forthwith pay the same into the hands of the respective county treasurers, to be applied in like manner as the duty to be raised by virtue of this act; and if any person so possessed of such monies, shall refuse or neglect to pay the same to the treasurer of the county, the same shall be recoverable from him, in like manner as is directed in the fourth clause of this act.

Payments to be forthwith made to county treasurer.

VII. *And be it further enacted by the authority aforesaid, and it is hereby provided,* That nothing herein contained shall be construed to prohibit any sutler in the army, from retailing strong liquors without such licence as aforesaid, or to make void, abridge or any way lessen the several rights, or privileges granted unto the cities of New York and Albany and the borough of Westchester by their respective charters, any thing contained in this act, to the contrary thereof notwithstanding.

Act not to prohibit sutlers nor to abridge rights granted in cities named.

VIII. *And be it further enacted by the authority aforesaid,* That all licences or permits for retailing strong or spiritous liquors, granted, or to be granted, in pursuance of any act of the legislature of the late colony of New York, are hereby declared null and void. And that all acts of the legislature of the said colony for laying a duty of excise on strong liquors, shall be suspended during the continuance of this act; and that this act shall remain in force until the first day of March, which will be in the year of our Lord one thousand seven hundred and eighty, and no longer.

Licenses granted by colony of New York, void, etc.

CHAP. 18.

AN ACT to prohibit the distilling of spiritous liquors from grain.

PASSED the 2d of March, 1779.

Liquors not to be distilled from grain.

I. *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 no person or persons, within this State, do presume from and after the first day of April next to distill, or cause to be distilled, within this State any spiritous liquors from grain.

Penalty for violating act.

II. *And be it further enacted by the authority aforesaid,* That if any person, or persons, shall at any time after the said first day of April next, distill, or cause to be distilled, any spiritous liquors, from grain, contrary to the true intent and meaning of this act, the person so offending shall forfeit for each offence, the sum of two hundred pounds, to the people of this State, to be recovered by suit in the name of the treasurer of this State, and when recovered, paid into the treasury thereof, in which suit, the defendant shall be held to bail as in actions of debt on specialty, and the plaintiff, or plaintiffs, shall be entitled to costs.

Liquors not lawfully distilled liable to seizure and sale.

III. *And be it further enacted by the authority aforesaid,* That all spiritous liquors, distilled within this State, from grain, after the time aforesaid, shall be liable to be seized and sold, and the monies arising therefrom, after deducting the expence of such seizure, and sale, be paid into the hands of the overseers of the poor of the city, town, manor, district or precinct, where such seizure shall be made, and for the use of the poor thereof.

Justice to issue warrant for seizure and sale.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for, and it is hereby expressly made the duty of each, and every justice of the peace, within the respective cities and counties, by warrant under their hands respectively, to be directed to any constable of the city, town, manor, district or precinct, where such spiritous liquors shall be found, to cause all spiritous liquors, which by examining any witnesses on oath or affirmation, shall appear to the said justices respectively to have been distilled from grain, within this State, after the time herein above limited, to be seized and sold, and the monies arising from the sale thereof, after deducting such expences, as aforesaid, to be paid into the hands of the overseers of the poor for the use aforesaid.

CHAP. 19.

AN ACT, to allow to sherifs and constables, an increase of fees.

PASSED the 2d of March, 1779.

Preamble.

WHEREAS the fees allowed to sherifs and constables, are at present very inadequate to the expence attending the execution of their respective offices.

Fees of sheriffs and constables.

I. *Be it therefore 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 the fees heretofore allowed to sherifs and constables, in civil suits, shall be increased in a four fold proportion; and that all

sherifs and constables, shall be authorized to take and receive all fees in the execution of their respective offices, in such proportion. Provided, that nothing herein contained, shall be construed to allow any farther or greater poundage on executions, than the poundage heretofore allowed.

II. *And be it further enacted by the authority aforesaid,* That this act shall continue in force, until the first day of November next, and no longer.

Time act to continue in force.

CHAP. 20.

AN ACT to prevent certain inconveniencies which may result to this State, by reason that the emissions of Continental currency of May twentieth seventeen hundred and seventy seven and April eleventh seventeen hundred and seventy eight, are called out of circulation.

PASSED the 4th of March, 1779.

WHEREAS the congress of the United States of America, did, by resolution passed on the second day of January last declare, that all bills emitted by the authority of the said congress of the emissions of May twentieth seventeen hundred and seventy seven, and of April eleventh, seventeen hundred and seventy eight, should be taken out of circulation, and only be received for debts and taxes into the Continental treasury, and the State treasuries for Continental taxes, until the first day of June, next, and not afterwards be redeemable.

Preamble as to bills emitted by congress and taken out of circulation.

And whereas by the mode of taxation observed in this State, there is no distinction between the Continental and the State tax, by reason whereof it will become necessary for the greater security, and to prevent any of the said bills from remaining irredeemable in the treasury of this State, that all the said bills which shall be received in the treasury of this State should be paid into the Continental loan office, to be exchanged for other bills, to be provided for the purpose in pursuance of the said resolution

I. *Be it therefore 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 the treasurer of this State shall after the twentieth day of May next, and before the said first day of June next, pay into the Continental loan office within this State, all such of the said bills as shall be then in the treasury of this State, to the end, that they may be exchanged in manner above mentioned.

Treasurer to pay bills named into Continental loan office.

And whereas divers sums of money consisting in part or in the whole of such bills as aforesaid, have been advanced from the treasury of this State to several persons for public uses, prior to the publication of the said resolution within this State, and which sums may still remain unexpended in the hands of the several persons to whom they have been so advanced

Proviso as to bills advanced for public use.

II. *Be it therefore enacted by the authority aforesaid* That all persons to whom monies have been so advanced, may on or before the first day of May next, repay such of the said monies as may consist of the said bills into the treasury, and the treasurer is hereby authorized and required to receive the same, and to pay to the several persons repaying such bills, other bills emitted by the authority of the United States, or of this State, and not taken out of circulation, in lieu of the bills so repaid.

Repayment of such bills into State treasury.

And whereas the commissioners of sequestration in the several counties may, also in the execution of their office have received sums consisting of the said bills.

Treasurer to receive bills from commissioners named.

III. *Be it therefore further enacted by the authority aforesaid,* That the treasurer shall be, and he is hereby authorized, to receive from the several commissioners of sequestration, until the said first day of May next, all such of the said bills as they may respectively have received in the execution of their office, the said resolution of congress taking the said bills out of circulation, to the contrary notwithstanding.

CHAP. 21.

AN ACT, for procuring an immediate supply of flour for the army.

PASSED the 5th of March, 1779.

Proviso.

WHEREAS notwithstanding the provisions in the act more effectually to provide supplies of flour, meal and wheat for the army, passed the thirty first day of October last, and the extraordinary powers thereby granted to the commissary general of purchases, his deputies and assistants for the purpose, competent supplies of flour have not been provided for the use of the army.

Governor may appoint persons to procure flour for army.

I. *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 be lawful for the person administering the government of this State for the time being, by writing under his hand, from time to time to appoint, such and so many diligent honest inhabitants of this State, to procure flour for the army, as he shall think proper, and from time to time to, in his discretion to supersede such appointments, that the said persons so to be appointed, shall be vested with all the powers and authorities granted by the said act to the commissary general of purchases, his deputies or assistants; that the said two persons so to be appointed, shall severally, from time to time, cause the flour, meal or wheat, which they shall procure by virtue of this or the before mentioned act, to be transported to such convenient places as they shall think proper, and deliver such flour meal or wheat, and the bran of such of the said wheat as they shall cause to be manufactured into flour, to the said commissary general, or any of his deputies or agents, the said commissary general, his deputy or agent, to whom such flour, meal, wheat or bran, shall be delivered, paying for the same, all the monies advanced in procuring and transporting the same, and incidental charges relating thereto, (except the private expences of the person who shall have procured such flour meal or wheat,) together with four shillings for every hundred weight of flour or meal, and two shillings for every bushel of wheat, in full satisfaction for all his services.

Power and duty of persons so appointed.

And whereas it may become necessary for the public safety, that besides the flour meal and wheat, subjected to seizure by the said act, for the use of the army, that other flour meal and wheat should be taken for the like purpose.

Authority given for additional seizure in case of emergency.

II. *Be it therefore further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government of this State for the time being, by and with the advice and consent of six members of the legislature, whenever he shall conceive the emergency to require it, to authorize the several persons, whom he shall so from

time to time appoint, to seize all or any part of the flour, meal and wheat in this State, for the use of the army, beyond what shall be necessary for the subsistence of the respective families or the proprietors thereof, to be estimated at the rate of two bushels of wheat, or a proportional quantity of flour, for the subsistence of each person, of which such families may respectively consist, for each month from the time of the making such seizure, until the first day of September next. That the said person administering the government of this State for the time being, by and with such advice and consent as aforesaid, be authorized to ascertain and determine the price, which shall be given for the flour, meal or wheat so to be taken as last aforesaid, to be estimated as near as may be at the average of the prices in the States of New Jersey and Connecticut, that it shall in like manner be lawful for each person so to be appointed as aforesaid, to break, enter and use, any house, mill, barn, store or other place, where such flour, meal or wheat, as last aforesaid, shall be deposited, and any flails, or other implements for the purpose of threshing and cleaning such of the said wheat, as may be in the straw; and to deduct from the price of such wheat, the expence of threshing and cleaning the same.

Price to be determined.

Lawful to break into mills, etc.

III. *And be it further enacted by the authority aforesaid,* That in case of such extraordinary emergency as aforesaid, if any person shall, when thereunto required by either of the said persons, so to be appointed, refuse to declare on oath or if of the people called Quakers on affirmation (and which oath or affirmation each of the said persons so to be appointed, is hereby authorized to administer) that he or she hath no flour, meal or grain whatsoever, other than the quantities by them shewn and designated to the persons so to be appointed, and the number of persons of which the family of the said person doth consist, the person to whom such refusal shall be made, shall be and he is hereby authorized, in such case to seize and take from the person so refusing, such quantities of flour, meal or wheat, as he may in his discretion think proper.

Seizure to be made from persons refusing to take oath.

IV. *And be it further enacted by the authority aforesaid,* That the said persons, so to be appointed shall severally, at least once in every month, make returns to the person administering the government of this State for the time being, of the quantities of flour, meal or wheat, by them respectively seized or purchased, and the price paid for the same, upon such seizure or purchase, and of the quantities delivered to the said commissary general, or his deputies or assistants, specifying the names of the persons to whom the same were respectively delivered, at which the same were delivered, and of the place or places where such of the said flour, meal or wheat so procured, and which at the time of making such return shall not be so delivered, is stored or deposited: And further, that the said persons, so to be appointed, shall be severally indemnified against any losses, they may respectively sustain, by reason that any flour, meal or wheat, which they may procure for the use of the army, may fall into the hands of the enemy, or be lost by theft or casualty, before the same shall be delivered to the said commissary general, or one of his deputies or agents.

Returns to be made of quantities seized etc.

V. *And be it further enacted by the authority aforesaid,* That all flour, meal and wheat, to be seized or purchased by either of the said persons so to be appointed, shall be exempt from seizure, by the said commissary general, his deputies or agents.

Flour, etc., purchased exempt.

VI. *And be it further enacted by the authority aforesaid,* That the said persons so to be appointed, shall be severally authorized to draw from the treasury of this State, each a sum not exceeding three thousand pounds, (and the treasurer is hereby required to pay the same accord-

Drafts authorized on State treasury.

ingly) to be expended in procuring flour, meal and wheat, for the use of the army, and to be repaid into the treasury, with the monies they shall so respectively receive from the said commissary general, his deputies or agents.

And whereas it is necessary that proper magazines of flour should be provided for the militia, or such other troops, as may be raised or called out by this State, for the defence of the frontiers.

Flour, etc., may be deposited in magazines for use of militia not serving with Continental troops.

VII. *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the person administering the government of this State for the time being, to direct the several persons so to be appointed as aforesaid, instead of delivering the whole of the flour, meal and wheat, to be by them respectively procured, to the commissary general, his deputies or agents, to convey and deposit, such quantity or quantities thereof, as he shall think necessary, in such place or places, as he may think proper, (in the whole not to exceed the quantity of eight thousand bushels of wheat, or a proportional quantity of flour,) for the use of the militia, or such other forces, as may be raised or called out by the authority of this State, for the defence thereof, and not serving with Continental troops, That the several persons who shall be so directed to detain for such use any flour, meal or wheat, which they may have respectively procured, shall be and are hereby severally authorized to draw from the treasury of this State, such sum or sums, as may be necessary, for the payment of the flour meal or wheat so detained together with the satisfaction for their services above allowed, and the incidental charges attending the same, and the treasurer is hereby required to pay the same, to the said persons respectively, upon their respectively producing their accounts thereof, to be audited by the auditor general of this State; That the said flour, meal and wheat, so to be detained, shall be subject to the order and direction of the said person administering the government of this State for the time being, and shall be applied either to the use of the militia, or such other forces as may be raised or called out by the authority of this State, for the defence thereof, and not serving with Continental troops, or for the use of the army of the United States, as he shall think most expedient, any think herein contained to the contrary notwithstanding. Provided that no part of the said flour, meal or wheat so detained, shall be delivered for the use of the army of the United States, unless the commissary general, his deputy or agent, to whom the same shall be delivered, shall previous to the delivery thereof, pay to the person delivering the same such price, satisfaction for services, and incidental charges, as aforesaid, to be paid into the treasury of this State.

Drafts authorized to pay for same.

Flour, etc., subject to order of governor.

Proviso as payment by commissary general.

Wheat of ensuing harvest not subject to seizure.

Time limited.

VIII. *And be it further enacted by the authority aforesaid, and it is hereby provided,* That nothing herein contained shall be construed to subject any wheat, of the ensuing harvest, to seizure for the use of the army, any thing herein contained to the contrary notwithstanding.

IX. *And be it further enacted by the authority aforesaid, and it is hereby provided* That no person shall be authorized to seize any flour, meal or wheat, by virtue of this act, after fourteen days after the next meeting of the legislature, and a quorum of both houses convened to proceed on business.

CHAP. 22.

AN ACT to enable the recovery of the Continental demands and for punishing the misbehaviour of persons in Continental employ.

PASSED the 5th of March, 1779.

WHEREAS many and great mischiefs to the general interest of the United States of America, have already arisen and daily do arise from the want of an established mode in this State for the recovery of their just demands, and for punishing by a due course of law, such persons as being subjects of or temporary residents within this State, are guilty of frauds or other abuses and misdemeanors in the service or employ of the said United States; to remedy those evils. Preamble.

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 the congress of the said United States shall be and they are hereby authorized from henceforth and forever hereafter by their attorney or procurator to be appointed by their resolution or act and by and in the name of the United States of America to sue implead and prosecute to final judgment decree and recovery with and subject to costs of suit in cases wherein by law costs are allowed to or against private persons and all manner of suits and actions personal in any court of law or equity within this State against any person or persons whatsoever; and the same to compound discontinue withdraw or release as they shall think fit; and that in every such action or suit at law the defendant or defendants may either in his her or their own right or as executor or administrator or executors or administrators to other or others plead the general issue and give the special matter of his her or their defence in evidence, on giving due notice thereof in writing with the plea; and shall also on such plea and notice be allowed to discount and set off against the plaintiff's demand all such matters and things as are now by law allowed to be discounted and set off in cases wherein private persons are both plaintiff and defendant in the suit. United States may maintain actions against private persons, etc.

And for preventing all frauds abuses and misdemeanors from being committed and for punishing for such as have already been committed in their service by persons in their employ

Be it enacted by the authority aforesaid That all such frauds abuses and misdemeanors shall be deemed construed and esteemed in law to have been and to be committed against the United States of America and the offender or offenders shall for his or their offences respectively be liable to be prosecuted by information or indictment and convicted for the same as done and perpetrated against the said United States in like manner as persons may by law be criminally prosecuted and convicted for frauds, abuses and misdemeanors in any public office in this State as done and committed against the people of this State. Misdemeanors, etc., deemed committed against United States.

And whereas there is great reason to believe that many persons employed in the Continental service have made it a practice to apply the public monies, intrusted to them for public use, in their own private traffic and commerce and for their own private profit and emolument, whereby the troops of the United States have been and are daily reduced to great extremities for the want of necessaries and the military operations of the United States are thereby greatly obstructed and impeded. Preamble as to misappropriation of public money.

Be it therefore enacted by the authority aforesaid That if any person or persons in the service of the said United States and intrusted Penalty for same.

with the public monies thereof shall after the fifteenth day of April next apply the same to any other use or uses than such for which the same shall be or has been put into his or their hands or being thus intrusted, shall by himself or themselves or by other or others directly or indirectly carry on any traffic or commerce for his or their own private emolument he or they so offending shall for every offence forfeit the sum of one thousand pounds to be recovered with costs of suit in any court of record within this State by any person who will sue for the same in his own name and the name of the United States of America the one moiety of the said penalty to his own use and the other moiety thereof to be paid into the treasury of this State for the use of the said United States. And the defendant may plead not guilty thereon and give the special matter of his defence in evidence; and have no essoin, nor any more than one imparlance; and being convicted in such popular action shall thenceforth and forever thereafter be disabled to hold any office or place of trust or profit under this State.

CHAP. 23.

AN ACT to divide the district of the manor of Rensselaerwyck in the county of Albany, into two districts.

PASSED the 5th of March, 1779.

Preamble
as to
manor of
Rensse-
laerwyck.

WHEREAS in and by an act of the legislature of the colony of New York, passed the twenty fourth day of March, one thousand seven hundred and seventy two, for dividing the counties of Albany and Tryon into districts, it is declared and enacted, that all that part of the said county of Albany, which is comprehended within the limits and bounds of that part of the manor of Rensselaerwyck, which lays to the northward of an east and west line from Bearen island, together with all that part of said county, which lays to the northward of the said east line from Bearen island, continued to the east bounds of the said colony, and to the southward of the south bounds of the county of Cumberland, continued to the east bounds of the said manor, excepting thereout the city of Albany, should be one separate and distinct district, and thenceforth be called and known by the district of the manor of Rensselaerwyck.

And whereas it is conceived that the said district is too extensive, and that many inconveniencies arise therefrom.

Divided
into east
and west
districts.

I. *Be it therefore 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 all that part of the said district, which is on the east side of Hudsons river, and such islands comprehended within the said district, as lay nearer to the east shore of the said river, shall be a separate and distinct district, and be henceforth called and known by the name of the east district of the manor of Rensselaerwyck; and that the remaining part of the said district of the manor of Rensselaerwyck, shall be another separate and distinct district, and be henceforth called and known, by the name of the west district of the manor of Rensselaerwyck.

Officers to
be elected
annually.

II. *And be it further enacted by the authority aforesaid,* That the inhabitants and freeholders of each of the said two districts are hereby authorized and required, yearly and every year, upon the first Tuesday in May

to elect and appoint one freeholder to be a supervisor, any number of freeholders, not more than nine nor less than three, to be assessors, two freeholders to be collectors, two freeholders to be overseers of the poor, six constables, four fence viewers, and one clerk, respectively to perform, execute and serve, and to be liable to the same penalties, as the supervisors, assessors, collectors, overseers of the poor, constables, fence viewers and town clerk, in and for the other districts in the said county, by law have, or are intended to have, or ought to do, or be liable to.

III. *And be it further enacted by the authority aforesaid,* That the annual town meetings for the said west district of the manor of Rensselaerwyck, shall be held at the house of Rebecca Dox; and that the annual town meetings for the east district of the manor of Rensselaerwyck, shall be held at Cralo, at the house of Rebecca Loomis. Provided always That the said district of the Manor of Rensselaerwyck, shall remain an entire district for the purpose of assessing levying and collecting the ax laid upon the said district by the act passed this present session, entitled An act for raising monies by tax to be applied towards the public exigencies of this State," any thing herein contained, to the contrary thereof notwithstanding.

Places of holding town meetings.

Proviso as to levying tax.

CHAP. 24.

AN ACT, to amend an act for the better laying out regulating and keeping in repair, the public roads and highways, in the city and county of Albany, and county of Tryon.

PASSED the 5th of March, 1779.

WHEREAS the fines imposed by the said act, are at present inadequate. Preamble.

I. *Be it therefore 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 from and after the passing of this act, and until a future legislature shall otherwise direct, all fines and penalties imposed by the said act, shall be increased in a six fold proportion. Fines, etc., increased.

And whereas in and by the said act, it is enacted that the nine several persons for that purpose in the said act named, should be commissioners of highways for the district of the manor of Rensselaerwyck; and whereas the said district hath since been divided into two districts Preamble as to commissioners of highways.

II. *Be it therefore further enacted by the authority aforesaid,* That Killan Van Rensselaar, John H. Beekman, Stephen J. Schuyler, Volckert P. Douw, and George White Esquires, shall be commissioners of highways for the east district of the manor of Rensselaerwyck; and Abraham Ten Broeck, Anthony Van Schaick, Stephen Schuyler, Luycus Van Vechten, and Francis Nicoll, shall be commissioners of highways for the west district of the manor of Rensselaerwyck. Names of.

CHAP. 25.

AN ACT making it felony without benefit of clergy, to counterfeit, or to pass knowing the same to be counterfeit, any bills of credit emitted by the authority of the congress of the United States, or by the authority of this, or any other of the United States.

PASSED the 8th of March, 1779.

Felony to counterfeit bills of credit issued by congress, etc.

I. *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 if any person shall hereafter counterfeit any true bill of credit, heretofore emitted or issued, or hereafter to be emitted or issued by the authority of the congress of the United Colonies or by the authority of the congress of the United States of America or by the authority of any provincial congress, or of any convention of this State, before or since the declaration of the independence thereof, or by the authority of the legislature of any other of the United States since the fourth day of July in the year of our Lord one thousand seven hundred and seventy six; or shall alter any such true bill of credit, so that the same shall appear to be of greater value, than the same was intended to pass for, by the law, resolution or act, in pursuance of which the same was emitted, or issued; or shall pass, or shall give in payment, or procure to be passed, or to be given in payment, or shall bring from any part of this State within the power of the enemy, any such counterfeit or altered bill, knowing the same to be counterfeit, or altered, the person so offending, shall be deemed guilty of felony, and shall on conviction, suffer the pains, penalties and forfeitures, prescribed by law in cases of felony, without benefit of clergy.

Ibid, to pass same, etc.

Where offense deemed to have been committed.

II. *And be it further enacted by the authority aforesaid,* That where any person shall be guilty of bringing any such counterfeit bills as aforesaid, knowing the same to be counterfeit, from any part of this State, within the power of the enemy, and shall be apprehended for the same, such offence shall be deemed to have been committed in the county where the person committing the same shall be so apprehended, and it shall be sufficient in the indictment for such offence, to charge generally, that the person or persons therein charged, did bring the counterfeit bill or bills in the said indictment specified, from some part of this State within the power of the enemy, to the county where the said person or persons shall be so apprehended.

CHAP. 26.

AN ACT to repeal an act, entitled, "An act for exempting persons from drafts in the militia, who shall procure others to enlist in the Continental regiments raised under the direction of this State, and for giving relief in cases where two persons have jointly procured a man to enlist."

PASSED the 8th of March, 1779.

WHEREAS great abuses have been committed under the said act.

Act repealed.

Be it therefore 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 the said act shall be, and is hereby repealed. Provided that nothing herein contained shall be construed to avoid or disannul any exemption legally and properly obtained in pursuance of the said act, on or before the twentieth day of March instant.

Exemption not disannulled.

CHAP. 27.

AN ACT to procure a further supply of shoes and stockings, for the troops raised under the direction of this State.

PASSED the 8th of March, 1779.

WHEREAS it has again become necessary to levy and collect a number of shoes and stockings, from the inhabitants of this State, for the use of the five Continental battalions raised under the direction of the same.

Preamble.

I. *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 the supervisors of each respective county within this State, herein aftermentioned, shall cause to be procured within their respective counties the number of good strong shoes made of neats leather, and of good strong woolen yarn stockings, annexed to each respective county, viz: The county of Westchester, one hundred pair of stockings, and one hundred pair of shoes, the county of Dutchess, seven hundred pair of stockings, and six hundred pair of shoes, the county of Orange, two hundred and fifty pair of stockings, and two hundred and forty pair of shoes, the county of Ulster, four hundred and thirty five pair of stockings, and three hundred and fifty three pair of shoes, the county of Albany, eight hundred and ninety pair of stockings, and seven hundred and twenty eight pair of shoes, the county of Tryon one hundred and fifty pair of stockings, and one hundred pair of shoes; amounting in the whole to two thousand five hundred and twenty five pair of stockings, and two thousand one hundred and twenty one pair of shoes, to be collected in the manner prescribed in and by an act for the like purpose passed the nineteenth day of March last, allowing to the respective inhabitants the sum of eight dollars for every pair of good leather shoes, and the sum of seven dollars for every pair of good woolen stockings; and in case of the neglect or refusal of any of the said inhabitants, to furnish, their quota, as assessed, as in and by the said act is prescribed; that every delinquent shall for every such offense forfeit the sum of five pounds for every pair of shoes, and the like sum of five pounds for every pair of stockings, to be recovered with costs of suit, and applied as directed in and by the said act. And that the several collectors, as a compensation for their trouble, shall each be allowed and paid by the commissary of clothing, the sum of two shillings for each pair of shoes, and the sum of two shillings for each pair of stockings, they shall severally have collected, and delivered to him the said commissary.

Supervisors to procure shoes and stockings.

Number required from counties named.

How to be collected.

Forfeiture in case of refusal.

Allowance to collectors.

II. *And be it further enacted by the authority aforesaid,* That the supervisors in the respective counties, shall meet for the purpose of assessing the quotas of shoes and stockings to be furnished by the several wards, towns, manors, districts or precincts, on such day and at such place, as shall be notified by the clerks of the several counties for the purpose, and it is hereby expressly made the duty of said clerks respectively by circular letters to notify such meeting as soon as conveniently may be,

Supervisors to meet and assess quota.

Assessors
to make
determina-
tion.

after the passing of this act, That the assessors shall within one week after the account of the quota of their ward, town, manor, district or precinct, shall be delivered to one of them, meet and determine the number of pair of shoes, and stockings, which the inhabitants of such ward, town, manor, district or precinct, ought respectively to furnish, having at the same time regard to the persons who furnished shoes and stockings the last year, so as that upon the whole the inhabitants, as near as may be bear an equal proportion according to their respective abilities and nominate and appoint the collector or collectors, to collect the same, and it is hereby made the duty of each respective supervisor to convene the assessors for the purpose, and the collectors shall respectively collect the shoes and stockings, to be specified in the lists to be delivered to them within four months after the delivery of such list, or in default thereof shall be subject to a penalty of five pounds for each pair of shoes, and the like penalty for each pair of stockings which the collectors shall respectively neglect or refuse to collect within the time above limited, And that the said penalties shall be recovered by the supervisor, of the ward, town, manor, district or precinct, where the offence shall arise, in his own name, before any justice of the peace of the county, and it is expressly made the duty of the said supervisor to prosecute for such penalty, and to pay the same when recovered, into the hands of the overseers of the poor, to be applied to the use of the poor, of the said ward, town, manor, district or precinct.

To appoint
collectors.

Penalties,
how re-
covered.

CHAP. 28.

AN ACT to prevent abuses in flags of truce, and for other purposes therein mentioned.

PASSED the 8th of March, 1779.

Preamble
as to abuse
of flags of
truce.

WHEREAS great abuses have been committed by persons coming from the enemy with flags of truce, and bringing considerable quantities of merchandize intended for sale, or without permission for that purpose first had and obtained, from any person properly authorized to grant such permission. And whereas the introduction of merchandize from the enemy into the other parts of the State, is productive of great uneasiness in the minds of the well affected subjects thereof, and is in other respects highly injurious.

Goods
liable to
seizure
if brought
within
State with-
out per-
mission of
governor.

I. *Be it therefore 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 all goods, wares or merchandize, which shall be brought from any place, within the power of the enemy, to any place within this State, without permission from the person administering the government of this State, for the time being, shall be liable to be seized and taken, as the goods of an enemy, and shall be adjudged lawful prize, and to belong to the person or persons who shall seize and take the same; and the property thereof, shall on such adjudication attach to, and vest in, the person or persons seizing and taking the same, as immediately upon, and by virtue of such seizure, and capture provided always that such goods so to be seized shall until such adjudication be lodged with the justice of the peace, residing nearest to the place of the seizure, who is hereby required to give an inventory and receipt for the same to the person or persons who shall so lodge the same with him. Provided also,

that nothing herein contained, shall be construed to deprive any person of the right of action, for the recovery of any goods wares or merchandize, to be seized or taken, and not made liable to be seized and taken, by virtue of this act, or for the recovery of any damages, relating thereto, or to subject the wearing apparel of any person coming from any place within the power of the enemy, to be seized and taken, anything herein contained notwithstanding.

Proviso as to right of action.

And whereas divers goods and merchandize brought from places within the power of the enemy, have been clandestinely introduced for sale within this State. And whereas it is unreasonable that the persons who have thus fraudulently and unduly introduced the said goods and merchandize should be permitted to take advantage of their own wrong and to have the benefit of the sale thereof. And whereas certain goods and merchandize which by the confession of the parties interested therein appear to have been introduced as last aforesaid, have been seized and detained until the legislature could make provision respecting the same

Proviso as to merchandise clandestinely introduced.

II. *Be it therefore further enacted by the authority aforesaid,* That such seizure and detention shall be, and is hereby declared to have been legal, and that all sales, and contracts for the sale, of the goods last aforesaid, and all payments for the same, and all notes or bonds given in such payment, by, with, or to, the person or persons to whom such goods at the time of the landing thereof did belong, shall be, and are hereby declared to be, as from the beginning, null and void.

Seizure, etc., declared legal.

III. *And be it further enacted by the authority aforesaid,* That Peter Tappen of Dutchess county Esquire and John Ferris Esquire of Westchester county, shall be, and they are hereby authorized and required, to take the said goods, from the several persons in whose possession the same now are, and to sell the same at public vendue, in patterns and small quantities at Poughkeepsie in the county of Dutchess on the first day of April next and from day to day, until the whole shall be sold, and that the monies arising from the sale thereof, after deducting thereout the expense of such seizure, detention, and other incidental charges, and a commission of two per cent on such sale, (to be allowed by the auditor general of this State) shall be divided among the non commissioned officers and privates, of the five Continental battalions, raised under the direction of this State, in equal proportions in such manner, as his excellency the governor, shall direct. And that the day of such sale shall be previously advertised for at least two weeks in one or more of the public newspapers within this State.

Persons appointed to take and sell goods — proceeds of sale, how to be disposed of.

CHAP. 29.

AN ACT empowering the assessors in the county of Charlotte, to make the assessments directed by an act entitled An act for raising seven hundred men to be employed in the defence of this State.

PASSED the 9th of March, 1779.

WHEREAS by virtue of the said act his excellency the governor did direct that part of the said seven hundred men should be raised from the militia of the county of Charlotte : but by reason that the said act was not transmitted to the said county until after the men, directed to be raised in the said county as aforesaid, were raised, the assessments

Proviso as to militia raised in county named.

directed by the bounty in the said act have not been made; and the persons, intitled to the same, have not been paid the bounty in the said act mentioned. For remedy whereof.

Assessors
to make
asses-
ment, etc.

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 the assessors of the several districts or precincts in the said county do without delay, assess the several persons, subject thereto by the said act; which assessments shall be made collected and paid in like manner as if the same had been made and collected, agreeable to the directions of the said act, previous to the raising of the said men in the said county as aforesaid.

CHAP. 30.

AN ACT to carry into execution, certain resolutions of congress, making provision for persons who may become disabled, while in the service of the United States.

PASSED the 10th of March, 1779.

Preamble. WHEREAS the honorable the congress of the United States, did on the twenty-sixth day of August, one thousand seven hundred and seventy-six, pass a certain resolution in the words following towit .

“IN CONGRESS, *August 26, 1776.*”

Proviso as
to loss of
limbs.

“WHEREAS, in the course of the present war, some commissioned and non commissioned officers of the army and navy, as also private soldiers, marines and seamen, may lose a limb, or be otherwise so disabled as to prevent their serving in the army and navy, or getting their livelihood, and may stand in need of relief.”

Soldiers
losing
limbs to
receive
half pay
during
life.

“Resolved, That every commissioned officer, non commissioned officer and private soldier, who shall lose a limb in any engagement, or be so disabled in the service of the United States of America, as to render him incapable afterwards of getting a livelihood, shall receive during his life, or the continuance of such disability, the one half of his monthly pay, from and after the time that his pay as an officer or soldier ceases; to be paid by the committee as hereafter mentioned.”

Sailors
losing
limbs, etc.,
to receive
half pay
during
life.

“That every commander of any ship of war or armed vessel, commissioned officer, warrant officer, marine or seaman belonging to the United States of America, who shall lose a limb in any engagement in which no prize shall be taken, or be therein otherwise so disabled as to be rendered incapable of getting a livelihood, shall receive, during his life, or the continuance of such disability, the one half of his monthly pay from and after the time that his pay as an officer, or marine, or seaman, ceases; to be paid as hereafter mentioned. But in case a prize shall be taken at the time such loss of limb or other disability shall happen, then such sum, as he may receive out of the net profits of such prize, before a dividend is made of the same, agreeable to former orders of congress, shall be considered as part of his half pay, and computed accordingly.”

Allow-
ance to
wounded
soldiers
and sail-
ors.

“That every commissioned officer, non commissioned officer, and private soldier in the army, and every commander, commissioned officer, warrant officer, marine or seaman of any of the ships of war, or armed vessels belonging to the United States of America, who shall be wounded in any engagement so as to be rendered incapable of

“serving in the army or navy, though not totally disabled from getting a livelihood, shall receive such monthly sum as shall be judged adequate by the assembly or other representative body of the State where he belongs or resides, upon application to them for that purpose, provided the same doth not exceed his half pay.”

“Provided, That no commissioned officer, non-commissioned officer and private soldier in the army, commander, commission officer, warrant officer, marine or seaman, of any of the ships of war or armed vessels belonging to the United States of America, who shall be wounded or disabled as aforesaid, shall be entitled to his half pay or other allowance, unless he produce to the committee or officer appointed to receive the same, in the State where he resides or belongs, or to the assembly or legislative body of such State, a certificate from the commanding officer, who was in the same engagement in which he was so wounded, or in case of his death, from some other officer of the same corps, and the surgeon that attended him, or a certificate from the commander of the ship of war, or armed vessel engaged in the action, in which any officer, marine or seaman received his wound, and from the surgeon who attended him, of the name of the person so wounded, his office, rank, department, regiment, company, ship of war, or armed vessel to which he belonged, his office or rank therein, the nature of his wound, and in what action or engagement he received it;”

Certificate to be produced as to nature of wound and where received.

“That it be recommended to the several assemblies or legislative bodies of the United States of America, to appoint some person or persons in their respective States, who shall receive and examine all such certificates as may be presented to them, and register the same in a book, and also what support is adjudged by the assembly or legislative body of their State to those, whose case requires but a partial support, and also the payment from time to time of every half pay and other allowance, and of the death of such disabled person, or ceasing of such allowance, and shall make a fair and regular report of the same quarterly, to the secretary of congress or board of war, where a separate record shall be kept of the same :”

Persons to be appointed to examine certificates and register same.

“That it be recommended to the assemblies or legislative bodies of the several States, to cause payment to be made, of all such half pay or other allowances as shall be adjudged due to the persons aforesaid, on account of the United States.”

States to make payment on account of United States.

“Provided, That all such officers and soldiers that may be entitled to the aforesaid pension, and are found to be capable of doing guard or garrison duty, shall be formed into a corps of invalids, and subject to the said duty; and all officers, marines and seamen of the navy who shall be entitled to the pension aforesaid, and shall be found capable of doing any duty on board the navy, or any department thereof, shall be liable to be so employed.”

Proviso as to invalid corps.

And whereas the said congress did on the twenty fifth day of September one thousand seven hundred and seventy eight, pass a farther resolution, in the words following, towit

Further resolution.

“ IN CONGRESS, September 25, 1778.

“ WHEREAS congress by a resolve passed on the twenty-sixth of August, one thousand seven hundred and seventy six made provision for commissioned and non-commissioned officers of the army and navy, as also for private soldiers, marines and seamen who should thereafter lose a limb in any engagement, or be otherwise so

Preamble.

“disabled in the service of the United States of America, as to render them incapable afterwards of getting a livelihood: *And whereas* divers officers and others have lost limbs, or been otherwise disabled as aforesaid, before the said twenty sixth of August, to whom the like relief ought equitably to be extended;”

Resolution to extend to persons named.

“Resolved That all provisions and regulations contained in the said resolve, of the twenty sixth of August, one thousand seven hundred and seventy six, shall extend to all persons who lost a limb, or were otherwise disabled as aforesaid, in the service of the United Colonies or States of America, before the said twenty sixth of August, and since the commencement of hostilities on the nineteenth of April, one thousand seven hundred and seventy five.”

“*And whereas* doubts may arise in some cases, whether certain persons maimed or disabled and claiming pensions, were at the time in the service of the said colonies or States; for removing the same,”

Persons deemed entitled to pensions.

“Resolved, That every commissioned and non-commissioned officer and private man, who, since the commencement of hostilities as aforesaid, has been, or hereafter shall be drawn forth for the common defence, (and not for the service of any particular State) or who has turned out, or shall hereafter turn out voluntarily to oppose the enemies of the said United Colonies or States, upon any sudden attack or invasion, or upon any enterprise carried on under their authority, and in such service, has lost, or shall lose a limb, or has been or shall be otherwise disabled as aforesaid, shall be entitled to the pension allowed in the said resolve of the twenty sixth August, one thousand seven hundred and seventy six.”

Subject to serve in invalid corps.

“Provided That any such commissioned or non-commissioned officer or private man, being found capable of doing guard or garrison duty, shall be subject thereto, and serve in the corps of invalids when required, or on refusing so to do, shall be struck off the list of pensioners, unless the persons so refusing have a family, or be otherwise peculiarly circumstanced, and the governor or president and council of the State he belongs to, or in which he resides, are of opinion an exception should be made in his favour, and an exemption granted him from such service; a certificate of which opinion he shall produce previous to his receiving his pension.”

As to persons wounded falling into hands of enemy.

“*And whereas* it may happen that many persons maimed or disabled as aforesaid, by reason of their falling into the hands of the enemy, the deaths of their officers and surgeons, or other accidents may not have it in their power to procure the certificates required by the aforementioned resolve, to entitle them to their pensions:”

Application to governor in such cases.

“Resolved, That in such cases, application be made to the governor or president and council of the State, to which any person maimed or disabled as aforesaid belongs, or in which he resides, and upon shewing to him or them satisfactory proof, that he was maimed or disabled in the manner before mentioned, and producing his or their certificate thereof, he shall be entitled to and receive a pension in like manner as if he produced the certificates required by the said resolve.”

In order therefore to carry the said resolutions into execution.

Auditor general to receive certificates, etc.

I. *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 the auditor general of this State, shall be, and he is hereby authorized and required, to examine and receive all certificates from all persons resident within this State, who may claim the benefit intended by the said resolutions, and to register the same in a book, and also what support shall be adjudged by the legislature to those whose case requires

but a partial support, and also of the payment from time to time, of every half pay and other allowance, and of the death of such disabled person, or ceasing of such allowance; and to make a fair and regular report of the same quarterly to the secretary of congress, or board of war.

II. *And be it further enacted by the authority aforesaid,* That the treasurer of this State, shall from time to time, out of the monies which shall be then in the treasury, upon the certificate of the auditor general, pay to the person to whom by such certificate, the same shall be certified to be due, such half-pay or other allowance, as shall in such certificate be specified; and the monies which he shall so from time to time pay, charge to the account of the United States.

Treasurer to make payments on certificates of auditor general.

III. *And be it further enacted by the authority aforesaid,* That the said auditor general shall from time to time transmit to the legislature, the names of the several persons who in pursuance of the said resolutions may claim a partial support, to the end, that the senate and assembly may by concurrent resolutions, adjudge a support to such persons respectively; and shall also from time to time, lay before the legislature an account of the incidental expences in the performing the duties required of him by this act, to the end that the legislature may provide for the payment thereof. Provided always that nothing in this act, or in the resolutions therein recited shall be considered or construed to require from any invalid or invalids of this State any other certificate than a certificate from the governor lieutenant governor, or president of the senate, administering the government of this State for the time being; any thing in any of the said recited resolutions to the contrary notwithstanding.

Names of persons claiming partial support to be transmitted.

Proviso as to certificate required.

CHAP. 31.

AN ACT for the better laying out, regulating and keeping in repair, all common and public highways, and private roads, in the counties of Ulster, Orange, Dutchess Charlotte and Westchester.

PASSED the 11th of March, 1779.

WHEREAS the keeping in good repair public roads and highways, contribute greatly to the ease and advantage of the inhabitants of a country.

Election of freeholders as commissioners to lay out roads.

I. *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 from and after the publication of this act, the freeholders and inhabitants of the townships manors districts and precincts within the counties of Ulster Orange, Dutchess Charlotte and Westchester, shall be and are hereby authorized at their annual town meetings for electing town officers, to choose and elect at the same time, not less than three, nor more than five freeholders, as shall be determined by the majority of the inhabitants at each annual town meeting in each respective town manor district or precinct, for commissioners to lay out and regulate the highways, in the town manor district or precinct for which they shall be so respectively chosen and also as many overseers of the highways, in each town manor, district or precinct, as there shall be road districts in the said town manor district or precinct, who are to oversee, repair and keep in order, the several highways within the respective districts for which they shall be elected and chosen overseers as aforesaid, and the persons so to be chosen commissioners or

overseers, are hereby required to take their several offices respectively upon them.

Power of commissioners.

II. *Be it further enacted by the authority aforesaid,* That the commissioners or the major part of them, in their respective townships manors, districts or precincts, for which they shall be chosen commissioners, are hereby empowered and authorized to regulate the roads already laid out, and if any of them shall appear inconvenient, and an alteration necessary, and the same be certified upon oath by twelve principal freeholders of such of the said counties, wherein the alteration may be required, to alter the same in such manner as a majority of commissioners in such town manor district or precinct shall judge meet and convenient; and also to lay out such other public highways and roads, as they or the major part of them, shall judge necessary, as well for travellers as for the inhabitants of each town manor district or precinct.

Proviso as to payments of damages.

Provided nevertheless, That where any roads shall be laid out through inclosed or improved lands, the owner or owners shall be paid the true value of the land, so to be laid out into an high way or road, with such damages, as he she or they may sustain by reason thereof, in manner following viz.

Value, how to be determined.

The value of the said land, and the amount of the damages the owner or owners thereof may sustain as aforesaid, shall be determined, and the true value set and appraised by two justices of the peace, and by the oaths of twelve principal freeholders, not having an interest in the land so to be laid out into an highway or road, and the said freeholders shall be summoned by any constable of the town manor district or precinct in which such road or high way shall be laid out as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace for that purpose; and if any road within any town manor, district or precinct so laid out, be a common public highway, and the same be laid out at the request of twelve principal freeholders of such county, then the whole value of the said lands and damages, together with the charges of the commissioners, and of summoning the jury, and the whole proceedings thereon had, shall be paid as the other contingent charges of said counties are paid; but if the road so to be laid out shall be a private road, and for the particular convenience of one or more townships, manors districts precincts or neighbourhoods, then such townships, manors districts precincts or neighbourhoods, requiring the same, shall pay and defray the whole of such value, damages and charges.

Proviso as to roads through orchards.

Provided always, That no road or highway shall be laid through any orchard or garden, without the consent of the owner or owners thereof, any thing herein contained, notwithstanding.

Penalty for encroaching, etc., on highway.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons within the said townships manors districts or precincts, do, or hereafter shall, alter, obstruct or encroach on, any highway or road, such person so offending shall for every such offence, forfeit the sum of five pounds, to be recovered before any justice of the peace of the county, where the offence shall happen, upon the oath of any one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of the offender, by warrant from such justice, to be directed to any constable of the town manor district or precinct, where such offender shall reside; and the said constable is hereby required to pay such penalty into the hands of the commissioners of the high ways, for the town manor district or precinct wherein the offence was committed, to be by the commissioners thereof applied for and towards repairing the public roads and bridges, within the town manor, district or precinct where such forfeiture shall arise.

III. *And be it further enacted by the authority aforesaid,* That all public roads, to be altered or laid out by the commissioners, shall be of the breadth of not more than four rods, nor less than two rods. And in order that the burthen of keeping the highways in said counties in repair, and making other highways, for the ease benefit and safety of the inhabitants thereof, may be borne as equally as the nature of the case will admit.

Width.

IV. *Be it further enacted by the authority aforesaid,* That the commissioners for each town manor, district or precinct respectively, shall, and are hereby required, to meet annually between the second Tuesday in April, and the first Tuesday in May, at the place of town meeting, on such day as they shall agree upon, and as often thereafter, as need shall be, at such times and places as they shall think meet, and at their first meeting they shall proceed to make a list of all the inhabitants in their respective towns manors districts or precincts, liable by this act to work on the highways, and shall proceed either on that day, or as soon thereafter as the said list shall be completed, to affix to the name of each person, the number of days that such persons shall respectively be liable to work on the highways, for the year ensuing, to be determined by the commissioners, in proportion to the estate and ability of each respective person, and also the road district wherein the said persons are respectively to work, to be determined by the commissioners, copies of which list so completed and signed by the commissioners, or a majority of them, shall be put up at the place of town meeting, and two other of the most public places within such town manor district or precinct, to the intent, that all the inhabitants may know at how many days labour they are respectively rated.

Lists of inhabitants to work on roads to be made by commissioners.

Number of days to be assessed.

Provided always, That if the name of any person should be left out of such lists, or the district increase by the accession of new inhabitants, such omission and encrease, shall from time to time be added to the said list, and the persons be rated by the said commissioners, to work on the highways. Provided also, That it shall not be in the power of the commissioners, to rate any one person rateable by this act, at more than twenty days annually. And in order the more clearly to ascertain what persons shall be compellable to work on the highways.

Names may be added.

V. *Be it enacted by the authority aforesaid,* That every freeholder, housekeeper, and other person exercising any trade, business or labour, for themselves, and on their own account, or receiving wages for such labour, within the said counties, shall be liable to work on the public roads and highways.

Persons liable to work.

VI. *And be it further enacted by the authority aforesaid,* That all the inhabitants of the respective towns manors districts or precincts, who shall be rated to work on the highways, shall as often as they or any of them shall receive notice from the overseer of the highways for the time being to work on the highways, punctually attend the said service, either by themselves or by an able sufficient man in their stead respectively, with proper tools, and faithfully work all the number of days at which they are rated, if required; and in case any person or persons duly warned, shall refuse or neglect to appear, or being come to work on the highways, shall remain idle or not work faithfully, or hinder or deter others from doing their duty, such offender, shall for each and every such offense, forfeit the sum of twenty four shillings, to be adjudged by the overseer of the highways in the district where the offence shall happen, and to be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such overseer, and to be directed to any constable within the town manor

To attend and work on notice from overseer.

Penalty for refusal.

district or precinct, where the offender shall reside; and the said forfeitures, to be paid to the said overseer, and to be by him well and faithfully laid out within his district, for and towards repairing the public roads, and bridges within the same.

Allowance
for costs of
wagons.

VII. *And be it further enacted by the authority aforesaid,* That if the overseers of the highways and roads shall think fit, and have occasion for any team, cart or waggon, and a man to manage the same, the said team cart or waggon and man to manage the same, shall be esteemed to be for, in lieu, and in stead of three days work of one man, and the fine to be proportionable, that is to say, treble to the fine to be imposed for the neglect of one person; and every working man shall be obliged to bring such tools as spades, hoes, axes crow bars, pick axes or other utensils, as shall be directed by the overseer of the highway in the respective districts.

Trees in
highway
may be
taken to
repair
same.

VIII. *And be it further enacted by the authority aforesaid,* That all trees standing or laying on or in any land, through which any common public highway or road, is or shall be laid out, shall be for the proper use of the owner or owners of such land, so as the overseer or overseers of the highways, shall be authorized to take and use so much timber, standing or laying on such road, as may be necessary to repair the highway, or bridges leading through such land.

Owners to
remove
trees fall-
ing into
highway.

IX. *And be it further enacted by the authority aforesaid,* That if any tree shall fall out of any inclosed lands, into or across any of the public highways, that the owner of such inclosure, shall within twelve hours after the same be so fallen, remove the same, or be liable to a fine of eight shillings for neglect of every day in the non removal thereof, after notice given by any person or persons whatsoever, to be recovered, and applied in the same manner, as the other fines and forfeitures, are before directed to be recovered and applied by this act.

Appoint-
ments to
be made in
case
named.

X. *And be it further enacted by the authority aforesaid,* That in case it should not be necessary in any one or more of the said districts, to have all the days wrought by the inhabitants that this act requires, that then the commissioners shall direct the overseers, to let the several persons work in their just proportion, to the days such persons are respectively rated at, and no more, or to pay an equivalent, at the rate of sixteen shillings per day.

Highways
laid out to
be entered
in writing
and re-
corded.

XI. *And be it further enacted by the authority aforesaid,* That the commissioners of the respective towns manors, districts or precincts, or the major part of them, shall from time to time, during the continuance of this act, enter in writing all the highways, so by them laid out or altered and sign and file the same with the clerks of the respective counties, who are hereby directed and required to record the same, and whatsoever the said commissioners shall do in laying out, altering or otherwise regulating highways, according to the power given them in this act, they shall also cause to be entered of record, with the clerks of the respective towns manors districts or precincts.

Proceeding
to lay out
private
road.

XII. *And be it further enacted by the authority aforesaid,* That upon application to the commissioners of any town manor, district or precinct, for a private road, the commissioners for the town manor district or precinct where such private road is desired to be laid out, shall view the same, and if they are of opinion that such road is absolutely necessary, and twelve principal freeholders under oath, shall be of the same opinion, the said commissioners are hereby impowered to lay out such road, observing the same steps in ascertaining what shall be paid for the land, as before directed to be taken in laying out public roads; and the value of the land over which such road shall be laid, and all the

expences and charges attending the laying out and valuing the same, shall be paid by the person or persons applying for the same, and the said road when so laid out, shall be for the only use of the person or persons who shall pay for the same, his and their heirs and assigns, but not to be converted to any other use or purpose, than that of a road. Provided always, that the owner or owners of the land through which such private road may be laid, shall not be prevented from making use of such road, if he shall signify his intention of making use of the same, at the time when the jury are to ascertain the value of the land, and the damages, by means of laying out such road.

And whereas there are many creeks or rivers which run through several townships and precincts in the county of Ulster, which the common public highways are laid through or across.

XIII *Be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of such town or precinct where any such creek or river runs through, which might be forded, shall be obliged to fill up and level the ford or fords, and shall keep the said ford or fords in repair, as well as any other part of the highways, in any of the towns manors, districts or precincts. Fords to be kept in repair.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, to hang good easy swinging gates in the said counties, on such high roads and private ways, as the commissioners or the major part of them shall deem proper, such person or persons keeping the same in good and sufficient repair, at their own costs and charges. Gates in highways.

XV. *And be it further enacted by the authority aforesaid,* That in case any person or persons shall stake or shore open any gate or gates, that shall be allowed in the said counties by the commissioners, or wilfully and unnecessarily ride over or through any lands, meadow grounds or cornfields to the damage of the owners thereof, such person or persons shall for every such offence forfeit the sum of forty shillings, to be adjudged by any one of the commissioners for the town manor, district or precinct where such offence shall be committed, and be levied by and applied in like manner, as the forfeitures mentioned in the third clause of this act. Provided that such penalty shall not be deemed a satisfaction for such damage but the owner or owners of such meadow grounds or cornfields shall be entitled to a right of action for the recovery of damages, the payment of such penalty notwithstanding. Penalty for staking open gates, etc.

XVI. *And be it further enacted by the authority aforesaid,* That every person compellable to work on the highways in either of the said counties, shall actually work for each day he is obliged to work, eight hours, and shall be liable to pay a fine of three shillings for every hour such person shall be in default, to be recovered and applied in like manner, as the forfeitures mentioned in the eighth clause of this act. Eight hours a day's work. Penalty for not working.

XVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person compellable to work on the public roads or highways as aforesaid, to commute for and pay money, at the rate of two dollars per day, instead of working, which money shall be paid to the overseer of the highway of the district, in which the person or persons paying the same do reside, to be by the said overseer applied, and expended in the improvement of the said roads and highways, in such district, and towards purchasing materials and other necessaries for, and in erecting and building the most public and useful bridges, in the same district. Commutation rate.

XVIII. *And be it further enacted by the authority aforesaid,* That the commissioners for the time being, of the respective towns manors, dis- Road districts.

tricts and precincts, or the major part of them, shall, if needful, at least ten days before their next annual town manor, district or precinct meeting, and so annually if they shall judge the same necessary, by writing under their hands to be lodged with the town manor district or precinct clerk, and by him to be entered in the town manor district or precinct book, divide their respective towns and precincts, into as many road districts, as they shall judge most convenient, and for which of each districts, there shall annually be elected and chosen by the freeholders and inhabitants of such towns, manors, districts or precincts, in the said counties respectively, an overseer of the highways.

Penalty in case overseer refuses to perform duties of his office.

XIX. *And be it further enacted by the authority aforesaid,* That every overseer of the highways, who shall neglect or refuse to do or perform any of the duties and services required of him by this act, shall forfeit and pay the sum of three pounds for every such neglect or refusal, to be adjudged and levied and applied, in like manner as the forfeiture mentioned in the third clause of this act; and if an overseer shall happen to die, or shall neglect or refuse to serve in his office, in either such case, the commissioners of the said town manor, district or precinct respectively, or the major part of them, shall and are hereby empowered, to appoint some other fit person in the room and stead of such overseer so dying, refusing, or neglecting to serve, who shall have the same powers, and be subject to the same fines, forfeitures and penalties, as overseers chosen by virtue of this act, have or are liable and subject to.

Commissioner or justice of peace may order work done.

XX. *And be it further enacted by the authority aforesaid,* That any one justice of the peace for either of the said counties, or any one commissioner for the time being, may at any time or times, order any overseer to work upon, and repair any road or highway, that such justice or commissioner shall think necessary, within the district of such overseer; and such overseer shall within eight days thereafter, work and set to work, the persons of his district who are obliged to work on highways, upon that part of the road and highway, which he shall be so ordered to work upon and repair.

Account in writing to be kept by overseer and delivered to commissioner, etc.

XXI. *And be it further enacted by the authority aforesaid,* That the overseer of each district shall keep a just and true account in writing, wherein he shall distinctly set down or mention all such persons as have commuted for and paid in lieu of working as aforesaid, and such as have been fined, and the sums in which they were so respectively fined, and also those who shall have actually worked on the public roads or highways, with the number of days they have so worked, which said account, together with the said list, the said overseer shall on or before the determination of his office, deliver to one of the commissioners of the town manor, district or precinct to which he doth belong; which account, so delivered, the said commissioner shall file with the town manor, district or precinct clerk, and the said overseer, shall pay the balance mentioned in the said account, (if any) to his successor in office, to be expended in the course of the next year; and if any of the said overseers shall refuse to pay such balance, the succeeding overseer, shall, and may sue for the same, in like manner as he might have done if such balance had been due to him in, his own right.

Official oath.

XXII. *And be it further enacted by the authority aforesaid,* That the commissioners for the highways, to be chosen by virtue of this act, shall before they execute any of the powers herein mentioned, take an oath or if of the people called Quakers an affirmation before any justice of the peace for the county in which they shall be chosen commissioners, in the words following (towit)

Form of.

I, A B. do solemnly swear, (or if of the people called Quakers affirm

and declare) that I will to the best of my knowlege, fairly and impartially execute the powers to me given and granted, by an act entitled, An act for the better laying out regulating and keeping in repair all common and public highways and private roads, in the counties of Ulster, Orange Dutchess Charlotte and Westchester, so help me God.

And whereas the monies that may arise by fines, and from persons commuting for and paying money in lieu of working, may not be sufficient for purchasing materials and other necessaries, for erecting and building bridges, and in making such other improvements on the public roads, as are absolutely necessary, and yet cannot be well accomplished in the ordinary way of working thereon.

Fines, etc., not sufficient to purchase material, etc.

XXIII. *Be it therefore enacted by the authority aforesaid*, That if the major part of the commissioners of any town manor, district or precinct, in either of the said counties, shall judge it necessary to raise a further annual sum for the purpose aforesaid, they shall in that case meet together annually and agree upon the sum necessary to be raised for that year, and shall deliver a certificate of such sum so agreed upon in writing, subscribed with their names, to the supervisor of such town, manor, district or precinct, which supervisor shall lay the same before the supervisors of the county, at their next annual meeting, for raising the contingent charges of the said county, who shall, and are hereby required to order the raising and collecting of that sum, of and from the freeholders and inhabitants of such town, manor, district or precinct, in the same manner, and after the same rate, that the contingent charges of the county are raised; which sum, as soon as the collector shall have collected the same, he shall and is hereby required to pay into the hands of the clerk of the town, manor, district or precinct, in which it was levied, to be by him paid to the overseer and overseers of the public roads or highways for the said town, manor, district or precinct, on an order or orders under the hands of the major part of the commissioners, being produced and delivered to him for that purpose. Provided always, that the annual sum so agreed upon to be raised, shall not exceed the sum of two hundred pounds for any town, manor, district or precinct, which sum or sums shall be laid out and expended in the said town, manor, district or precinct, in the same manner, and for the like purposes, that fines are directed to be applied by virtue of this act; And provided also that nothing in the clause contained shall be construed to extend to the precincts of Goshen and Cornwall in Orange county.

Commissioners to agree upon amount necessary and make certificate and deliver to supervisor, etc.

XXIV. *And be it further enacted by the authority aforesaid*, That the bridges and causways hereinafter mentioned in the precincts of Goshen and Cornwall in the county of Orange shall be made and kept in repair by a public tax on the freeholders and inhabitants in the said two precincts; and are as follows viz. One bridge and causway near the house of Zachariah Dubois, one other bridge and causway near Richard Goldsmiths, one other bridge and causway near Stephen Gilberts, one other bridge and causway near Benjamin Tustens, one other bridge and causway across Pochuck creek where the old bridge now stands, one other bridge and causway near Warwick meeting house, one other bridge and causway near Grey Court, one other bridge and causway near Curtis Colemans, one other bridge and causway, across the Murderers creek near Cornwall, one other bridge and causway, across Schonnemunck creek near Smiths mill, one other bridge and causway, over the said creek, called Coal House bridge, one other bridge and causway near the widow Tuthills, one other bridge and causway near Thorn's mill, one other bridge and causway near Daniel Denton's, one other bridge and causway near the house of

Bridges, etc., named to be kept in repair by public tax.

Jeremiah Curtis, one other bridge and causway near the house of John McClean deceased, one other bridge and causway across the Walkill at the outlet of the drowned lands, one other bridge and causway across Warwick creek near where Israel Wood's mill formerly stood, one other bridge and causway across the Trout brook: And the commissioners of the highways, for the time being, for the said precincts of Goshen and Cornwall are hereby directed and required, to cause the afore mentioned bridges and causways to be well and sufficiently made and kept in repair, and an account of the expences attending the same shall be transmitted to the supervisors of the county of Orange at their annual meetings; who are hereby required and directed to divide the whole amount of such expences between the said precincts of Goshen and Cornwall in the same proportion as the other contingent charges of the said county of Orange are usually divided between the said two precincts; and to cause the same to be levied and collected from the freeholders and inhabitants of the said two precincts, and paid to the county treasurer in like manner as the other contingent charges of the said county are raised and paid; and the said treasurer is hereby directed and required from time to time to pay the said monies to the said commissioners on a warrant or warrants from the said supervisors as is usual in other cases any thing herein contained to the contrary notwithstanding.

Laws repealed.

XXV. *And be it further enacted by the authority aforesaid,* That all laws of the legislature of the late colony of New York relative to the public highways or private roads in the counties of Ulster, Orange, Dutchess, Charlotte or Westchester shall be, and hereby are repealed.

CHAP. 32.

AN ACT, to amend an act for regulating impresses of forage and carriages and for billeting troops within this State.

PASSED the 12th of March, 1779.

Preamble. WHEREAS no effectual provision is made in the said act in cases where persons shall suffer their teams or carriages to be out of repair with intent to prevent them from being impressed in the public service.

Where tackling, etc., of impressed carriages is defective owner may be sued, etc.

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 where any of the carriages to be impressed, the tackling and necessaries thereto shall be defective through the negligence or default of the owner it shall and may be lawful for the person upon whose application the impress shall be made immediately to have the same repaired, in the best manner he can, and to sue such owner before any justice of the peace, within the town manor district or precinct wherein such owner shall reside, and if there shall be no justice of the peace in such town manor precinct or district then before the nearest justice of the peace for the amount of the expence thereof, and the said justice is hereby directed to give judgment for the said person for such sum as he shall prove to have expended to compleat the said carriage and team with costs of suit and a reasonable allowance to the said person for his trouble in procuring the same.

Proviso as to forage

And whereas it is often necessary for want of forage at the several posts, that the several persons whose teams may be impressed should

provide forage for the horses or oxen to be used with their respective teams.

for im-
pressed
teams.

Be it therefore enacted by the authority aforesaid, That it shall be lawful for the several justices of the peace in the warrants for impressing teams to require the several persons whose teams shall by virtue of such warrants be impressed, to provide forage for the horses or oxen to be used with their respective teams, for the time such teams shall be impressed, upon the like penalty as is imposed for not appearing or attending with a team when so impressed, And the several persons so providing themselves with forage shall in consideration thereof be allowed additional pay and wages for their respective teams. Provided nevertheless that if any person so to be required to provide forage, shall make it appear to the said justice, that he or she hath not sufficient spare forage for the purpose, that it shall in such case be lawful for the said justice in such case, in his discretion to remit the said penalty.

Justices of
peace may
require
owners to
provide
same.

And whereas in and by the said act the justices of the peace are not authorized to grant a warrant for impressing teams unless proof shall be previously made, that the public service requires a greater number of teams, horses and carriages, with drivers for the same, than can be supplied by the quarter master of any part of the army within this State.

Proviso as
to proof
that public
service re-
quires
greater
number.

And whereas the obtaining such proof is frequently attended with delay injurious to the public service.

Be it therefore enacted by the authority aforesaid, That it shall be lawful for the justices of the peace respectively, to dispense with such proof and in their discretion to grant warrants for impressing teams, carriages, horses and drivers, whenever upon application they shall respectively conceive the public service to require the same, any thing in the said act to the contrary notwithstanding.

Proof may
be dis-
pensed
with.

And whereas the fine of five pounds imposed by the said act, for not attending with a team when impressed hath been found inadequate.

Penalty
inadequ-
ate.

Be it therefore enacted by the authority aforesaid That the fine of five pounds imposed by the said act upon the respective owners of such teams, horses or carriages as being impressed shall not appear, or be brought to the place of rendezvous, shall be encreased to ten pounds; and the said fine of ten pounds shall be adjudged by the justice of the peace granting the warrant, by virtue of which such team, horses or carriages so not appearing or not brought was impressed, and recovered with costs by the person upon whose application such impress shall be made, in his own name, and when recovered and levied the one half thereof to be retained by the said person prosecuting for the same, for his own use, and the other half be paid to the said justice to be by him paid into the treasury of the county

Increased
to ten
pounds.

How re-
covered.

And whereas disputes have arisen with respect to the pay allowed for teams and carriages impressed in public service.

Be it therefore enacted by the authority aforesaid, That the first judges of the counties of Albany, Ulster, Dutchess, Orange and Westchester, or any three of them shall every two months ascertain and determine the pay and wages to be allowed and paid for teams carriages, horses and drivers impressed within this State, and shall cause an assize or assessment of such pay and wages to be published in one or more of the public news papers within this State, and to be delivered to the deputy quarter master in the several departments within this State, And the said judges shall meet at Poughkeepsie, in the county of Dutchess on the first Tuesdays in April, June, August, October, December and February, for the purpose of ascertaining such pay and wages as aforesaid.

First
judges to
determine
amount to
be paid for
teams, etc.

Proviso as
to expen-
ses of
Judges.

Provided that nothing herein contained shall be construed to oblige the said judges to meet for the purpose aforesaid, unless the quarter master or quarter masters within this State shall previously engage for the payment of the expence which the said judges may respectively be put to, in attending such meeting.

Time act to
continue
in force.

And be it further enacted by the authority aforesaid, That this act shall continue in force until twenty days after the next meeting of the legislature and a quorum of both houses convened and no longer.

CHAP. 33.

AN ACT for raising one thousand men for the defence of the frontiers of this State.

PASSED the 13th of March, 1779.

One thou-
sand men
to be
raised.

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 one thousand men, including officers shall be raised for the defence of the western and northern frontiers of this State and for such other military services as the person administering the government of this State for the time being shall from time to time think necessary for the safety and defence of this State to continue in service until the first day of January next unless sooner discharged and shall be allowed the like pay and rations as are allowed in the army of the United States of America.

And in order to expedite the raising of the said men

Governor
to appoint
officers,
etc.

Be it enacted by the authority aforesaid That the person administering the government of this State for the time being do by and with the advice and consent of the council of appointment appoint the officers of and arrange the said body of troops into two distinct corps of five hundred men each, officers included, each of them to have and be commanded by one lieutenant colonel, one major, five captains, five first lieutenants and five second lieutenants, and to have one surgeon one adjutant and one quarter master. That, the captains and lieutenants shall immediately on receipt of their commissions do their utmost endeavors to raise the said men.

Levies to
be raised
by draft
from the
militia.

And be it enacted by the authority aforesaid That the levies to be so raised by virtue of this act shall be raised by drafts from the militia of this State; as soon as conveniently may be after the passing of this act. That drafts for the purpose aforesaid shall be made from the militia aforesaid of such of the counties or parts thereof, as the person administering the government of this State for the time being shall direct and in such proportions and in such manner as by orders from him to the several and respective commanding officers of the several regiments or companies shall be directed; and the several commanding officers and all and every other officer or officers belonging to the several regiments and companies in any of the counties aforesaid who shall neglect or refuse to execute or obey the orders to be issued by the person administering the government of this State for the time being in this behalf shall suffer and incur such penalties pains and punishments as shall be adjudged by a court martial for that purpose to be instituted and appointed by the person administering the government of this State for the time being, to be composed of such officers belonging to the militia of this State as shall by him be nominated and appointed for that purpose.

And be it further enacted by the authority aforesaid That all such persons as were by the act for compleating the five Continental battalions raised under the direction of this State, exempted from being drafted, shall also be exempted from being drafted into the levies to be raised by virtue of this act; and that all persons so exempted (ministers of the gospel, and persons who have procured others to enlist in either of the said five battalions according to law excepted) and that all other male persons who though incapable from bodily infirmity to bear arms, may in the judgment of the assessors be able to contribute towards a bounty for the said levies shall be assessed, and the sums to be assessed upon such persons respectively shall be collected in like manner as is directed by the said act and when collected paid into the hands of the colonel or commanding officer of the regiment to be by him distributed and divided to and among the drafts to be furnished by the said regiment for the levies to be raised by virtue of this act; and that every such exempt shall be subject to be assessed in any sum not exceeding fifty dollars. Provided that if any person so exempted being capable of bearing arms, and between the ages of sixteen and sixty years who previous to his being assessed shall prefer standing his draft shall be at his option so to do and such person shall with respect to the draft to be made in pursuance of this act be deemed as belonging to the militia company, in the beat whereof such person shall reside.

Persons exempt from draft, etc.

Exempt persons named may elect to stand draft.

And be it further enacted by the authority aforesaid That the person administering the government of this State for the time being shall be and he is hereby authorized and empowered to order and direct the erecting of small forts or posts of security at such places on the said frontiers as he shall think proper.

Forts to be erected.

And be it further enacted by the authority aforesaid That if any soldier or non commissioned officer shall refuse to march after being drafted and notified of the same by writing subscribed by his commanding officer and left at his usual place of abode he shall be deemed and considered as a deserter and treated in the same manner as if belonging to any regiment or company of either of the five Continental regiments raised under the direction of this State; and that the levies to be raised by virtue of this act shall from the time they shall be enlisted or drafted be subject in all respects to the rules and regulations contained in the articles of war made by the congress of the United States of America for regulating the army of the said States.

Persons drafted and refusing to march deemed deserters.

And be it further enacted by the authority aforesaid That every man to be voluntarily inlisted or drafted into either of the said corps shall be provided with a good musket or firelock, cartouch box or pouch capable of containing not less than seventeen charges of ammunition a napsack or haversack and a good blanket on pain of being dealt with by a court martial in such way as he ought to be dealt with by a court martial in case the said articles had been provided for him at the public expence and he had divested himself of them severally and respectively by his own will or neglect.

Accoutrements.

And be it further enacted by the authority aforesaid That it shall be lawful for the person administering the government of this State for the time being, in case of a requisition to this State, before the tenth day of April next to compleat the five Continental battalions raised under the direction thereof to draft all or any number of the privates in the levies to be raised in pursuance of this act, into the said five battalions, and such number to each battalion as he shall think proper to serve until the first day of January next; and in such case to reduce and dismiss a proportional number of the officers in the said levies.

Governor authorized to make draft.

district or precinct, where the offender shall reside; and the said forfeitures, to be paid to the said overseer, and to be by him well and faithfully laid out within his district, for and towards repairing the public roads, and bridges within the same.

Allowance for costs or wagons.

VII. *And be it further enacted by the authority aforesaid,* That if the overseers of the highways and roads shall think fit, and have occasion for any team, cart or waggon, and a man to manage the same, the said team cart or waggon and man to manage the same, shall be esteemed to be for, in lieu, and in stead of three days work of one man, and the fine to be proportionable, that is to say, treble to the fine to be imposed for the neglect of one person; and every working man shall be obliged to bring such tools as spades, hoes, axes crow bars, pick axes or other utensils, as shall be directed by the overseer of the highway in the respective districts.

Trees in highway may be taken to repair same.

VIII. *And be it further enacted by the authority aforesaid,* That all trees standing or laying on or in any land, through which any common public highway or road, is or shall be laid out, shall be for the proper use of the owner or owners of such land, so as the overseer or overseers of the highways, shall be authorized to take and use so much timber, standing or laying on such road, as may be necessary to repair the highway, or bridges leading through such land.

Owners to remove trees falling into highway.

IX. *And be it further enacted by the authority aforesaid,* That if any tree shall fall out of any inclosed lands, into or across any of the public highways, that the owner of such inclosure, shall within twelve hours after the same be so fallen, remove the same, or be liable to a fine of eight shillings for neglect of every day in the non removal thereof, after notice given by any person or persons whatsoever, to be recovered, and applied in the same manner, as the other fines and forfeitures, are before directed to be recovered and applied by this act.

Appointments to be made in case named.

X. *And be it further enacted by the authority aforesaid,* That in case it should not be necessary in any one or more of the said districts, to have all the days wrought by the inhabitants that this act requires, that then the commissioners shall direct the overseers, to let the several persons work in their just proportion, to the days such persons are respectively rated at, and no more, or to pay an equivalent, at the rate of sixteen shillings per day.

Highways laid out to be entered in writing and recorded.

XI. *And be it further enacted by the authority aforesaid,* That the commissioners of the respective towns manors, districts or precincts, or the major part of them, shall from time to time, during the continuance of this act, enter in writing all the highways, so by them laid out or altered and sign and file the same with the clerks of the respective counties, who are hereby directed and required to record the same, and whatsoever the said commissioners shall do in laying out, altering or otherwise regulating highways, according to the power given them in this act, they shall also cause to be entered of record, with the clerks of the respective towns manors districts or precincts.

Proceeding to lay out private road.

XII. *And be it further enacted by the authority aforesaid,* That upon application to the commissioners of any town manor, district or precinct, for a private road, the commissioners for the town manor district or precinct where such private road is desired to be laid out, shall view the same, and if they are of opinion that such road is absolutely necessary, and twelve principal freeholders under oath, shall be of the same opinion, the said commissioners are hereby impowered to lay out such road, observing the same steps in ascertaining what shall be paid for the land, as before directed to be taken in laying out public roads; and the value of the land over which such road shall be laid, and all the

expences and charges attending the laying out and valuing the same, shall be paid by the person or persons applying for the same, and the said road when so laid out, shall be for the only use of the person or persons who shall pay for the same, his and their heirs and assigns, but not to be converted to any other use or purpose, than that of a road. Provided always, that the owner or owners of the land through which such private road may be laid, shall not be prevented from making use of such road, if he shall signify his intention of making use of the same, at the time when the jury are to ascertain the value of the land, and the damages, by means of laying out such road.

And whereas there are many creeks or rivers which run through several townships and precincts in the county of Ulster, which the common public highways are laid through or across.

XIII *Be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of such town or precinct where any such creek or river runs through, which might be forded, shall be obliged to fill up and level the ford or fords, and shall keep the said ford or fords in repair, as well as any other part of the highways, in any of the towns manors, districts or precincts. Fords to be kept in repair.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, to hang good easy swinging gates in the said counties, on such high roads and private ways, as the commissioners or the major part of them shall deem proper, such person or persons keeping the same in good and sufficient repair, at their own costs and charges. Gates in highways.

XV. *And be it further enacted by the authority aforesaid,* That in case any person or persons shall stake or shore open any gate or gates, that shall be allowed in the said counties by the commissioners, or wilfully and unnecessarily ride over or through any lands, meadow grounds or cornfields to the damage of the owners thereof, such person or persons shall for every such offence forfeit the sum of forty shillings, to be adjudged by any one of the commissioners for the town manor, district or precinct where such offence shall be committed, and be levied by and applied in like manner, as the forfeitures mentioned in the third clause of this act. Provided that such penalty shall not be deemed a satisfaction for such damage but the owner or owners of such meadow grounds or cornfields shall be entitled to a right of action for the recovery of damages, the payment of such penalty notwithstanding. Penalty for staking open gates, etc.

XVI. *And be it further enacted by the authority aforesaid,* That every person compellable to work on the highways in either of the said counties, shall actually work for each day he is obliged to work, eight hours, and shall be liable to pay a fine of three shillings for every hour such person shall be in default, to be recovered and applied in like manner, as the forfeitures mentioned in the eighth clause of this act. Eight hours a day's work. Penalty for not working.

XVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person compellable to work on the public roads or highways as aforesaid, to commute for and pay money, at the rate of two dollars per day, instead of working, which money shall be paid to the overseer of the highway of the district, in which the person or persons paying the same do reside, to be by the said overseer applied, and expended in the improvement of the said roads and highways, in such district, and towards purchasing materials and other necessaries for, and in erecting and building the most public and useful bridges, in the same district. Commutation rate.

XVIII. *And be it further enacted by the authority aforesaid,* That the commissioners for the time being, of the respective towns manors, dis- Road districts.

tricts and precincts, or the major part of them, shall, if needful, at least ten days before their next annual town manor, district or precinct meeting, and so annually if they shall judge the same necessary, by writing under their hands to be lodged with the town manor district or precinct clerk, and by him to be entered in the town manor district or precinct book, divide their respective towns and precincts, into as many road districts, as they shall judge most convenient, and for which of each districts, there shall annually be elected and chosen by the freeholders and inhabitants of such towns, manors, districts or precincts, in the said counties respectively, an overseer of the highways.

Penalty in case overseer refuses to perform duties of his office.

XIX. *And be it further enacted by the authority aforesaid,* That every overseer of the highways, who shall neglect or refuse to do or perform any of the duties and services required of him by this act, shall forfeit and pay the sum of three pounds for every such neglect or refusal, to be adjudged and levied and applied, in like manner as the forfeiture mentioned in the third clause of this act; and if an overseer shall happen to die, or shall neglect or refuse to serve in his office, in either such case, the commissioners of the said town manor, district or precinct respectively, or the major part of them, shall and are hereby empowered, to appoint some other fit person in the room and stead of such overseer so dying, refusing, or neglecting to serve, who shall have the same powers, and be subject to the same fines, forfeitures and penalties, as overseers chosen by virtue of this act, have or are liable and subject to.

Commissioner or justice of peace may order work done.

XX. *And be it further enacted by the authority aforesaid,* That any one justice of the peace for either of the said counties, or any one commissioner for the time being, may at any time or times, order any overseer to work upon, and repair any road or highway, that such justice or commissioner shall think necessary, within the district of such overseer; and such overseer shall within eight days thereafter, work and set to work, the persons of his district who are obliged to work on highways, upon that part of the road and highway, which he shall be so ordered to work upon and repair.

Account in writing to be kept by overseer and delivered to commissioner, etc.

XXI. *And be it further enacted by the authority aforesaid,* That the overseer of each district shall keep a just and true account in writing, wherein he shall distinctly set down or mention all such persons as have commuted for and paid in lieu of working as aforesaid, and such as have been fined, and the sums in which they were so respectively fined, and also those who shall have actually worked on the public roads or highways, with the number of days they have so worked, which said account, together with the said list, the said overseer shall on or before the determination of his office, deliver to one of the commissioners of the town manor, district or precinct to which he doth belong; which account, so delivered, the said commissioner shall file with the town manor, district or precinct clerk, and the said overseer, shall pay the balance mentioned in the said account, (if any) to his successor in office, to be expended in the course of the next year; and if any of the said overseers shall refuse to pay such balance, the succeeding overseer, shall, and may sue for the same, in like manner as he might have done if such balance had been due to him in, his own right.

Official oath.

XXII. *And be it further enacted by the authority aforesaid,* That the commissioners for the highways, to be chosen by virtue of this act, shall before they execute any of the powers herein mentioned, take an oath or if of the people called Quakers an affirmation before any justice of the peace for the county in which they shall be chosen commissioners, in the words following (towit)

Form of.

I, A B. do solemnly swear, (or if of the people called Quakers affirm

and declare) that I will to the best of my knowlege, fairly and impartially execute the powers to me given and granted, by an act entitled, An act for the better laying out regulating and keeping in repair all common and public highways and private roads, in the counties of Ulster, Orange Dutchess Charlotte and Westchester, so help me God.

And whereas the monies that may arise by fines, and from persons commuting for and paying money in lieu of working, may not be sufficient for purchasing materials and other necessaries, for erecting and building bridges, and in making such other improvements on the public roads, as are absolutely necessary, and yet cannot be well accomplished in the ordinary way of working thereon.

XXIII. *Be it therefore enacted by the authority aforesaid*, That if the major part of the commissioners of any town manor, district or precinct, in either of the said counties, shall judge it necessary to raise a further annual sum for the purpose aforesaid, they shall in that case meet together annually and agree upon the sum necessary to be raised for that year, and shall deliver a certificate of such sum so agreed upon in writing, subscribed with their names, to the supervisor of such town, manor, district or precinct, which supervisor shall lay the same before the supervisors of the county, at their next annual meeting, for raising the contingent charges of the said county, who shall, and are hereby required to order the raising and collecting of that sum, of and from the freeholders and inhabitants of such town, manor, district or precinct, in the same manner, and after the same rate, that the contingent charges of the county are raised; which sum, as soon as the collector shall have collected the same, he shall and is hereby required to pay into the hands of the clerk of the town, manor, district or precinct, in which it was levied, to be by him paid to the overseer and overseers of the public roads or highways for the said town, manor, district or precinct, on an order or orders under the hands of the major part of the commissioners, being produced and delivered to him for that purpose. Provided always, that the annual sum so agreed upon to be raised, shall not exceed the sum of two hundred pounds for any town, manor, district or precinct, which sum or sums shall be laid out and expended in the said town, manor, district or precinct, in the same manner, and for the like purposes, that fines are directed to be applied by virtue of this act; And provided also that nothing in the clause contained shall be construed to extend to the precincts of Goshen and Cornwall in Orange county.

XXIV. *And be it further enacted by the authority aforesaid*, That the bridges and causways hereinafter mentioned in the precincts of Goshen and Cornwall in the county of Orange shall be made and kept in repair by a public tax on the freeholders and inhabitants in the said two precincts; and are as follows viz. One bridge and causway near the house of Zachariah Dubois, one other bridge and causway near Richard Goldsmiths, one other bridge and causway near Stephen Gilberts, one other bridge and causway near Benjamin Tustens, one other bridge and causway across Pochuck creek where the old bridge now stands, one other bridge and causway near Warwick meeting house, one other bridge and causway near Grey Court, one other bridge and causway near Curtis Colemans, one other bridge and causway, across the Murderers creek near Cornwall, one other bridge and causway, across Schonnemunck creek near Smiths mill, one other bridge and causway, over the said creek, called Coal House bridge, one other bridge and causway near the widow Tuthills, one other bridge and causway near Thorn's mill, one other bridge and causway near Daniel Denton's, one other bridge and causway near the house of

Fines, etc., not sufficient to purchase material, etc.

Commissioners to agree upon amount necessary and make certificate and deliver to supervisor, etc.

Bridges, etc., named to be kept in repair by public tax.

Proviso as
to expen-
ses of
judges.

Provided that nothing herein contained shall be construed to oblige the said judges to meet for the purpose aforesaid, unless the quarter master or quarter masters within this State shall previously engage for the payment of the expence which the said judges may respectively be put to, in attending such meeting.

Time act to
continue
in force.

And be it further enacted by the authority aforesaid, That this act shall continue in force until twenty days after the next meeting of the legislature and a quorum of both houses convened and no longer.

CHAP. 33.

AN ACT for raising one thousand men for the defence of the frontiers of this State.

PASSED the 13th of March, 1779.

One thou-
sand men
to be
raised.

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 one thousand men, including officers shall be raised for the defence of the western and northern frontiers of this State and for such other military services as the person administering the government of this State for the time being shall from time to time think necessary for the safety and defence of this State to continue in service until the first day of January next unless sooner discharged and shall be allowed the like pay and rations as are allowed in the army of the United States of America.

And in order to expedite the raising of the said men

Governor
to appoint
officers,
etc.

Be it enacted by the authority aforesaid That the person administering the government of this State for the time being do by and with the advice and consent of the council of appointment appoint the officers of and arrange the said body of troops into two distinct corps of five hundred men each, officers included, each of them to have and be commanded by one lieutenant colonel, one major, five captains, five first lieutenants and five second lieutenants, and to have one surgeon one adjutant and one quarter master. That, the captains and lieutenants shall immediately on receipt of their commissions do their utmost endeavors to raise the said men.

Levies to
be raised
by draft
from the
militia.

And be it enacted by the authority aforesaid That the levies to be so raised by virtue of this act shall be raised by drafts from the militia of this State; as soon as conveniently may be after the passing of this act. That drafts for the purpose aforesaid shall be made from the militia aforesaid of such of the counties or parts thereof, as the person administering the government of this State for the time being shall direct and in such proportions and in such manner as by orders from him to the several and respective commanding officers of the several regiments or companies shall be directed; and the several commanding officers and all and every other officer or officers belonging to the several regiments and companies in any of the counties aforesaid who shall neglect or refuse to execute or obey the orders to be issued by the person administering the government of this State for the time being in this behalf shall suffer and incur such penalties pains and punishments as shall be adjudged by a court martial for that purpose to be instituted and appointed by the person administering the government of this State for the time being, to be composed of such officers belonging to the militia of this State as shall by him be nominated and appointed for that purpose.

And be it further enacted by the authority aforesaid That all such persons as were by the act for compleating the five Continental battalions raised under the direction of this State, exempted from being drafted, shall also be exempted from being drafted into the levies to be raised by virtue of this act; and that all persons so exempted (ministers of the gospel, and persons who have procured others to enlist in either of the said five battalions according to law excepted) and that all other male persons who though incapable from bodily infirmity to bear arms, may in the judgment of the assessors be able to contribute towards a bounty for the said levies shall be assessed, and the sums to be assessed upon such persons respectively shall be collected in like manner as is directed by the said act and when collected paid into the hands of the colonel or commanding officer of the regiment to be by him distributed and divided to and among the drafts to be furnished by the said regiment for the levies to be raised by virtue of this act; and that every such exempt shall be subject to be assessed in any sum not exceeding fifty dollars. Provided that if any person so exempted being capable of bearing arms, and between the ages of sixteen and sixty years who previous to his being assessed shall prefer standing his draft shall be at his option so to do and such person shall with respect to the draft to be made in pursuance of this act be deemed as belonging to the militia company, in the beat whereof such person shall reside.

Persons exempt from draft, etc.

Exempt persons named may elect to stand draft.

And be it further enacted by the authority aforesaid That the person administering the government of this State for the time being shall be and he is hereby authorized and empowered to order and direct the erecting of small forts or posts of security at such places on the said frontiers as he shall think proper.

Forts to be erected.

And be it further enacted by the authority aforesaid That if any soldier or non commissioned officer shall refuse to march after being drafted and notified of the same by writing subscribed by his commanding officer and left at his usual place of abode he shall be deemed and considered as a deserter and treated in the same manner as if belonging to any regiment or company of either of the five Continental regiments raised under the direction of this State; and that the levies to be raised by virtue of this act shall from the time they shall be enlisted or drafted be subject in all respects to the rules and regulations contained in the articles of war made by the congress of the United States of America for regulating the army of the said States.

Persons drafted and refusing to march deemed deserters.

And be it further enacted by the authority aforesaid That every man to be voluntarily inlisted or drafted into either of the said corps shall be provided with a good musket or firelock, cartouch box or pouch capable of containing not less than seventeen charges of ammunition a napsack or haversack and a good blanket on pain of being dealt with by a court martial in such way as he ought to be dealt with by a court martial in case the said articles had been provided for him at the public expence and he had divested himself of them severally and respectively by his own will or neglect.

Accoutrements.

And be it further enacted by the authority aforesaid That it shall be lawful for the person administering the government of this State for the time being, in case of a requisition to this State, before the tenth day of April next to compleat the five Continental battalions raised under the direction thereof to draft all or any number of the privates in the levies to be raised in pursuance of this act, into the said five battalions, and such number to each battalion as he shall think proper to serve until the first day of January next; and in such case to reduce and dismiss a proportional number of the officers in the said levies.

Governor authorized to make draft.

CHAP. 34.

AN ACT for the payment of the salaries of the several officers of government, and for other purposes therein mentioned.

PASSED the 13th of March, 1779.

Payments from State treasury authorized.

Be it enacted by the People of the State of New York, represented in the Senate and Assembly, and it is hereby enacted by the authority of the same, That there shall be allowed and paid to the several officers and persons herein after named the several salaries and sums of money herein after specified, and the treasurer of this State, is hereby authorized and required, out of the monies which now are, or hereafter may be, in the treasury, to pay the said salaries and sums, to the said several officers and persons accordingly, That is to say.

To the governor.

To his excellency the governor or the person administering the government of this State for the time being, for administering the government from the fifth day of July last, to the first Monday in July next, at and after the rate of two thousand pounds per annum.

To his said excellency the governor, or person administering the government of this State for the time being, in consideration of the present advanced price of provisions, and the other necessaries of life, at and after the rate of the further sum of one thousand pounds, per annum, from and to the time aforesaid.

Ibid.

To his said excellency the governor the further sum of one thousand two hundred and four pounds, ten shillings and six pence, (including sixteen pounds advanced by him in specie for the purpose of making the great and privy seals of this State) in discharge of the balance due on his account against this State for contingencies, from the first day of August one thousand seven hundred and seventy seven, to the first day of March one thousand seven hundred and seventy nine both days included.

To the person administering the government of this State for the time being, such sum or sums as he may from time to time think necessary, (in the whole, not to exceed the sum of twenty thousand pounds) for paying, subsisting and defraying, the contingent expences of such of the militia, or other troops as he hath, or may call into service, for the defence of this State.

Ibid.

To the person administering the government of this State for the time being, for the expence of expresses and messengers, and other incidental charges, which may arise in or about the administering the government, such sum or sums of money as he shall from time to time require, in the whole not exceeding the sum of one thousand pounds.

To the excellency the governor the sum of three thousand pounds to be applied as he shall direct, in supplying with provisions such of the inhabitants of the western frontiers of this State, whose possessions have been laid waste, and desolated by the enemy, and who by reason thereof may be unable to support themselves.

Delegates in congress.

To the honorable the delegates from this State in the congress of the United States of America, each the sum of twelve dollars per day, for each and every day they shall respectively attend, from the third day of October last, to the first Monday in July next, in congress, or in a committee of congress, and including a reasonable number of days for travelling from their respective places of abode to congress, and for returning, agreeable to such accounts thereof, as they shall respectively produce, audited by the auditor general of this State.

To the Honorable Robert R. Livingston Esquire chancellor of this State, for his services in that station, from the fifth day of July last, to the first Monday in July next, at and after the rate of four hundred pounds per annum. Chancellor.

To the Honorable John Jay Esquire chief justice of this State for his services in that station, from and to the time last aforesaid, at and after the rate of four hundred pounds per annum. Chief Justice.

To the Honorable Robert Yates Esquire, one of the puisne justices of the supreme court of this State, for his services in that station, from and to the time last aforesaid, at and after the rate of three hundred pounds per annum Puisne Justices.

To the Honorable John Sloss Hobart Esquire, one other of the puisne justices of the supreme court of this State, for his services in that station, from and to the time last aforesaid, at and after the rate of three hundred pounds per annum.

To the said John Jay, Robert Yates and John Sloss Hobart Esquires, exclusive of the above salaries, for each and every day they shall attend respectively from and to the time last aforesaid, on the execution of commissions of oyer and terminer and general gaol delivery in the several counties, and be travelling for that purpose, each the sum of ten dollars, agreeable to such accounts thereof, as they shall produce, audited by the auditor general of this State.

To the several members of the senate and assembly, for each and every day they shall severally from and to the time last aforesaid, attend in senate or assembly, each the sum of thirty two shillings, and for each and every day they shall be severally travelling from their respective places of abode, to the place of the meeting of the legislature, and returning each the sum of forty shillings, agreeable to such accounts thereof, as they shall severally produce, certified by the president of the senate, or speaker of the assembly, as the case may be, the account of the president of the senate, to be certified by the clerk of the senate, and the account of the speaker of the assembly, to be certified by the clerk of the assembly. Senators and members of assembly.

To John Morin Scott Esquire, secretary of this State, for attending the sessions of the legislature, for the purpose of receiving laws, and for recording the same, and for his services as clerk to the council of appointment, from and to the time last aforesaid, at and after the rate of sixty pounds per annum. Secretary of State.

To the said John Morin Scott in consideration of the present extraordinary expence in attending upon the legislature and council of appointment, and for his extraordinary services in, copying the laws for the press, superintending the printing of the laws, making out such civil commissions for which no fees are allowed, and recording such commissions, and for other extraordinary services and expences in the execution of his office, from and to the time last aforesaid, at and after the rate of the further sum of two hundred and forty pounds per annum.

To Comfort Sands Esquire, auditor general of this State, for his services in that station, to and from the time last aforesaid, at and after the rate of three hundred pounds per annum. Auditor general.

To the said Comfort Sands for his extraordinary services during the time aforesaid at and after the rate of two hundred pounds per annum. Aids-de-camp.

To Stephen Lush Esquire, one of the aids de camp to his excellency the governor, the amount of Continental pay and rations as a lieutenant colonel, from the time of his appointment, until the first Monday in July next, agreeable to such account thereof as he shall produce, audited by the auditor general of this State.

To the said Stephen Lush for public services prior to the sixth day of October one thousand seven hundred and seventy seven, the farther sum of sixty seven pounds nine shillings and four pence.

To Robért Benson Esquire, the other aid de camp to his excellency the governor, the amount of Continental pay and rations as a lieutenant colonel, from the time of his appointment until the first Monday in July next, (and exclusive of the time he shall be employed as clerk to the senate) agreeable to such account thereof as he shall produce, audited by the auditor general of this State.

Clerk of
the senate.

To Robert Benson Esquire, clerk of the senate, for his services in that station from and to the time aforesaid, two pounds eight shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate.

To the said Robert Benson, for sundry sums advanced by him for the use of the senate, the amount of such account thereof as he shall produce, certified by the president of the senate.

Clerk of
assembly.

To John McKesson Esquire, clerk of the assembly, for his services in that station from and to the time aforesaid, two pounds eight shillings per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

To the said John McKesson, for sundry sums by him advanced for the use of the assembly, the amount of such account thereof as he shall produce, certified by the speaker of the assembly.

Door-
keeper of
senate.

To Victor Bicker, doorkeeper to the senate, for his services in that station, during the present meeting of the legislature, forty shillings per day, agreeable to such account as he shall produce thereof, certified by the president of the senate.

Ibid. of as-
sembly.

To Daniel Lawrence doorkeeper to the assembly for his services in that station, forty shillings per day, agreeable to such account as he shall produce thereof, certified by the speaker of the assembly.

Printing
for senate
and assem-
bly.

To Zephaniah Platt and Robert Harpur Esquires, respectively appointed by the senate and assembly, to superintend the printing of the laws, and the journals of both houses of the legislature, the sum of six hundred and eighty three pounds four shillings and four pence, for the like sum by them advanced and paid for paper for printing the said laws and journals, and other uses of the legislature.

Military
officers.

To each of the colonels, lieutenant colonels, majors, captains, lieutenants, ensigns, surgeons and surgeons mates, serving in the five Continental battalions raised under the direction of this State, according to the late arrangement and establishment of the army, And to the Reverend John Gano, serving as chaplain to the said battalions, each the sum of one hundred and fifty pounds, as a gratuity to provide themselves with clothing; And the further gratuity of thirty pounds each in lieu of the necessaries heretofore provided for them by this State. Provided nevertheless, that in as much as the legislature is not sufficiently informed of the condition of the officers in captivity, with respect to clothing and subsistence, that the above gratuities shall not be extended to any officer now a prisoner with the enemy.

Non-com-
missioned
officers and
privates.

To each of the non commissioned officers and privates serving in the said battalions, the sum of five pounds, as a gratuity in lieu of such necessaries as aforesaid.

For pur-
chase of
clothing.

To Peter T. Curtenius Esquire, commissary to purchase clothing for this State, the sum of fifteen thousand pounds, to be expended in purchasing clothing for the said battalions.

To John Henry director of the clothing store of this State, beyond the sum of ten shillings per day heretofore allowed to him, the further sum of

two hundred pounds, as a gratuity for his services, and also the further sum of fourteen pounds nineteen shilling and five pence, incidental charges, which have accrued in removing the said store. And in as much as it appears to the legislature, that it is unnecessary to employ a person to have the direction of the clothing of this State, besides the commissary to purchase clothing, the said John Henry is hereby discharged from his said office, and is hereby authorized and required to deliver over such clothing belonging to this State as he may have in his possession, to the said Peter T. Curtenius, who is hereby authorized and required to receive and issue the same, agreeable to the order of the person administering the government of this State for the time being.

To Jesse Brush for the expenses of guards and horses in conveying the late Claudius Smith from Norwalk in the State of Connecticut to Poughkeepsie the sum of eighty pounds. Expenses of guards and horses

To Sir James Jay for sundry expenses in the prosecution of the business of a committee appointed by the senate for enquiring into the infractions of the law for preventing the exportation of flour meal and grain out of this State the sum of forty pounds. Expenses of senate committee.

To Zephaniah Platt Esquire the sum of twelve pounds for the like sum by him advanced for gun-powder for the use of this State. For gun-powder.

To Andrew Billings, in discharge of the ballance of his account for making public seals, and other matters for the use of this State, the sum of eighty two pounds two shillings and ten pence. Public seals.

To Philip Jacobs, for his moiety of the hire of the sloop Cambden, while in the service of this State, the sum of seventy pounds. Hire of sloop.

To John Rowan Esquire, the sum of two hundred and forty six pounds sixteen shillings to defray the expenses of the several persons who attended as witnesses before the honorable the senate, against John Williams. Expenses of witnesses.

To Samuel Dodge Esquire, hereby appointed commissioner to have the care and superintendence of such poor as were removed from the city of New York to the county of Dutchess, the sum of one thousand pounds, for the support of the said poor; And the said Samuel Dodge is hereby authorized and required, to receive from Dirck Brinckerhoff Junior, who hath declined to have the farther care and superintendence of the said poor, such provisions as he may have on hand, purchased for the use of the said poor. And the auditor general of this State is hereby authorized and required to audit and allow the account of the said Dirck Brinckerhoff, for such sum as he may by proper vouchers appear to have expended, (including the monies advanced by him for such provisions as last aforesaid) for the use of the said poor, notwithstanding such sum may exceed the amount of the sums heretofore granted by the legislature for the purpose. Commissioners of poor, etc.

To Zebediah Mills Esquire, commissioner appointed to have the care and superintendence of such poor as were removed from the city of New York to the county of Westchester, the sum of eight hundred pounds, for the support of the said poor.

To Abraham Bevier, commissioner appointed to have the care and superintendence of such poor as were removed from the city of New York to the county of Ulster, the sum of three hundred pounds, for the support of the said poor.

To Nathaniel Hammill one of the suffering inhabitants of Cherry Valley the sum of fifty pounds as a gratuity. Inhabitants of Cherry Valley.

And be it further enacted by the authority aforesaid, That Gerard Bancker Esquire, treasurer of this State, shall be, and he is hereby authorized, out of such monies as now are, or hereafter shall be in the treasury Salary of State treasurer.

of this State, to retain in his hands as a salary for his services in that station, from the fifth day of July last, until the first Monday in July next, at and after the rate of three hundred pounds per annum. And also for his extraordinary services, during the time aforesaid at and after the rate of three hundred pounds per annum.

Parts of
act named
repealed.

And be it further enacted by the authority aforesaid, That such parts of the act for procuring a further supply of clothing for the said five battalions raised under the direction of this State, passed the thirtieth day of October last, as direct the said Peter T. Curtenius, to procure clothing for the commissioned officers of the said battalions, shall be, and hereby are repealed.

Returns of
troops to
be made.

And be it further enacted by the authority aforesaid, That the colonels or commanding officers of the said five battalions, shall as soon as conveniently may be, make returns to the person administering the government of this State for the time being, of the commissioned officers, surgeons and surgeons mates, in their respective battalions, actually serving agreeable to the late arrangement and establishment of the army, and not prisoners with the enemy, and of the non commissioned officers and privates in their respective battalions, which returns being examined and approved by the said person administering the government, shall be by him certified and transmitted to the treasurer of this State, who shall thereupon pay to the several commissioned officers, surgeons and surgeons mates named in such returns, or their respective orders, the several gratuities of one hundred and fifty pounds, and thirty pounds, herein before mentioned; And to the colonel or commanding officer of each battalion, or his order, the amount of the gratuity of five pounds, herein before mentioned for each non commissioned officer and private, named in such return to be by such colonel, or commanding officer, paid to the several non-commissioned officers and privates, in the battalion under his command. And if any non-commissioned officer or private shall die, desert or be dismissed from the service, before he shall have received his gratuity, the gratuity intended for such person so dying, deserting or dismissed, shall be by the said colonel or commanding officer, repaid into the treasury of this State.

Payments
to be made
to same.

Amount of
supplies to
be fur-
nished by
justices
limited.

And be it further enacted by the authority aforesaid, That the justices of the peace in the several cities, boroughs, towns, manors, districts or precincts, shall not supply the families of any person serving in the said battalions with necessaries, after the passing of this act, and until the legislature shall make further provision, beyond the amount of thirty pounds, (exclusive of the prices such families may pay for the necessaries with which they shall be respectively supplied) to each family.

And whereas in certain instances, the justices of the peace, conceiving the families of the commissioned officers, surgeons and surgeons mates, to have been by law entitled to the same, have supplied such families with necessaries.

Accrued
accounts
to be au-
dited and
allowed.

Be it therefore, further enacted by the authority aforesaid, That the auditor general of this State, shall audit and allow the accounts which have accrued or shall accrue for necessaries furnished to the families of commissioned officers, surgeons and surgeons mates, in like manner as if such families had been expressly included with the families of the non-commissioned officers and privates, in the "Act for supplying the families of the persons belonging to the five battalions of Continental troops raised under the direction of this State, and who have engaged in the same for three years or during the war with the necessaries of life at moderate prices," passed the thirtieth day of June last.

And be it further enacted by the authority aforesaid, That the said Samuel Dodge, Abraham Bevier and Zebediah Mills Esquires, shall be severally allowed for their respective services in having the care and superintendance of the several poor herein before mentioned, the sum of thirty two shillings per day, for each day they shall respectively be actually employed in the said business, from and after the passing of this act.

Compensation for superintendance of poor.

L A W S

OF THE

STATE OF NEW YORK

PASSED IN THE

THIRD SESSION OF THE SENATE AND ASSEMBLY OF THE SAID
STATE, BEGINNING THE NINTH DAY OF AUGUST, 1779, AND
CONTINUED BY ADJOURNMENTS.

CHAP. 1.

AN ACT for procuring an immediate supply of flour and peas
for the use of the army.

PASSED the 4th of September, 1779.

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 the price of all flour meal or wheat to be hereafter taken and seized in pursuance of An act entitled, "An act more effectually to provide supplies of flour meal and wheat for the army," passed the thirty first day of October last, shall be increased to sixteen dollars per bushel for wheat, sixteen pounds per hundred for flour, and in a like proportion for meal. And the said act shall be and is hereby extended to peas and that all peas which at any time before the first day of October next may have been purchased with intent to be sold again, bartered exchanged or exported, shall accordingly be in like manner subject to seizure as flour meal and wheat is subjected to seizure by the several sections of the said act, except the eighth section; and that all peas which shall after the first day of October next be purchased with such intent to be sold again, bartered, or exchanged shall be subject to seizure in like manner as flour meal and wheat is subjected to seizure by the said eighth section of the said act; and the price of peas to be seized in pursuance of this act is hereby fixed at fifteen dollars per bushel.

Price of
flour, etc.
estab-
lished.

Act named
extended
to peas.

And be it further enacted by the authority aforesaid, That the act entitled "An act for procuring an immediate supply of flour for the army," passed the fifth day of March last, shall be, and is hereby continued until fourteen days after the next meeting of the legislature, and

Act named
continued.

extended to all the wheat of every crop preceeding the last ; and that the several persons appointed or to be appointed in pursuance thereof, shall by virtue of this act, and without any other or farther authority, take and seize all such wheat for the use of the army, paying for the same the price above mentioned and allowed.

Supervisors to convene assessors; assessors to determine quantity of wheat, etc.

And be it further enacted by the authority aforesaid, That the several supervisors, shall forthwith after the passing of this act, convene the assessors of the respective towns, manors, districts or precincts; that the assessors being so convened shall without delay assess and determine the quantity of wheat and peas to be furnished by the several inhabitants for the present support of the army, to be computed as near as may be at an eighth of the wheat or peas supposed to be in their possession respectively beyond what may be deemed necessary for the use of their respective families until the first day of September next :— That the assessors shall as soon as they shall have made such assessment deliver a copy thereof to the commissary general of purchases, or to one of his deputies, assistants or agents:—That the said commissary general, or one of his deputies, assistants or agents, shall thereupon notify the several inhabitants of the quantity of wheat or peas they shall be so respectively assessed to furnish, and of the place, not exceeding twelve miles from their respective habitations, where the same is to be delivered. That the said inhabitants shall respectively deliver one moiety of such quantity within eight days, and the other moiety thereof within twenty days after such notification, and shall upon the delivery be paid and allowed for the same, by the commissary general, his deputies, assistants or agents, the price herein before mentioned, and the current price for transportation.

Proceedings in case person assessed refuses to deliver wheat, etc.

And be it further enacted by the authority aforesaid, That if any person being so assessed and notified as aforesaid, shall neglect or refuse to deliver the quantity of wheat or peas which he or she shall be assessed to furnish, in the manner and within the time above limited, it shall and may be lawful for a justice of the peace of the county, and he is hereby required upon the application of the said commissary general, or one of his deputies, assistants or agents, to enquire in a summary way, into such neglect or refusal, and if upon such enquiry it shall appear to him that such neglect or refusal was wilful, he shall in such case, issue his warrant, to any person or persons, who will voluntarily execute the same, and to be approved of by the said justice, authorizing the said person or persons to take and seize of and from the person so neglecting or refusing, the whole quantity of wheat or peas, which he or she shall have been assessed to furnish; and the said person or persons shall, by virtue of such warrant, be authorized to make such seizure, and to break and enter into the barn or other place where such wheat or peas may be deposited, and to use such barn or other place, together with the flails or other implements therein, for threshing and cleaning the wheat or peas so to be seized, and shall transport the said wheat or peas to the place where the same shall have been notified to be delivered — That the said person or persons shall retain out of the monies which he or they shall receive for the said wheat or peas, the expence of threshing, cleaning and transporting the same — And also such further sum, as shall by the justice granting the warrant, be deemed an adequate compensation for the service and execution of the said warrant, not exceeding the rate of four shillings for each bushel of wheat or peas, seized by virtue of such warrant, and delivered at the place of delivery; and the residue of the said monies shall be paid into the hands of the said justice, and by him paid over to the overseer of

the poor, for the use of the poor of the town, manor, district or precinct where the offence shall arise.

Provided nevertheless that such enquiry shall not be had, unless the person charged with such neglect or refusal, shall be previously summoned to answer to such charge, and due proof made of the service of such summons. Proviso as to person being previously summoned.

And provided further that such summons shall not be granted, unless due proof shall be previously made, that the person against whom such summons is required, was duly notified of the assessment.

CHAP. 2.

AN ACT for the appointment of a State clothier for this State.

PASSED the 23d of September, 1779.

In compliance with a recommendation contained in an ordinance of congress for regulating the clothing department for the armies of the United States, passed the twenty third day of March, last.

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 the person administering the government of this State for the time being shall by and with the advice and consent of the council of appointment, appoint and commission under the seal for military commissions, a State clothier for this State— That the said State clothier shall in the execution of his office, be subject and demean himself agreeable to the said ordinance, and such other ordinances, rules and regulations, as shall hereafter be made and passed by congress, respecting the said office. State clothier to be appointed. Duties of.

And also in compliance with a recommendation contained in a resolution of congress, passed the fifth day of April last, respecting the pay and allowance to the said State clothier,

Be it further enacted by the authority aforesaid, That there shall be allowed and paid to such State clothier, out of the treasury of this State, as and for a salary, at and after the rate of sixty five pounds per month, agreeable to such account of the time he shall serve in the said office, as he shall from time to time produce audited by the auditor general of this State. Compensation.

And be it further enacted by the authority aforesaid, That the person who shall from time to time be appointed to the said office, shall before he enter upon the execution thereof appear before one of the judges of the supreme court, or one of the judges of either of the counties of this State, and take the following oath of office, which oath any such judge, is hereby authorized to administer, to wit, Official oath.

I, _____ appointed State clothier for the State of New York, do solemnly swear in the presence of Almighty God, that I will in all things, well, truly and honestly, execute the said office of State clothier of the said State, according to the best of my abilities and understanding, so help me God. Form of.

CHAP. 3.

AN ACT to suspend the execution of Jonah Wood, for the felony therein mentioned.

PASSED the 23d September, 1779.

Preamble. WHEREAS Jonah Wood late of Mamacotting precinct in the county of Ulster farmer, at a court of oyer and terminer and general gaol delivery lately held at Kingston in the county aforesaid was indicted tried and convicted of the murder of Philip Swartwout Junior at the precinct of Mamacotting in the county aforesaid and sentenced to be executed accordingly

And whereas the legislature from certain special circumstances think it proper that the execution of the said Jonah Wood should be suspended.

Execution suspended. *Be it therefore 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 the execution of the said Jonah Wood be suspended, until twenty days after the "next meeting of the legislature and a quorum of both houses shall be convened."

CHAP. 4.

AN ACT to revive and amend an act entitled "An act to amend an act for regulating impresses of forage and carriages and billeting troops within this State" and for other purposes therein mentioned.

PASSED the 1st of October, 1779.

Act named revived. *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 the first abovementioned act be and the same is hereby revived and it shall continue in full force until the thirty days after the first day of the next meeting of a quorum of the legislature, any thing in the said act to the contrary notwithstanding.

Fine increased to twenty-five pounds. *And be it further enacted by the authority aforesaid* That the fine of five pounds, mentioned in the fifth section of the second abovementioned act shall be and is hereby increased to twenty five pounds; and also that the several and respective fines of five pounds mentioned in the fourteenth section of the same act shall each of them be and each of them is hereby increased to twenty pounds, except the penalty thereby imposed on the constable, which shall be ten pounds.

Reward increased. *And be it further enacted by the authority aforesaid* That the sum of two shillings allowed as a reward to the constable for each team he shall procure as mentioned in the twelfth section of the same act shall be and is hereby increased to sixteen shillings, And that the constable shall be entitled to the said sum of sixteen shillings for each team he shall impress notwithstanding every such team when so impressed may not in consequence thereof be at the time and place of rendezvous, and actually serve.

And whereas by the first abovementioned act the first judges of the counties of Albany Ulster Dutchess Orange and Westchester or any

three of them are authorized to ascertain and assize the prices of team-
age in the public service within this State, and failure has been made
in the attendance of a sufficient quorum for that purpose.

Be it therefore enacted by the authority aforesaid That in addition
to the first judge of each of the said counties, one other judge in each
of the said counties to be duly notified in writing by the quarter master
general or his deputy shall be added to the said first judge, and all the
said judges or any three of them shall enjoy the same powers and
authorities and be entitled to the same reward for their attendance and
service as the said first judges are by the said act vested with and entitled
to any thing in the said act to the contrary thereof in any wise not-
withstanding.

Judge to
be notified.

Powers,
etc., of
judges.

And be it further enacted by the authority aforesaid That the said
judges or any three of them when they shall meet, to ascertain and deter-
mine the pay and wages to be allowed and paid for teams, carriages,
horses and drivers, impressed within this State, shall at the same time
ascertain and determine the price that shall be given for forage.

To deter-
mine price
of forage.

And whereas there is the most pressing necessity for an immediate
supply of forage for the army.

Be it therefore enacted by the authority aforesaid That it shall and
may be lawful from and after the tenth day of October next for all
those persons to whom warrants shall be directed by virtue of the
aforesaid acts to impress forage, to impress the eighth part of all such rye
and the eighth part of all such oats as shall be in the straw in the pos-
session of any person or persons within this State, over and above what
shall be necessary for the use of his her or their families and stocks,
and the owner or owners thereof shall within fifteen days after such im-
press, thresh out and deliver the same at such place as the commissary
general of forage his deputy or assistant shall appoint not exceeding
ten miles, the said commissary general of forage his deputy or assist-
ant paying for the same and the transportation thereof, the prices to be
ascertained and determined by the said three judges as abovementioned
or in case any prices shall not be so ascertained and determined then the
public current price; and if any person or persons shall without suffi-
cient cause given in evidence on the trial neglect or refuse to thresh out
and deliver the forage as above directed, he she or they so offending
shall forfeit the value thereof, to be recovered by the said commissary
his deputy or assistant in a summary way with costs before any justice
of the peace within the county where the same shall happen, one moiety
thereof to the prosecutor, the other to the use of the poor of the town
manor precinct or district where the same shall happen.

Amount of
forage to
be im-
pressed.

And whereas there is great necessity that the army should be immedi-
ately supplied with boards plank timber and firewood.

Be it enacted by the authority aforesaid That it shall and may be
lawful for any justice of the peace within this State upon application of the
quarter master general his deputy or assistant to issue his warrant for the
impressing of such boards and plank as shall be found in the possession
of any person or persons and which are not wanted for his or their own private
use the said quarter master his deputy or assistant paying to the
proprietor the current price for the same.

Warrant
may issue
for im-
pressing
boards and
plank.

And be it further enacted by the authority aforesaid That upon
application made to any justice of the peace by the quarter master
general his deputy or assistant it shall be lawful for the said justice,
taking to his assistance two reputable freeholders of the town manor
precinct or district, one of the said freeholders to be chosen by the said
quarter master, his deputy or assistant, and the other by the said justice;

Standing
timber
may be im-
pressed.

and the said justice and the said freeholders are by this act impowered to impress standing timber and firewood from such person or persons as in their judgment can conveniently spare the same ascertaining at the same time the price that shall be given by the said quarter master his deputy or assistant for the same to the proprietors thereof :

Proviso as to location.

Provided always that no such timber or firewood shall be impressed beyond the distance of half a mile from the banks of Hudsons river without the express request of the said quarter master his deputy or assistant for that purpose.

And whereas great abuses have been committed by the deceitful making of flour casks.

Flour casks.

Be it therefore enacted by the authority aforesaid That all flour casks which shall be made within this State shall be made tight and of good timber, and well hooped with at least ten good hoops three of which shall be at each head and if any person or persons shall offend in the premises, such person or persons so offending shall forfeit for each cask the sum of sixteen shillings to be recovered in a summary way before any justice of the peace within the county where the same shall happen with costs by any person who shall sue for the same, the one moiety to his own use and the other to be paid into the hands of the overseers of the poor of the place where the same shall happen for the use of the poor thereof.

Fees of justices of the peace.

And be it further enacted by the authority aforesaid That the justices of the peace shall respectively be allowed for each warrant they shall respectively grant or issue for making an impress in pursuance of this act or either of the abovementioned acts, the sum of sixteen shillings to be paid by the quarter master general or forage master general or their respective deputies or agents applying for such warrant.

And be it further enacted by the authority aforesaid That this act shall continue in force until thirty days after the first day of the next meeting of a quorum of the legislature.

CHAP. 5.

AN ACT to enable the freeholders and inhabitants of Rochester and Marble Town, to elect constables.

PASSED the 1st of October, 1779.

Preamble.

WHEREAS the freeholders and inhabitants of the townships of Rochester and Marble Town in the county of Ulster by their town patents or charters are not enjoined or required to chuse or elect a constable or constables : For remedy whereof.

Election of constables, etc.

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 the freeholders and inhabitants of the said townships of Rochester and Marble Town respectively, for the future, shall at their annual meetings for electing town officers, chuse and elect by plurality of voices not more than three nor less than two constables for each of the said townships respectively and such persons so elected as aforesaid shall serve as constables for the ensuing year and until others be chosen and qualified in their room and stead respectively and every such person or persons so elected and chosen as aforesaid who shall refuse to serve or neglect to qualify within six days after being so elected or chosen and duly notified by the town clerk shall forfeit for every such

offence the sum of fifty pounds to be recovered before any one justice of the peace in and for the said county by the overseers of the poor of the townships where such refusal or neglect may happen; to be applied to the use of the poor of the township where such forfeiture may arise; and in which case it shall and may be lawful for the town clerk and he is hereby required to notify the freeholders and inhabitants to elect so many others in the stead and place of such and so many as may refuse or neglect as aforesaid; and every constable so elected as aforesaid shall have the same power and be subject to the same fines and forfeitures as the other constables are invested with and liable to.

And be it further enacted by the authority aforesaid That all laws heretofore made respecting the electing or appointing of constables in either of the said townships shall be and hereby are repealed and made null and void to all intents construction and purposes whatsoever. Laws named repealed.

And be it further enacted by the authority aforesaid That this act and every matter and thing therein contained shall be in force until the first day of September which will be in the year of our Lord one thousand seven hundred and eighty two.

CHAP. 6.

AN ACT to amend and more effectually to carry into execution "An act entitled "An act for the better laying out regulating and keeping in repair all common and public highways and private roads in the counties of Ulster Orange Dutchess Charlotte and Westchester.

PASSED the 1st of October, 1779.

WHEREAS the inhabitants in several towns manors precincts and districts in the said counties through want of knowledge of the said act were unable at their last annual meeting to choose commissioners to lay out and regulate the highways as directed in the said act. Preamble.

And whereas the fines and forfeitures in the said act are inadequate fully to answer the purposes therein designed.

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 the justices of the peace in such respective towns manors precincts and districts as at their last annual meeting omitted to choose commissioners to lay out and regulate the highways are hereby appointed commissioners to lay out and regulate the highways and they or the major part of them are by virtue of this act enabled to exercise all the powers and authority which commissioners by virtue of the above said act might or could do until the next annual meeting; and in such town manor precinct or district where there is no justice of the peace, the supervisor of the same is hereby impowered to exercise all the powers and authority given to the justices in this act. Commissioners to lay out roads, etc.

And be it further enacted by the authority aforesaid That the fines forfeitures and commutation money in the abovesaid act shall be and they are by this act increased to a five fold proportion. Fines, etc. increased.

And be it further enacted by the authority aforesaid That if any commissioner or commissioners mentioned in the aforesaid act or any justice or justices of the peace or supervisor mentioned in this act shall neglect omit or refuse to perform what is enjoined on him or them by this and the aforesaid act each of them so offending shall, for every Penalty for refusal to perform duties imposed by this act.

offence forfeit the sum of twenty five pounds, to be recovered with costs in a summary way before any justice of the peace in the county where the same shall happen by any person who shall sue for the same, the one half to his own use and the other half to be paid into the hands of the overseers of the poor of the town manor precinct or district where such offence shall happen for the use of the poor.

And be it further enacted by the authority aforesaid That this act shall be and continue in force until the first day of January one thousand seven hundred and eighty one.

CHAP. 7.

AN ACT for reviving the powers of the commissioners for detecting and defeating conspiracies, and for other purposes therein mentioned.

PASSED the 1st of October, 1779.

Preamble. WHEREAS the act of the legislature of this State entitled "An act for appointing commissioners for detecting and defeating conspiracies and declaring their powers" and the act entitled "An act for encreasing the number of commissioners for detecting and defeating conspiracies within the State" did expire in twenty days after the present meeting of the legislature and a quorum of both houses convened to proceed on business.

Powers, etc., granted revived. *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 the said two acts and the powers and authorities by them or either of them granted to the said commissioners or any and every three of them shall be and are hereby revived and shall continue and be in full force until twenty days after the first day of the next meeting of a quorum of the legislature; and the treasurer of this State is hereby authorized and required, out of such monies as may be in the treasury, to pay to the said commissioners or any three of them such further sum or sums as they shall from time to time require to defray the expence of the business committed to them; so as the amount of such sum or sums shall not in the whole exceed the sum of four thousand pounds.

Proviso as to acts performed after expiration of laws. *And whereas*, the said commissioners or some quorum or quorums of them, may have done and performed divers acts matters and things in and respecting their several and respective offices and places since the expiration of the said laws, and by reason thereof the legality and validity of the said acts matters and things may be drawn into question

Same legalized. *Be it therefore enacted by the authority aforesaid* That all and singular the said acts matters and things shall be as good valid and effectual in the law to all intents constructions and purposes whatsoever as if the said laws had not expired by their own respective limitations but had been in full force and effect at and immediately before the passing of this law; any thing in the said laws or either of them to the contrary hereof in any wise notwithstanding.

Proviso as to power of removal from office. *And whereas* in and by the said two recited acts no provision is made to enable the council of appointment from time to time to remove any one or more of the said commissioners and appoint other or others in his or their stead.

Be it enacted by the authority aforesaid That the said power and authority of removal and appointment is and are hereby fully vested in the said council to be exercised by them from time to time in their discretion to all intents constructions and purposes in the law whatsoever.

Power of removal, etc.

CHAP. 8.

AN ACT for the appointment of a commissioner of the Continental loan office within this State.

PASSED the 8th of October, 1779.

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 to and for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to nominate and appoint during the pleasure of the said council, and commissionate under the great seal of this State, a commissioner of the loan office of the United States, held within this State — That the said commissioner so to be appointed shall in the execution of his said office, be subject and demean himself agreeable to such resolutions, orders and regulations, as have or shall hereafter be made or passed by the congress of the United States, respecting the said office: That the person from time to time, to be appointed to the said office, before he shall enter upon the execution thereof, do before the chancellor or one of the justices of the supreme court, take the following oath of office, to wit,

Commissioner of loan office, appointment of.

Official oath.

I appointed commissioner of the Continental loan office within this State, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will during my continuance in the said office, well faithfully and honestly to the best of my knowledge and ability, execute the said office of commissioner of the Continental loan office, and that I will not on any occasion or pretence, apply, or willingly or knowingly suffer to be applied, any monies which shall or may come into the said office for public use or as belonging thereto, to any private uses or purposes whatsoever, so help me God.

Form of.

And that the person from time to time to be appointed to the said office, before he enter upon the execution thereof, do with not less than four sufficient sureties enter into recognizance jointly and severally before the chancellor or one of the justices of the supreme court of this State to the people of this State, in the sum of one hundred thousand pounds, lawful money of this State with condition, that he will during his continuance in the said office, duly and faithfully execute the same; and that the chancellor or justice taking such recognizance, shall as soon as conveniently may be after the taking thereof, file the same in the office of the secretary of this State.

Official bond.

CHAP. 9.

AN ACT further to continue the present treasurer of this State in office.

PASSED the 8th of October, 1779.

WHEREAS by the act appointing Gerard Bancker Esquire treasurer of this State, the time of his continuance in the said office was limited to sixty days after the present meeting of the legislature.

State
treasurer
continued
in office.

Be it therefore 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 the said Gerard Bancker Esquire shall be, and he is hereby farther continued in office as treasurer of this State, until sixty days after the day, on which a quorum of both houses shall be convened at the next meeting of the legislature of this State, which shall be after the first Monday in July, which shall be in the year of our Lord one thousand seven hundred and eighty one.

Official
oath and
bonds.

And be it further enacted by the authority aforesaid, That the said Gerard Bancker Esquire shall on or before the twenty third day of this instant month of October, give such security, and take such oath as were directed and required by the second and third clauses of the said act appointing the said Gerard Bancker treasurer of this State.

CHAP. 10.

AN ACT to pardon Thomas Cummings, convicted of treason.

PASSED the 8th of October, 1779.

Preamble
as to con-
viction of
Thomas
Cummings

WHEREAS at a late court of oyer and terminer and general goal delivery, held in and for the county of Ulster, Thomas Cummings late of Pawpakunk, in the said county farmer was convicted of treason in adhering to the enemies of the people of this State, and sentenced to be executed accordingly on the twenty ninth day of October instant.

And whereas for certain special reasons, the legislature hath deemed it proper that the said Thomas Cummings should be pardoned.

Pardon of.

Be it therefore 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 the said Thomas Cummings shall be and he is hereby fully and absolutely discharged and pardoned of and from the treason aforesaid, and the conviction aforesaid and attainder in consequence thereof and all execution and forfeitures thereon, and that the said Thomas Cummings shall be and he is hereby fully and wholly restored in person and estate, to the same state and condition wherein he would have been on the day of the passing of this act if he had not been so convicted and attainted of the treason aforesaid.

CHAP. 11.

AN ACT more effectually to carry into execution An act entitled An act to revive and amend An act entitled An act to amend An act for regulating impresses of forage and carriages and for billeting troops within this State and for other purposes therein mentioned.

PASSED the 8th of October, 1779.

WHEREAS there was a failure, on the first Tuesday of this instant month of October, of a meeting of a quorum of the judges in the said laws mentioned; and there being the most urgent necessity that the pay and wages to be allowed and paid for teams carriages horses and drivers and likewise the prices of forage to be impressed within this State, should be ascertained and determined. Preamble.

Be it therefore 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 said judges or any three of them and they are hereby required to meet at Kingston in the county of Ulster on the second Tuesday of this instant month of October for the purposes in the said laws mentioned any thing in the said laws or either of them to the contrary notwithstanding. Lawful for judges to meet at time and place named.

Provided that nothing in this act shall be understood or construed to prevent the said judges from meeting at such future times and at such place as are mentioned in the aforesaid laws or one of them. Future meetings.

CHAP. 12.

AN ACT making it necessary for the attornies, solicitors and counsellors at law, who have been licensed to plead or practice in any of the courts of law or equity within the late colony of New York, to produce certificates of their attachment to the liberties and independence of America.

PASSED the 9th of October, 1779.

WHEREAS many persons who have heretofore been authorized and licenced to plead or practise as attornies solicitors and counsellors at law, in the several courts of law and equity within this State, whilst the same was under the government of the king of Great Britain, as the colony of New-York, regardless of the duty which they owed to their oppressed country, have some of them gone over to and put themselves under the protection of the armies of the said king, and others have conducted themselves in such a neutral or equivocal manner, as has justly rendered them suspected of disaffection to the freedom and independency of this State. Preamble.

And whereas it will be inconsistent with the welfare of this State that such persons should be allowed to plead or practice again in any of the courts within the same. And the Constitution of this State having subjected to the rules and orders of the said courts such attornies, solicitors and counsellors at law only as shall hereafter be appointed, it is thereby become necessary for the legislature to make provision in the premises.

Licences
to practice
as attor-
neys, etc.,
suspended.

Be it therefore 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 all licences granted to any person or persons to plead or practise as counsellors solicitors or attorneys at law in any of the said courts before the twenty first day of April in the first year of the independence of this State, shall be and they hereby are declared to be suspended from and after the first day of the term or session of any of the said courts respectively which shall happen next after the passing of this act.

May apply
to supreme
court to
have sus-
pension
taken off—
proceed-
ings there-
on.

And be it enacted by the authority aforesaid That it shall and may be lawful for any counsellor solicitor or attorney at law, whose licence shall be so suspended, to apply to the supreme court of judicature of this State to have the suspension of his licence taken off which said court is hereby authorized and required upon such application to grant a writ of inquiry under the seal of the said court, directed to the sheriff of the county where such person shall reside, commanding him to summon the freeholders of the said county and in the said writ named, consisting of not more than sixteen nor less than eight persons of established reputation, and of known attachment to the freedom and independence of America, and to be nominated and appointed by the said court, to meet at such time and place as in the said writ shall be specified, to inquire whether the person so applying has conducted himself as a good and zealous friend to the American cause, since the commencement of hostilities by the king of Great Britain against these United States; at which time and place, the said sheriff shall administer to each freeholder in the said writ named the following oath, to wit.

Form of
oath.

You shall well and truly inquire whether _____ has since the commencement of hostilities by the king of Great Britain against these United States, voluntarily put himself under the protection of any or either of the fleets or armies of the said king, and whether the said _____ has conducted himself in such a neutral and equivocal manner, as to raise just suspicions of his being disaffected to the freedom and independence of these States, And whether the said _____ has uniformly and steadily conducted himself as a good and zealous friend to the American cause, so help you God.

Return of
inquisi-
tion, etc.

And the inquisition being taken under the hands and seals of the said sheriff and freeholders shall be returned into the court from whence the writ issued; and if from the inquisition taken as aforesaid it shall appear to the said court, that the person at whose request the said inquisition shall be taken has not voluntarily put himself under the protection of the enemy since the commencement of hostilities by the king of Great Britain against these States, and that he has not behaved himself in such a neutral and equivocal manner as to raise just suspicions of his being disaffected to the freedom and independence of these United States, and that he has uniformly and steadily conducted himself as a good and zealous friend to the American cause since the commencement of hostilities as aforesaid, he shall be restored to his full privilege of an attorney solicitor or counsellor at law, as the case may be, of which the judges of the said supreme court or one of them shall give him a certificate.

Provido as
to persons
who have
served as
delegates
in con-
gress, etc.

Provided always nevertheless, that if any attorney solicitor or counsellor at law, shall since the ninth day of July in the year of our Lord one thousand seven hundred and seventy six have served as a member of the convention or legislature of this or any other of the United States, or served as a delegate in congress, or shall have served under any commission either civil or military from the congress of the United

States or from this or any other of the United States, on affidavit of such service to be read and filed in court, such counsellor, solicitor or attorney shall be restored to his full priviledges any thing in this act contained to the contrary in any wise notwithstanding.

CHAP. 13.

AN ACT further to amend an act entitled An act for regulat-
ing the militia of the State of New York, and other purposes
therein mentioned.

PASSED the 9th of October, 1779.

WHEREAS experience and the present exigences have shewn the said Preamble.
law to be defective in many instances which require a remedy.

*Be it therefore enacted by the People of the State of New York rep-
resented in Senate and Assembly and it is hereby enacted by the authority of
the same, as follows, that is to say.*

First That an adjutant general be appointed by the council of Adjutant
general,
appoint-
ment and
duties of.
appointment of this State, and commissioned as by the constitution
thereof is directed with respect to militia officers, that he shall do and
perform in and relating to the militia of this State all the duties and
services appertaining to the office of adjutant general, and shall from
time to time obey and execute the orders of the commander in chief of
the militia for the time being respecting the said militia, be entitled to
such rank as he might have been entitled to in consequence of any
commission which he may have held under the United States or this
State and as such may be employed on command. And for his ser- Pay and
rations.
vices in the said office shall have and receive Continental pay and
rations as a colonel, which allowance shall be made to him only for the
time he shall be in actual service in his said office to be certified by the
commander in chief of the militia for the time being and on such cer-
tificate the same shall be paid by the treasurer of this State out of any
money in the treasury

Secondly. — That as soon as an adjutant general shall be appointed Returns to
be made
to.
returns every three months shall be made of the men, arms, ammuni-
tion, accoutrements and other equipments required by the said law
from every brigade and unbrigaded regiment, to the adjutant general,
that is to say from every brigade by the major of brigade, and from
every unbrigaded regiment by the adjutant of the regiment. All which
returns shall first respectively be certified by the several commanding
officers of brigades and unbrigaded regiments, to be just and true
returns of the several corps by them respectively commanded; And each
of the said returning officers shall from time to time be paid his neces-
sary travelling expences in going to the adjutant general with his returns
and in returning home. And to enable the making of brigade returns
each adjutant of the regiment and captain of exempts shall make the
like returns to the brigadier general or colonel commandant and the
returns of brigaded regiments shall first be certified in manner afore-
said by their several and respective commanding officers.

Provided always that such returns hereby required of companies of Provido as
to returns
of ex-
empts.
exempts shall not deprive them except in the instance of returns of
any exemptions given them by the said law; nor be construed in other
respects to subject them to the command of the brigadier general or
colonel commandant within the compass of whose brigade they may

reside; and for liquidating the amount of such necessary expenses as abovesaid from time to time particular accounts thereof shall respectively be made and attested on oath before a justice of the peace and being delivered to the treasurer with a receipt of the respective officers entitled to payment thereof shall be paid by the treasurer out of any monies in the treasury.

Fines increased.

Thirdly.—That all fines for neglect or non performance of any duties required by the said law, be and are hereby increased in a five fold proportion, and all fines imposed by the said law on the people called Quakers in nature of compositions for exemptions from duty or service in the militia be and are hereby increased in a five fold proportion.

Expenses of attending courts martial to be paid out of fines.

Fourthly Whereas the militia officers are frequently put to great expence in attending general courts of inquiry and courts martial; the same shall respectively be ascertained from time to time by the president of such courts respectively and be paid from time to time out of the fines arising from each regiment or corps of exempts and which are by the said law required to be paid into the treasury of this State and such certificates shall respectively be delivered from time to time by the respective officers entitled to receive the several fines imposed by the said law into the treasury of this State together with the remaining ballance of such fines. That every such officer so receiving such fines respectively as by the said law are made payable into the treasury of this State, shall from time to time, as the same shall accrue and be received, account for, and pay the same to the said treasurer in manner aforesaid at the expiration of every three months to commence at and from the thirtieth day after the passing of this law. And in default of any such payment whether of fines which have heretofore accrued or shall hereafter accrue the said treasurer is hereby authorized and required to commence and prosecute to effect in his name and to the use of the people of this State against every such defaulter an action on the case at law, or a suit in equity for recovery of the same respectively and shall on every judgment or decree in his favor recover thereby double the amount of such fines respectively with full costs to be taxed.

Officers to account for fines received.

Fifthly And whereas sums have been assessed in cases of detachments or drafts upon exempts, and the whole of the monies so assessed have not been paid to the men detached or drafted, but the residue unpaid, to a considerable amount, still remains in the hands of many of the officers of the militia. That every officer possessed or who shall hereafter be possessed of such residue shall pay the same into the treasury of this State and upon neglect or refusal shall be compellable to pay the same in like manner as is herein directed with respect to the fines they may receive.

Residue to be paid in State treasury.

Officers to be reimbursed moneys expended.

Sixthly Whereas the commanding officers of brigades and regiments are frequently on extraordinary emergencies obliged to disburse of their own monies for paying expresses. For reimbursement thereof the said treasurer shall and is hereby required from time to time to repay the same out of any monies in the treasury, Provided that the accounts thereof respectively shall be first sworn to before a justice of the peace of this State.

Commander in chief may call out militia, etc.

That the commander in chief of the militia of this State for the time being who is by the said law authorized to call out the militia of this State for actual service by classes, is whenever it shall in his opinion be necessary to reinforce the Continental army hereby authorized and empowered to call them out without regard had to such classes and in such numbers as he shall think proper, form them into brigades and regiments and assign to them such officers for their command out of

the whole body of officers of the militia as he shall judge fit in their respective ranks of office and without any regard had to the particular corps of officers respectively belonging to each brigade or regiment of militia from whence the men shall be detached for such service; The commanding officer in each regiment, paying due regard in forming their respective detachments, of non commissioned officers and privates for such service to the rotation established by such classes, any thing in the said law to the contrary hereof in any wise notwithstanding.

Seventhly. Whereas by the above mentioned law it is provided that none of the militia of this State shall be compelled to do duty out of the same for a greater space of time than forty days; and on special emergencies such time may prove too short, the said commander in chief is hereby authorized and empowered to require any number of the militia not exceeding the third part of the militia of this State, for either of the purposes in the said law mentioned to do duty out of this State for any space of time not exceeding three months together, all of whom so to be required shall respectively be subject to the respective pains and penalties prescribed by the said law for any refusal or neglect of duty, desertion and other offences respectively which shall be committed during such space of time any thing therein contained to the contrary hereof in any wise notwithstanding.

Duty out of State.

Eighthly Whereas the said commander in chief may soon judge it proper to order a great part of the militia to take the field for actual service and in such case it will be necessary that each man, be supplied towards his subsistence with forty pounds weight of flour thereby to prevent as much as possible any diminution of the magazines belonging to the United States of America the captains and subalterns of each beat out of which the men shall respectively be taken shall and are hereby required on receipt of the orders of the said commander in chief for the purpose by purchase within the beat, to provide for each man the above mentioned quantity of flour and to put the same into casks sufficient for transportation, for which flour they shall pay the persons who shall respectively supply the same at and after the rate of the highest price for which flour shall then be sold in this State: And if the commissary general of purchases of the army of the United States shall not on producing the receipts of the quarter masters of the regiments respectively provide means for paying for the said flour and casks the treasurer, on the audit of their respective accounts on oath by the auditor general of this State shall in such case pay the same out of any monies in the treasury and charge the same to the account of the United States of America.

Flour to be provided in case militia is ordered into actual service.

Ninthly — That in such case as last aforesaid the said commander in chief shall be authorized to call into actual service such proportion of the corps of associated exempts as he deem necessary.

Associated exempts may be called into service.

Tenthly. Whereas it is necessary that the military magazine of this State should always be well supplied with ammunition, Colonel John Lasher commissioner of the military stores of this State shall and is hereby required without delay in addition to the said military stores to purchase one ton of gun powder and to apply and dispose of the same from time to time in manner as is directed by law concerning the other military stores of this State; and to draw for the purchase money thereof on the treasurer of this State who is hereby required to pay and discharge such draft to the person in whose favor the same shall be drawn out of any monies in the treasury.

Gun powder to be purchased

Eleventhly That the tenth and eleventh clauses of the aforesaid law be and are hereby absolutely repealed annulled and made void.

Clauses repealed.

CHAP. 14.

AN ACT for removing or destroying the grain and other vegetable food that may be left on any of the deserted farms on the western frontiers of the counties of Ulster and Orange.

PASSED the 13th of October, 1779.

Preamble. WHEREAS the late inhabitants on the said frontiers have removed into the interior parts of the country, and having left on the said farms large quantities of Indian corn and other grain and vegetable food. To prevent the same from falling into the hands of the enemy.

Indian corn, etc., to be destroyed. *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 the person administering the government of this State for the time being be and is hereby empowered to order all such Indian corn and other grain and vegetables as aforesaid to be removed or destroyed in such manner as he may direct.

Owners may remove same. Provided nevertheless that the owners thereof respectively shall have liberty immediately to remove the same to some place not exposed to irruptions of the enemy.

CHAP. 15.

AN ACT to amend the act for procuring an immediate supply of flour and peas for the use of the army.

PASSED the 13th of October, 1779.

Preamble. WHEREAS the prices of produce to be taken and seized within this State for the use of the army as limited by the said act, are less than the current prices whereby much dissatisfaction and uneasiness hath been produced among many of the inhabitants of this State.

Flour, etc., seized to be paid for at current price. *Be it therefore 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 the limitations of prices of flour meal, wheat and peas to be taken or seized for the use of the army by virtue of any law of this State shall be and hereby are severally taken off, and that all flour meal wheat or peas to be so taken and seized for the use of the army shall be paid for at the current price at the time of the seizure. And further, that each person from whom any wheat or peas may have been taken or seized in pursuance of the said act above mentioned shall and may demand and receive for the same from the commissary general of purchases his several agents or deputies who shall have taken and seized the same respectively, instead of the price of sixteen dollars per bushel for wheat and fifteen dollars per bushel for peas, the current prices at the time of the seizure.

And whereas it is absolutely necessary that a further quantity of flour should be provided for the army.

Further eighth part may be seized. *Be it further enacted by the authority aforesaid,* That in addition to the quantity of wheat made liable to be seized and taken for the use of the army in pursuance of the said act a further eighth part of the wheat in the possession of the inhabitants of this State respectively, beyond what may be deemed necessary for the use of their respective

families, shall be taken and seized for the use of the army in like manner as is directed by the said act with respect to the wheat to be taken in pursuance thereof, and shall be paid for at the current price.

That where any rents shall be reserved in wheat, one half of such rents shall in like manner be taken and seized, and the tenant shall pay to the land-lord in stead of the whet so taken the monies to be received in payment for the same, and the assessors shall in the assesssment specify particularly whether the wheat so assessed to be furnished by the tenant is considered as such proportion of rent, or such proportion of the wheat which the tenant may be possessed of beyond what may be deemed necessary for the use of the family of such tenant.

Rents reserved in wheat, half may be seized, etc.

CHAP. 16.

AN ACT to amend an act entitled "An act to establish a night watch in the counties of Ulster Tryon Charlotte Dutchess and Albany;" and for extending the same to the counties of Westchester and Orange.

PASSED the 13th of October, 1779.

WHEREAS the fines and forfeitures in the said act, are insufficient.

Be it therefore 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 the fines and forfeitures in the said act shall be and they are hereby encreased in a three fold proportion; and that the said act as hereby amended shall be and is hereby extended to the counties of Westchester and Orange.

Fines, etc., increased.

And whereas there are apprentices and servants and others who are under the age of twenty one years who have no goods and chattels whereon to levy the said fines and forfeitures by reason whereof the design of the said act is in a great measure eluded.

Be it therefore enacted by the authority aforesaid That with respect to every person and persons whatsoever who shall incur any fine or forfeiture by virtue of the said act and who shall not have sufficient goods and chattels whereon to levy the same it shall and may be lawful for each captain or in his absence the next commanding officer of the respective beats or districts wherein the offenders shall respectively reside by warrant under his hand and seal to commit such offender or offenders to the common goal of the county wherein the same shall happen, there to remain without bail or mainprise not exceeding twenty nor less than three days

On failure to find goods, etc., offender to be committed.

And whereas there is no common goals in the counties of Ulster and Westchester.

Be it therefore enacted by the authority aforesaid That it shall and may be lawful for the said captains and next commanding officers respectively in the said counties of Ulster and Westchester respectively to commit to the common goals of the counties of Albany Orange and Dutchess all those persons who shall in the said counties of Ulster and Westchester respectively incur any of the fines forfeitures or penalties mentioned in the said act in the same manner as they might respectively be committed to the common goal of the said counties of Ulster and Westchester respectively were there any such goal in the said two counties respectively any thing in this act to the contrary notwithstanding

To what goals to be committed.

CHAP. 17.

AN ACT to continue and amend an act entitled "An act to allow to sherifs and constables an increase of fees.

PASSED the 13th of October, 1779.

WHEREAS the fees allowed in the said act are insufficient.

Fees In-
creased.

Be it therefore 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 the fees mentioned in the said act shall be and they are hereby increased in a four fold proportion on the rates established by the aforesaid law and the said act is hereby continued and shall be and remain in full force until the first day of May next and from thence to the end of the next meeting of the legislature.

CHAP. 18.

AN ACT to remove doubts respecting the council of appointment, nominated and appointed by the present assembly.

PASSED the 13th of October, 1779.

Preamble
as to ap-
pointment
of council.

WHEREAS the late assembly of this State, did on the seventeenth day of October last, nominate and appoint a council of appointment. *And whereas* the present assembly did on the eleventh day of September last, nominate and appoint a council of appointment, to succeed the council so nominated and appointed on the said seventeenth day of October last. And doubts having arisen whether the said council so nominated and appointed by the present assembly were duly nominated and appointed, by reason that they were nominated and appointed before the expiration of a year from the seventeenth day of October last. For the removal of such doubts therefore,

Appoint-
ment lega-
lized.

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 the said council of appointment so nominated and appointed on the said eleventh day of September last, shall be and hereby are declared to be duly nominated and appointed, and authorized to act and to exercise all and singular the powers and authorities by the Constitution of this State vested in the council of appointment, from and after the seventeenth day of October instant, until the eighteenth day of October next ensuing.

CHAP. 19.

AN ACT more effectually to prevent robberies within this State.

PASSED the 15th of October, 1779.

Preamble.

WHEREAS robberies are become very frequent in this State, and are generally perpetrated by persons unfriendly to the independence of the United States of America.

And whereas those robbers are encouraged, abetted, harbored, secreted and comforted by the disaffected people in this State, so as that it is frequently impracticable to apprehend and bring them to justice. The more effectually therefore to prevent the committing of such enormous crimes.

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 if any person or persons within this State shall be robbed either from his her or their person or persons house or houses or in any other manner whatsoever either in the night or in the day, that such person or persons shall with all convenient speed give information upon oath before some justice of the peace of the town manor precinct or district where the same shall happen, and in case there shall be no justice of the peace in the said town manor precinct or district, then to some justice of the peace in some neighboring town manor precinct or district, of the said robbery, and the circumstances thereof as to the time and place, the number and names and the description of the person or persons of the robber or robbers together with an account of the goods and chattels and their value, of which the person or persons shall have been robbed, as far as he she or they shall then be able; and the said justice is required forthwith to cause hue and cry and command fresh pursuit to be made after the said robber or robbers, and all able bodied men in the said town manor precinct or district are required to arm themselves forthwith and be assisting in pursuing and taking the said robber or robbers and bringing him or them to justice and recovering the said goods and chattels; and any able bodied man who shall have notice of such hue and cry and shall neglect or refuse to arm and assist as is above required, except he shall have some reasonable excuse, shall for each offence forfeit the sum of one hundred pounds to be recovered in an action of debt in any court of record within this State with costs by any person who shall sue for the same in which action the defendant shall be held to bail and be allowed no essoin or protection and but one imparlance.

And be it further enacted by the authority aforesaid That if the robber or robbers shall not be taken out and brought to justice nor the goods and chattels found and recovered then the party robbed may make application to the justice before whom the first information of the robbery was given, or in case of his death or absence or inability to serve, to some other justice of the peace in the same place, if any there be who is able to serve, but in case there shall be none, then to some justice of the peace in some neighbouring town manor precinct or district and inform upon oath whether the whole or part of the goods and chattels of which he she or they shall have been robbed, remains unrecovered and likewise the value thereof, and shall likewise at the same time declare upon oath that he she or they had no knowledge that the robber or robbers is or are taken and secured and shall also at the same time procure two reputable freeholders of the town manor precinct or district where the robbery was committed to declare upon oath that they do really and sincerely believe that the party robbed has declared the truth with respect to the quantity and value of the goods and chattels whereof he she or they has or have declared himself herself or themselves to have been robbed and not yet recovered: then the said justice (except it shall appear to him that the said robbery was committed by those that are not disaffected to the liberty and independence of the United States of America) shall without delay issue his summons requiring the justices of the peace, if any there be, of the town manor

Information, on oath to be given of robberies.

Hue and cry to be made.

Able bodied men to assist.

If robbers are not taken or goods recovered tax to be levied upon persons not loyal to independence of America to pay party robbed.

precinct or district where the said robbery was committed,¹ and likewise the supervisor and assessors of the same to appear at such reasonable time and place in the said town manor precinct or district as the said justice in the said summons shall appoint; and the said justice shall likewise summon the collector of the same to appear at the same time and place and bring with him the last State tax list; and being so met together the said justices if any there be and the said supervisor and assessors or the major part of them shall make a list of the names of all the persons in the said town manor precinct or district who have not manifested themselves attached to the liberty and independence of America: previous to the making of which list, they shall mutually and severally administer to each other and take the following oath viz. "I, A B, do solemnly swear in the presence of Almighty God, that I will to the best of my ability, without fear favor affection or hope of reward, contribute all in my power to make a just and true list as directed by a certain law of the legislature of this State entitled "An act more effectually to prevent robberies within this State" and the said justices if there be any and the said supervisor and assessors or the major part of them shall assess and lay the value of the said goods and chattels so robbed and not recovered together with nine pence in the pound over and above, upon those persons whose names are in the last above mentioned list in proportion as each of those persons shall have been taxed in the said State tax list and the said justice, if any there be and the said supervisor and assessors or the major part of them shall in writing under their hands (keeping a duplicate thereof) command the said collector with all convenient speed to collect the same and pay it to the said party robbed, retaining in his hands for his trouble nine pence in the pound; and the said collector is by this act invested with the same power and authority in collecting the same as he is in collecting the State tax.

Action
against
collector
for refusal
to collect
tax.

And be it further enacted by the authority aforesaid That if the said collector shall neglect or refuse to perform and execute what is enjoined on him by this act he shall be subject to an action upon the case at the suit of the party aggrieved; in which action the defendant shall be held to bail and shall be allowed no essoin or protection and but one imparlance and if the plaintiff or plaintiffs recover he she or they shall recover treble damages with costs.

Misdemeanor
for officers named
to refuse
to act.

And be it further enacted by the authority aforesaid That if any or either of the said justices of the peace, supervisor or assessors shall neglect or refuse to perform and do what is enjoined upon them or any or either of them by this act, be or they so offending shall be liable to be indicted for a misdemeanor besides being subject to an action at the suit of the party aggrieved in the same manner as the collector, who shall not perform the duties enjoined upon him by this act is made liable.

If goods
are recovered
after
payments,
same to
be sold.

And be it further enacted by the authority aforesaid That if any of the goods and chattels of which any person or persons shall have been robbed and for which the party robbed shall have received satisfaction by virtue of this act shall at any time afterwards be discovered it shall and may be lawful for any justice of the peace in the county where such goods and chattels are discovered, to seize and sell the same at public vendue, paying the amount thereof, after deducting the reasonable charges, into the treasury of this State.

Time act
to continue
in
force.

And be it further enacted by the authority aforesaid That this act shall continue in force until forty days after the first day of the next meeting of a quorum of the legislature.

CHAP. 20.

AN ACT further to adjourn the supreme court of this State.

PASSED the 15th of October, 1779.

WHEREAS the supreme court of this State stands adjourned until the third Tuesday in this instant month of October. *And whereas* it is necessary in order to prevent the inconveniencies which would result from a failure of the attendance of a quorum of the council of revision at this present session of the legislature that an adjournment be made of the next ensuing term.

Preamble.

Be it therefore 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 the said supreme court shall be and is accordingly hereby farther adjourned until the first Tuesday in November next; and all processes returnable in the said court are hereby accordingly further continued until the said first Tuesday in November next; and all persons bound by recognizance to appear in the said court shall by virtue of such recognizances respectively be bound to appear in the said supreme court on the said first Tuesday in November next. And that the continuance of the said term according to the said adjournment to begin on the said first Tuesday in November next shall be of the same duration from the said first Tuesday in November as the continuance of the term would have been from the third Tuesday of October instant had not the said adjournment hereby been made.

Supreme court adjourned till time named.

CHAP. 21.

AN ACT to amend an act, entitled an act, to prevent the exportation of flour meal and grain out of this State.

PASSED the 20th of October, 1779.

For authorizing the exportation of flour and wheat out of this State, in order to procure salt for the use of the inhabitants thereof.

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 from and after the passing of this act, it shall and may be lawful, for any inhabitant of this State, of good repute and known attachment to the liberties and independence of these United States, and to be approved of by the supervisor of the ward, town, manor, district or precinct, wherein such inhabitant shall actually reside, to export flour and wheat out of the State, to be bartered or exchanged for, or sold for the purchase of salt, for the necessary use and consumption of his own family, and any other families, inhabiting in the ward, town, manor district or precinct, wherein he shall reside;

Loyal inhabitants may export flour, etc.

Provided always that before such exportation such inhabitant shall render an account of the quantity of flour or wheat intended to be exported by him, of the several persons to whom the same shall belong, and of the quantity of salt, which he doth conceive necessary for the consumption of the respective families of the said several persons; and shall by affidavit on oath, or if of the people called Quakers, by affirmation, in writing, to be subscribed by the party making the same, swear or affirm, as follows towit.

Account to be rendered.

Oath to be taken.

Form of
oath.

I do solemnly and sincerely swear in the presence of Almighty God, (or declare and affirm, as the case may be), that I will not directly, or indirectly, under colour or by pretext of the license to be granted to me this day, export, or cause to be exported, any greater quantity of flour or wheat out of this State, than shall be expressed in such license; and that I will not barter the said flour or wheat or any part thereof, for any other articles or commodities than salt, or dispose of, or apply the monies arising by the sale thereof, to any use or purpose whatsoever, other than the procuring of salt; and that I will not import any of the salt to be procured by me either in exchange for the said flour or wheat, or with the monies arising from the sale thereof into this State for barter or sale, but only for the private consumption of the several families mentioned in the account now rendered by me, which oath or affirmation the said supervisor is hereby empowered and required to administer, and also safely to keep the said account and affidavit or affirmation; and upon the taking of the said affidavit or affirmation, shall grant a written license under his hand to such person for exporting the quantity of flour or wheat in the said account contained, or such part thereof, as the said supervisor may deem requisite for the purpose of procuring such quantity of salt as he may deem necessary for the use of the families in the said account mentioned: Which license shall protect the quantity of flour or wheat therein mentioned, and the person licensed thereby, to export the same, from all seizures, penalties and forfeitures, mentioned and directed in and by the said above mentioned law, any thing therein contained to the contrary thereof in any wise notwithstanding.

Supervisor
to admin-
ister oath
and grant
license.

Supervisor
to take
oath.

And be it further enacted by the authority aforesaid, That every supervisor before he shall grant any such license as aforesaid, shall take the following oath, before some justice of the peace in the county, to wit

Form of.

I do solemnly swear, in the presence of Almighty God, well, faithfully and truly, to perform fulfil and execute the powers and authorities vested in me by a law entitled An act, to amend an act entitled An act, to prevent the exportation of flour meal and grain out of this State, so help me God. Which oath, shall also be reduced to writing signed by the party making, and carefully kept by the justice administering the same.

Breach of
oath per-
jury.

And be it further enacted by the authority aforesaid, That if any person shall be guilty of a breach of either of the above mentioned oaths, or affirmation he shall incur the pains and penalties to be inflicted by law in cases of wilful and corrupt perjury.

And whereas in and by the fifth enacting clause of the said law, it is not declared by whom the forfeitures and penalties mentioned therein, shall be sued for or recovered, nor how applied.

Penalties,
etc., suits
to recover.

Be it therefore enacted by the authority aforesaid, That all the said forfeitures and penalties, heretofore accrued or hereafter to accrue, shall severally and respectively be sued for, and recovered by any person or persons, who will sue and prosecute for the same respectively; and when recovered, shall severally and respectively be applied as follows, that is to say, one moiety thereof, severally and respectively to the use of the person or persons suing for the same, respectively, and the other moiety thereof, shall by him or them be respectively paid into the treasury of this State.

CHAP. 22.

AN ACT for allowing certain gratuities to the families of the Continental troops raised within this State.

PASSED the 20th of October, 1779.

In order as far as the present ability of the State will permit to provide for the families of the Continental troops raised within this State.

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 Elbert Willet of the county of Albany gentleman, Daniel Graham of the county of Ulster Esquire, Samuel Haight of the county of West Chester Esquire, William Holly of the county of Orange gentleman, Samuel Dodge of the county of Dutchess Esquire, Peter S Deygart of the county of Tryon Esquire and John Rowan of the county of Charlotte Esquire, be and they are hereby severally appointed commissaries for the several counties in which they respectively reside, for the purpose of receiving the monies herein after mentioned out of the treasury of this State, and paying the same to the families aforesaid.

Commissaries to receive moneys for families of Continental troops.

That the said commissaries shall severally as soon as conveniently may be after the passing of this act, obtain and make out an account of the number of the families of the Continental troops raised within this State, (including not only the five battalions raised under the direction of this State, but also the dragoons, artillery and other corps credited to this State) and of the number of persons in each respective family actually resident within the county for which such commissary is appointed, and who shall obtain a certificate from the supervisor of, or a justice of the peace residing within the ward town manor district or precinct within which such families shall be respectively resident, certifying that such families respectively are necessitous and stand in need of relief. That as soon as such account shall be so made out and inspected and approved by two justices of the peace of the county, it shall by the commissary making out the same be transmitted to the treasurer of this State, who shall thereupon pay to the said commissary or his order, out of any monies which may then be, or afterwards come into the treasury, at and after the rate of thirty dollars for each and every person mentioned in such account; and that the said commissary shall immediately after he shall have received the said monies pay or cause the same to be paid to the said several persons mentioned in such account, or to some other person or persons in their behalf respectively, at and after the rate aforesaid; and that the said commissaries shall respectively be allowed and paid such sum for their respective services and expences in executing the business hereby committed to them, as by the supervisors of the county, shall be deemed reasonable and adequate; and the same shall be allowed and paid as the contingent charges of the county are allowed and paid.

Account to be made.

After account is inspected, etc., state treasurer to make payment to commissaries.

CHAP. 23.

AN ACT granting certain powers to the joint committees of both houses of the legislature appointed to enquire into the conduct of the commissioners of sequestration within this State, and for staying all proceedings at law against the said commissioners.

PASSED the 21st of October 1779.

Preamble as to committees to inquire into conduct of commissioners named.

WHEREAS both houses of the legislature have by concurrent resolutions passed at this present meeting appointed two several joint committees consisting each of one member of the senate and two members of the assembly to enquire, during the recess of the legislature, the one committee into the conduct of the commissioners of sequestration in the counties of Albany, Charlotte and Tryon respectively, and the other into the conduct of the commissioners of sequestration in the counties of Ulster Orange Dutchess and Westchester respectively, and to report to the legislature at their next meeting, as by the said resolutions on the journals of the senate and assembly may more fully appear relation being thereunto had.

To the end therefore that the said committee may be the better enabled to make such enquiries.

Powers vested in committees.

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 the said several committees, and a majority of each respectively, shall within the several counties wherein they are respectively appointed to make enquiry as aforesaid, be vested with the following powers and authorities, that is to say,

By writing under their hands to summon the said commissioners or any or either of them to appear before them, at such time and at such place within the limits for which the said commissioners shall have been appointed as the said committee shall from time to time think proper— To cause the said commissioners, and each of them, to produce and lay his or their accounts, vouchers and proceedings before them, for their inspection or examination — To summon in like manner any person or persons to appear before them at such time and place as they shall appoint and when so appearing to declare on oath, or if of the people called Quakers on affirmation, (and which oath or affirmation the said committees and a majority of each respectively are hereby authorized to administer) whatever such persons may respectively know touching or concerning the conduct or proceedings of the said commissioners, or any or either of them, and to produce and lay before the said committees respectively all papers, in the custody or possession of the said persons respectively, relative to the conduct or proceedings of the said commissioners, or any or either of them. And that the powers and authorities hereby granted to the said several committees shall be exercised by them respectively until they shall respectively report to the legislature, notwithstanding they may not respectively report to the legislature at their next meeting, and notwithstanding any other person or persons may be appointed of the said committees respectively, in the stead of any or either of the persons so appointed as above recited.

Penalty for refusing to appear

And be it further enacted by the authority aforesaid, That each and every person being a commissioner as aforesaid, and each and every other person not being such commissioner, who shall upon being so

summoned neglect or refuse to appear before the said committees respectively, or appearing shall refuse to produce and lay before the said committees respectively such accounts papers and proceedings as are above mentioned, or if such other person or persons so appearing shall person so declare upon oath or affirmation as aforesaid, each and every hundred offending, shall for every such offence forfeit the sum of four pounds, to the people of this State, to be recovered with costs, in an action of debt, in the name of the treasurer of this State.

and produce papers, etc.

And whereas until the said several committees shall have made report to the legislature, and a proper mode of relief can be devised for persons who may have sustained damage by reason of such of the proceedings of the said commissioners as may not have been strictly conformable to law, it is necessary for the peace of the State, that all prosecutions against the said commissioners should be stayed.

Proviso as to prosecutions.

Be it therefore further enacted by the authority aforesaid, That no suit or action shall before the first day of January which will be in the year of our Lord one thousand seven hundred and eighty one be commenced or prosecuted against any person appointed a commissioner as aforesaid for, by reason or upon account of, any act matter or thing heretofore done or committed by such person, in his capacity of commissioner as aforesaid; and that the person or persons against whom such suit or action shall be commenced or prosecuted, may plead this act in abatement of the same.

Suits not to be brought.

Plead in abatement

CHAP. 24.

AN ACT to empower the congress of the United States of America to determine all controversies relative to certain lands in the counties of Cumberland Gloucester, Charlotte and Albany, commonly called the New Hampshire Grants.

PASSED the 21st of October, 1779.

WHEREAS controversies have heretofore subsisted respecting a certain district of country on both sides of Connecticut river, commonly called the New Hampshire Grants, involving in some instances the right of soil, and in others both the right of soil and jurisdiction.

Preamble.

And whereas this State comprehends within its just and ancient limits, all that part of the said district which lies on the west side of the said river, and its rightful jurisdiction over the same, was fully confirmed by the authority of the king and privy council of Great Britain, then having the sole cognizance in such cases, in the dernier resort, by two certain adjudications the one in a controversy between the governments of New Hampshire and Massachusetts Bay respecting the northern boundary of the latter, on an appeal by both parties from a decision of commissioners appointed to hear and determine the said controversy, in virtue of a commission under the great seal of Great Britain, bearing date on or about the third day of April in the year of our Lord one thousand seven hundred and thirty seven; And the other in a controversy between the governments of New Hampshire and New York, respecting the western boundary of the former, and the eastern boundary of the latter, which came judicially before the said king and privy council, by the authoritative acts of the governor and council of each,

and by their mutual agreement and consent, the said last mentioned adjudication having been pronounced on the twentieth day of July in the year of our Lord one thousand seven hundred and sixty four, and afterwards duly published.

Ibid.

And whereas the former government of this State in the rightful exercise of their jurisdiction established the said district last described into counties by the names of Cumberland Gloucester Charlotte and Albany, and granted to its inhabitants and others considerable tracts thereof.

And whereas the animosities occasioned by the said controversies have notwithstanding the said final adjudications again revived, and have lately proceeded so far, and risen so high, as to endanger the internal peace of the United States, which renders it indispensable for the congress of the United States of America to interpose for the restoration of quiet and good order; and divers applications have been made to them as well on the part of this State, as of the State of New Hampshire for that salutary purpose.

Ibid.

And whereas congress have accordingly made and published a certain act bearing date on the twenty fourth day of September last, among other things setting forth, that one of the great objects of the Union of the United States of America, is the mutual protection and security of their respective rights. That it is of the last importance to the said Union that all causes of jealousy and discontent between the said States should be removed, and therefore that their several boundaries and jurisdictions should be ascertained and settled; That disputes at present subsist between the States of Massachusetts Bay, New Hampshire and New York on the one part, and the people of the said district called the New Hampshire Grants on the other which people deny the jurisdiction of each of the said States over the said district, and each of the said States claim the said district against each other, as well as against the said people, as appertaining in the whole or in part to them respectively; It is therefore in and by the said act, among other things, resolved unanimously that it be and it hereby is most earnestly recommended to the States of New Hampshire, Massachusetts Bay and New York, forthwith to pass laws expressly authorizing congress, to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the articles of confederation, so that congress may proceed thereon by the first day of February next at farthest: And further that the said States of Massachusetts Bay, New Hampshire and New York do by express laws for that purpose refer to the decision of congress all differences or disputes relative to jurisdiction, which they may respectively have with the people of the district aforesaid, so that congress may proceed thereon on the said first day of February next; and also to authorize congress to proceed to hear and determine all disputes subsisting between the grantees of the several States aforesaid with each other or with either of the said States respecting title to lands lying in the said district to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid; and further to provide that no advantage be taken of the non performance of the conditions of any of the grants of the said lands, but that further reasonable time be allowed for fulfilling such conditions: And it is thereby further unanimously resolved, that congress will and thereby do pledge their faith to carry into execution and support their decisions and determinations in the premises in favour of which soever of the parties the same may be, to the end, that permanent concord and harmony may be established between them, and all cause of uneasiness be removed. And that congress will on the said

first day of February next, proceed without delay to hear and examine into the disputes and differences relative to jurisdiction aforesaid between the said three States respectively, or such of them as shall pass the laws before mentioned on the one part and the people of the district aforesaid who claim to be a separate jurisdiction on the other; and after a full and fair hearing, will decide and determine the same according to equity; and that neither of the said States shall vote on any question relative to the decision thereof. And congress do thereby pledge their faith to execute and support their decisions and determinations in the premises (as by the said act remaining among the records of congress will more fully appear reference thereunto being had)

To the end therefore that the said controversies may be finally extinguished and the tranquility of the said district be thereby restored, and harmony between this State and the States claiming the said district be established on a permanent foundation, agreeable to the provisions of congress in the premises.

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 to and for the congress of the United States of America, and the said congress are hereby fully authorized and empowered to hear and determine all differences and disputes between this State on the one part, and the States of Massachusetts Bay and New Hampshire respectively on the other part, relative to their respective boundaries, so in controversy, in the mode prescribed by the articles of confederation of the United States of America. And that such determination being duly made and published agreeable to the purport of the said act of congress, and the true intent and meaning of the said articles of confederation shall forever thereafter be final and conclusive to all intents and purposes.

Congress may determine differences between States.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the congress of the United States of America, and they are hereby fully authorized and empowered, either by themselves or by a court to be instituted according to the mode prescribed by the articles of confederation of the United States, (in cases of disputed jurisdictions between different States) to examine into, hear and finally determine all differences or disputes relative to jurisdiction, between this State, and such of the inhabitants of that part of the said district which lies on the west side of Connecticut river, as deny the jurisdiction of this State over the same. And the said determination being duly made and published according to the true intent and meaning of the said act of congress, shall be and remain final and conclusive against this State forever.

To settle questions of jurisdiction.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the congress of the said United States of America, and they are hereby authorized and empowered either by themselves or by commissioners or judges to be appointed in the mode prescribed by the ninth article of the confederation aforesaid to examine into hear and finally determine all disputes and controversies depending between the grantees of this State, and the grantees of the States of New Hampshire and Massachusetts Bay respectively, or between this State and the grantees of the said States of New Hampshire and Massachusetts Bay respectively, concerning title to lands within the said district: And the said determinations being accordingly duly made, and published, shall be final and conclusive against this State, and all persons claiming under the same or the former government thereof forever.

To determine disputes between grantees of the States named.

Non-performance of conditions not to invalidate grants, etc.

And be it further enacted by the authority aforesaid That no advantage shall be taken in law or equity, against any of the grantees of land within the said district or their heirs or assigns for the nonperformance of any of the conditions of their respective grants; But all such grantees respectively and their heirs and assigns shall be allowed ten years after the determination of the said controversy, for fulfilling such conditions.

Delegates in congress to act as agents for State.

And be it further enacted by the authority aforesaid, That the delegates of this State in the congress of the United States of America, for the time being, or any two of them, be and they are hereby nominated and appointed lawful agents to represent and act for this State in all matters and things required to be done by the articles of confederation aforesaid in the congress of the United States or elsewhere, in cases where two or more States are in controversy concerning boundary jurisdiction or other cause, with full power and authority to conduct and manage the said controversies in behalf of this State. And they are hereby further authorized to pledge the faith of this State for the payment of all such expences as they shall judge to be necessary for bringing the said controversies to a final determination.

Commissioners to procure evidence, etc.

And be it further enacted by the authority aforesaid, That the Honorable James Duane and John Morin Scott Esquires and Egbert Benson Esquire, be and they are hereby nominated and appointed commissioners to collect and procure evidence vouchers and materials for manifesting and maintaining the boundaries and jurisdiction of this State, and the rights of the grantees under the same which are drawn into question in the manner aforesaid. And the treasurer of this State is hereby authorized to advance to the said commissioners or any two of them on their receipt such sums as they shall require to defray the expence of the trust hereby reposed in them, not exceeding the sum of ten thousand pounds, for which they shall be accountable to the legislature. And for their services provision shall be made by some future act or acts of the legislature to be passed in this behalf. Provided that the compliance on the part of this State with the above recommendations of congress in passing this act, or the submission hereby made to congress finally to decide and determine in manner herein before particularly specified, shall not be construed to imply that the boundaries and jurisdiction between this State and the States of Massachusetts Bay and New Hampshire respectively, have not been heretofore finally settled determined and established by legal and competent authority; and that the agents of this State may on the hearing of the said controversies, or either of them, insist upon such final settlement establishment and determination, as evidence of the right of this State, both as to jurisdiction and right of soil.

Treasurer to make advances.

Proviso as to boundaries.

Proviso as to articles of confederation.

Provided always that nothing in this act contained, shall be construed to operate in any manner to render the said articles of confederation more obligatory on this State, that the same are made by a certain law of this State entitled, "An act of accession to and approbation of certain proposed articles of confederation and perpetual union between the United States of America and to authorize the delegates of the State of New York to ratify the same on the part and behalf of this State in the congress of the said United States.

CHAP. 25.

AN ACT, for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same.

PASSED the 22d of October, 1779.

WHEREAS during the present unjust and cruel war waged by the king of Great Britain against this State, and the other United States of America, divers persons holding or claiming property within this State have voluntarily been adherent to the said king his fleets and armies, enemies to this State and the said other United States, with intent to subvert the government and liberties of this State and the said other United States, and to bring the same in subjection to the crown of Great Britain by reason whereof the said persons have severally justly forfeited all right to the protection of this State and to the benefit of the laws under which said property is held or claimed Preamble.

And whereas the public justice and safety of this State absolutely require that the most notorious offenders should be immediately hereby convicted and attainted of the offence aforesaid in order to work a forfeiture of their respective estates and vest the same in the people of this State. *And whereas* the Constitution of this State hath authorized the legislature to pass acts of attainder, for crimes committed before the termination of the present war.

I. *Be it therefore 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, John Murray earl of Dunmore formerly governor of the colony of New York, William Tryon Esquire late governor of the said colony, John Watts, Oliver DeLancey, Hugh Wallace, Henry White, John Harris Cruger, William Axtell and Roger Morris Esquires late members of the council of the said colony; George Duncan Ludlow and Thomas Jones, late justices of the supreme court of the said colony, John Tabor Kempe, late attorney general of the said colony, William Bayard Robert Bayard and James DeLancey now or late of the city of New York Esquires David Matthews, late mayor of the said city, James Jauncey, George Foliot, Thomas White, William McAdam, Isaac Low, Miles Sherbrooke, Alexander Wallace and John Wetherhead, now or late of the said city merchants, Charles Inglis of the said city, clerk and Margaret his wife; Sir John Johnson late of the county of Tryon, knight and baronet, Guy Johnson, Daniel Claus and John Butler now or late of the said county, Esquires and John Joost Herkemer, now or late of the said county yeoman, Frederick Philipse and James DeLancey now or late of the county of Westchester Esquires, Frederick Philipse (son of Frederick) now or late of the said county gentleman, David Colden Daniel Kissam the elder, and Gabriel Ludlow now or late of Queens county Esquires, Philip Skeene, now or late of the county of Charlotte Esquire; and Andrew P. Skeene son of the said Philip Skeene and late of Charlotte county Benjamin Seaman and Christopher Billop, now or late of the county of Richmond Esquires, Beverly Robinson, Beverly Robinson the younger and Malcom Morrison now or late of the county of Dutchess Esquires, John Kane now or late of the said county, gentleman, Abraham C. Cuyler now or late of the county of Albany Esquire, Robert Leake, Edward Jessup and Ebenezer Jessup now or late Persons convicted of treason.

of the said county gentlemen, and Peter Dubois and Thomas H. Barclay now or late of the county of Ulster Esquires, Susannah Robinson, wife to the said Beverly Robinson and Mary Morris wife to the said Roger Morris, John Rapalje of Kings county Esquire; George Muirson, Richard Floyd and Parker Wickham of Suffolk county Esquires, Henry Lloyd the elder late of the State of Massachusetts Bay merchant and Sir Henry Clinton knight be and each of them are hereby severally declared to be *ipso facto* convicted and attainted of the offence aforesaid, and that all and singular the estate both real and personal held or claimed by them the said persons severally and respectively, whether in possession, reversion or remainder, within this State, on the day of the passing of this act, shall be and hereby is declared to be forfeited to, and vested in the people of this State.

**Estates
forfeited.**

**Persons
named
banished
from
State.**

II. *And be it further enacted by the authority aforesaid,* That the said several persons hereinbefore particularly named shall be and hereby are declared to be forever banished from this State, and each and every of them who shall at any time hereafter be found in any part of this State, shall be and are hereby adjudged and declared guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

**Other
offenders.**

And to the end That for the purpose aforesaid convictions and attainder for the offence aforesaid may in pursuance of this act, be had against other offenders than those hereinbefore particularly named.

**Grand jury
to indict
for treason**

III. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the grand jurors at any supreme court of judicature to be held for this State, or at any court of oyer and terminer and general gaol delivery or general or quarter sessions of the peace to be held in and for any county of this State, whenever it shall appear to such grand jurors by the oath of one or more credible witness or witnesses, that any person or persons, whether in full life or deceased, generally reputed, if in full life to hold or claim, or if deceased, to have held or claimed at the time of their death respectively, real or personal estate within this State, hath or have been guilty of, the offence aforesaid, to prefer bills of indictment against such persons as shall then be in full life for such offence, and in relation to the offence committed by such persons in their lives time as shall then be deceased severally and respectively, notwithstanding that such offence may have been committed elsewhere than in the county for which such grand jurors shall be summoned. That in every indictment to be taken in pursuance of this act, the offence or offences shall be charged to have been committed in the county where the indictment shall be taken, notwithstanding such offence or offences may have been committed elsewhere and it shall not be necessary to set forth specially whether the several persons charged in such indictment were respectively deceased or in full life or were reputed to hold or claim real or personal estate within this State. And on every such indictment shall be indorsed that the same was taken in pursuance of this act and the day when the same was preferred into court.

**Where
offence
charged to
have been
committed.**

**Sheriffs to
publish
notices of
indictment.**

IV. *And be it further enacted by the authority aforesaid,* That whenever and as often as any such indictment shall be taken against any person or persons, the sheriffs of the respective counties where such indictments shall be taken shall forthwith cause notices thereof agreeable to such form as is herein after mentioned to be published in one or more of the public news papers within this State, for at least four weeks,

**Persons
indicted
neglecting**

V. *And be it further enacted by the authority aforesaid,* That in every case of a neglect to appear and traverse agreeable to the sheriff's no-

tice, the several persons charged in such indictment whether in full life or deceased shall respectively be and hereby are declared to be and shall be adjudged guilty of the offences charged against them respectively. And the several persons who shall in pursuance of this act either by reason of such default in not appearing and traversing as aforesaid or upon trial be convicted of the offence aforesaid shall forfeit all and singular the estate both real and personal, whether in possession reversion or remainder, held or claimed by them respectively within this State to the people of this State; and judgment shall accordingly be awarded in the supreme court of this State against the said persons respectively; and such forfeitures, as well of the estates, which were at the time of their death respectively of persons deceased, as of persons in full life, at the time of conviction, shall be deemed to have accrued and the estates accordingly attached to and vested in the people of this State as and from the day charged in each respective indictment most distant from the day of the taking thereof,

to appear and plead to be adjudged guilty, etc.

Provided nevertheless that where a trial shall be had upon any such indictment the forfeiture shall in such case be deemed to have accrued from the day to be found by the verdict of the jury, by which such persons shall be respectively convicted, most distant from the day of the taking of the indictment any other day to be charged in the indictment notwithstanding. And provided farther that the several persons who shall have been pardoned in pursuance of a declaration or ordinance of the convention of this State, passed the tenth day of May in the year of our Lord one thousand seven hundred and seventy seven "offering free pardon to such of the subjects of the said State, as, having committed treasonable acts against the same, should return to their allegiance," or in consequence of any proclamation or proclamations heretofore issued by the commander in chief of the army of the United States of America, may respectively plead their pardons to indictments taken in pursuance of this act in like manner as they might or could do, to indictments for high treason taken in the ordinary course of law. And provided farther that each and every person who shall at any time before the fourth day of April in the year of our Lord one thousand seven hundred and seventy eight, have taken the oath of allegiance to this State, before the convention or councils of safety of this State or before the committee of the said convention appointed for enquiring into detecting and defeating all conspiracies which may be formed in this State against the liberties of America, or the commissioners appointed for the like purpose, or a county, district or precinct committee shall and may plead such taking the oath of allegiance in bar to any indictment to be taken in pursuance of this act for offences committed before the day on which they respectively took such oath.

Proviso as to when forfeiture deemed to have accrued.

VI. *And be it further enacted by the authority aforesaid* That all indictments to be from time to time taken in pursuance of this act at any court of oyer and terminer or general gaol delivery or general or quarter sessions of the peace shall by the clerks of the said courts respectively be returned under their respective hands and seals into the supreme court of this State, and shall be tried at the bar of the said court, and upon the trial of any such indictment, no greater number of witnesses shall be required than are required by law in cases of felony without benefit of clergy.

Indictments to be returned into supreme court for trial.

VII. *And be it further enacted by the authority aforesaid*, That the several sheriffs shall from time to time respectively return under their hands and seals into the supreme court of this State, the several numbers of the news papers containing the notices published by them respect-

Sheriffs to return news-papers into court, etc.

ively there to remain as records of such notices until judgments shall be had against the several persons named in such notices respectively.

And to the end that in prosecutions for the offence aforesaid in pursuance of this act, no advantage may be taken of mere matters of form, and that the defendants may notwithstanding be fully apprized of the several matters charged against them in order to their defence.

What
necessary
to be
charged
in indict-
ment.

VIII. *Be it further enacted by the authority aforesaid,* That it shall be sufficient in all indictments to be taken for the offence aforesaid in pursuance of this act, to charge generally, that the several persons therein charged did on the several days and at the several places therein mentioned adhere to the enemies of this State, and the grand jurors shall at the time they deliver any such indictment into court deliver into court the examinations or depositions of the witness or witnesses, upon whose testimony such indictment was found to be filed in court together with the indictment, and the defendants shall respectively upon application be entitled to copies of the indictments against them respectively and of such examinations or depositions; and the prosecutor on the part of the State shall not upon the trial be permitted to give evidence of any overt acts other than such as shall be charged in such examinations or depositions; and the clerks of the several courts of oyer and terminer and general goal delivery and general or quarter sessions of the peace shall return such examinations or depositions into the supreme court in like manner as is hereinbefore directed with respect to indictments taken at the courts of oyer and terminer and general goal delivery, or general or quarter sessions of the peace.

Evidence.

IX. *And be it further enacted by the authority aforesaid,* That besides the several matters by the law of England declared to be evidence and overt acts of high treason in adhering to the king's enemies, and which are hereby declared to be evidence and overt acts of high treason in adhering to the enemies of the people of this State as sovereign thereof, the following matters shall be and are hereby declared to be evidence and overt acts of adhering to the enemies of the people of this State, whereon and for which persons may in pursuance of this act be indicted and convicted for the offence aforesaid, that is to say, being at any time since the ninth day of July in the year of our Lord one thousand seven hundred and seventy six (the day of the declaration of the independence of this State within the same) in any part of the United States, not in the power or possession of the fleets or armies of the king of Great Britain, and afterwards voluntarily withdrawing to any place within the power or possession of the king of Great Britain, his fleets or armies; or being apprehended by order of or authority from the commander in chief of the armies of the said United States, or of or from the provincial congress, or conventions or committees thereof, or councils of safety, of this State, or the commissioners above mentioned appointed for enquiring into detecting and defeating all conspiracies which may be formed in this State against the liberties of America, or county, district or precinct committees within this State, or by the supreme executive authority of this State, and confined within certain limits upon engagements by parole or otherwise, not to go beyond such limits, and breaking such engagements, and voluntarily escaping to any place in the power of the fleets or armies of Great Britain, or being so confined as aforesaid, and afterwards permitted by proper authority to go to any place in the power of the fleets or armies of Great Britain upon engagement to return within a certain given time, and not returning within such time but afterwards remaining at any place within the power or possession of the fleets or armies of Great Britain

And whereas divers persons inhabitants and well affected subjects of this State at the time of the declaration of the independence thereof, who had their fixed residence in the southern district of this State were obliged on the invasion of the said district by the enemy to fly before their superior force into parts of this or some other or others of the said United States, and some of them having thereby abandoned all or the greatest part of their property were so reduced as to have been respectively obliged through absolute necessity and the want of sufficient habitations and the necessary means of support and subsistence to return to their respective places of abode, and others of them for the same cause having deserted their habitations and fled in manner aforesaid have for particular reasons been permitted either by the commander in chief of the armies of the said United States, or other lawful authority in the places to which they respectively fled so returned within the power of the enemy where they also severally still do reside.

Proviso as to loyal persons who were obliged to abandon property, etc.

X. *Be it therefore further enacted by the authority aforesaid, and it is hereby provided* That nothing in this act contained shall be construed to extend to or affect the said persons severally and respectively, or any or either of them except such of them as since his her or their return to any place or places within the power of the enemy has or have done any act or thing which in judgment of law would be construed, deemed and adjudged an adherence to the enemies of this State and high treason against the people thereof, had such person or persons respectively voluntarily and freely and without any such cause as aforesaid returned within the power of the enemy. In which case such return within the power of the enemy and such act or thing as aforesaid shall in judgment of law be construed deemed and is hereby declared to be adjudged an adherence to the enemies of the people of this State.

This act not to affect such persons.

XI. *And be it further enacted by the authority aforesaid, and it is hereby provided* That no conviction or attainder in pursuance of this act, shall be construed to exempt any person or persons from being apprehended tried convicted attainted and executed for high treason according to the ordinary course of law.

Conviction under this act, effect of.

XII. *And be it further enacted by the authority aforesaid* That all conveyances and assignments of any real or personal estate made or executed since the ninth day of July in the year of our Lord one thousand seven hundred and seventy six by any or either of the persons who are immediately convicted and attainted by this act or any or either of the persons who shall be convicted or attainted in pursuance of this act or any or either of the persons who shall be convicted or attainted of high treason in the ordinary course of law for offences committed during the present war, shall be presumed to be fraudulent and to have been made with intent to prevent a forfeiture of the estates by such conveyances or assignments respectively intended to be conveyed or assigned, and upon every trial, wherein any such conveyance or assignment shall come in question, the burthen of the proof shall lay upon the person or persons claiming under such conveyance or assignment, that the same was made and executed *bona fide*, for a valuable consideration, and not with intent to prevent a forfeiture as aforesaid.

Conveyances named presumed to be fraudulent.

Burthen of proof.

XIII. *And be it further enacted by the authority aforesaid* That all titles estates and interests, by executory devise or contingent remainder, claimed by any person hereby, or by virtue of this law, to be convicted, shall on conviction be as fully forfeited to all intents, constructions and purposes in the law whatsoever to the people of this State as any other titles claims estates or interests whatsoever.

Estates in remainder forfeited.

Property described vested in State.

XIII. *And be it further enacted by the authority aforesaid,* That the absolute property of all messuages lands tenements and hereditaments and of all rents royalties, franchises, prerogatives, priviledges, escheats, forfeitures, debts, dues duties and services by whatsoever names respectively the same are called and known in the law, and all right and title to the same, which next and immediately before the ninth day of July in the year of our Lord one thousand seven hundred and seventy six, did vest in, or belong, or was, or were due to the crown of Great Britain be, and the same and each and every of them hereby are declared to be, and ever since the said ninth day of July, in the year of our Lord one thousand seven hundred and seventy six, to have been, and for ever after shall be vested in the people of this State, in whom the sovereignty and seignory thereof, are and were united and vested, on and from the said ninth day of July, in the year of our Lord one thousand seven hundred and seventy six.

Governor to appoint commissioners of forfeiture.

Powers and duties of.

XV. *And be it further enacted by the authority aforesaid,* That the person administering the government of this State for the time being shall be, and he is hereby authorized and required by and with the advice and consent of the council of appointment to appoint, during the pleasure of the said council, and commission under the great seal of this State, three commissioners of forfeitures for each of the great districts of this State. That the said commissioners or a majority of them shall be, and hereby are authorized and required from time to time, to sell and dispose of all real estate within their respective districts, forfeited or to be forfeited to the people of this State, at public vendue to the highest bidder or bidders, and in such parcels as they shall from time to time think proper first giving eight weeks notice of each sale in one or more of the public news papers in this State containing a description as to the quantity by estimation of the lands or tenements to be sold, the situation thereof and the name or names of the person or persons by the conviction and attainder of whom the said lands or tenements are deemed to have become forfeited, and to make seal and deliver to the purchaser or purchasers respectively good and sufficient deeds and conveyances in the law, to vest the same in them respectively and their respective heirs and assigns upon such purchaser or purchasers respectively producing such receipt from the treasurer as is herein after mentioned. That every such purchaser and purchasers shall by virtue of such deeds and conveyances respectively be so vested in title seizin and possession of the lands and tenements so purchased as to have and maintain in his, her or their name or names any action for recovery thereof or damages relating thereto any actual seizin or possession thereof in any other person or persons notwithstanding. That every such deed and conveyance shall be deemed to operate as a warranty from the people of this State, to the purchaser or purchasers respectively and their respective heirs and assigns for the lands or tenements thereby respectively granted and conveyed against all claims titles and incumbrances whatsoever and such purchaser or purchasers respectively and their respective heirs or assigns shall in case of eviction have such remedy and relief upon such warranty in such manner as shall be more particularly provided for in such future act or acts of the legislature as are herein after mentioned

Acreeage of parcels.

Provided that the said commissioners shall not be authorized to sell any lands in larger parcels than the quantity of five hundred acres in each parcel, that no more than one farm shall be included in one and the same sale, and that the sales shall be made in the county where the lands or tenements to be sold respectively lie.

And provided further that nothing in this law contained shall be construed deemed esteemed or adjudged to authorize the commissioners to be appointed by virtue hereof to make sale of any of the lands messuages tenements or hereditaments hereby forfeited or by virtue hereof to become forfeited before or until the first day of October next, and that all such sales shall be and the same hereby are wholly prohibited until that day.

Sales not to be made till first of October named.

And whereas it is impossible at present to form an estimate of what will be a proper compensation to the said commissioners, for their services and expences, in executing the business hereby committed to them.

Proviso as to compensation, etc.

XVI. *Be it therefore further enacted by the authority aforesaid,* That the publick faith of this State shall be and hereby is pledged to the said commissioners, for such allowance and compensation to them for their services and expences besides the expences of surveyors, clerks and other incidental charges, as shall hereafter by the legislature be deemed just and reasonable.

XVII. *And be it further enacted by the authority aforesaid,* That the treasurer of this State shall be, and he is hereby authorized out of the monies which now are, or hereafter may be in the treasury, to advance to the said commissioners for each district, a sum not exceeding two thousand pounds to defray the expence of the business hereby committed to them.

Advances to.

And whereas in many instances, lands, the reversion or remainder whereof is or may become forfeited to this State, are possessed by tenants who have at considerable expence made or purchased the improvements on the same, and which tenants have constantly, uniformly and zealously, since the commencement of the present war, endeavored to defend and maintain the freedom and independence of these United States.

Proviso as to tenants.

XVIII. *Be it therefore further enacted by the authority aforesaid,* That where lands the reversion or remainder whereof is hereby or may become forfeited to the people of this State, shall be possessed by any tenant of the character above described, and who, or whose ancestor, testator or intestate, shall have made or purchased the improvements on the same, they shall continue in possession at their former rents and be at liberty as heretofore to transfer the irimprovements untill the fee simple of the said lands shall be sold, they paying their respective rents and the present ararages thereof in money equal to the current prices of the articles of produce in which their rents were heretofore paid, into the treasury of this State, if such rents were reserved in produce, or if reserved in money then in so much money as will be equivalent to the price of wheat at seven shillings per bushel. And that when the fee simple of the said lands shall be sold by the commissioners to be appointed in pursuance of this act, they shall cause such lands to be appraised by three appraisers, at what shall be deemed the then present value thereof, exclusive of the improvements thereon, at the time of appraising; That one of the said appraisers shall be elected by the commissioners, another by the tenant claiming the benefit intended by this clause, and the third by the said other two appraisers; That the said appraisers previous to the making of such appraisements, shall each of them take an oath, and which oath the said commissioners are hereby authorized to administer well and truly to appraise the lands held by such tenant at what shall be deemed the then value thereof, exclusive of the improvements thereon; and upon payment into the treasury by such tenant of the sum at which such lands shall be so appraised, within three months after the making of such appraisement, together with all arrearages of rents, then due

Loval tenants may continue in possession and transfer improvements, etc.

Lands to be appraised. Appraisers how to be elected. Official oath.

thereon, the commissioners shall convey the lands so appraised to such tenant, in like manner as if such lands had been sold at publick vendue, and such tenant had appeared and been the highest bidder for the same. Provided that no person being a tenant himself or of affinity or consanguinity to the tenant requiring such appraisement to be made, shall be an appraiser.

And in order that the commissioners may be enabled to determine who are the proper objects of the benefit intended by the foregoing clause.

Tenants to produce certificates as to loyalty.

XIX. *Be it further enacted by the authority aforesaid,* That no tenant shall be entitled to such benefit, unless he or she shall within one month after the same shall be required of him or her by the said commissioners, produce to them a certificate to be subscribed by at least twelve reputable inhabitants of the county of known and undoubted attachment to the American cause, to be approved of by the commissioners, and which inhabitants shall severally declare upon oath the truth of the matter by them certified, before a justice of the peace of the county, who is hereby authorized to administer such oath, certifying that such tenant had constantly and uniformly since the said ninth day of July, one thousand seven hundred and seventy six, demeaned himself, or herself, as a friend to the freedom and independence of the United States, and hath, as far forth as his or her circumstances would admit, taken an active and decisive part, to maintain and promote the same.

Certificate of sale to be given purchasers.

XX. *And be it further enacted by the authority aforesaid,* That whenever, the said commissioners shall within their respective districts, make sale of any lands either at publick vendue, or upon such appraisement as aforesaid, and the commissioners and the person or persons to whom such sale shall be made, having reciprocally subscribed a memorandum or note in writing of such sale, the commissioners shall immediately thereupon give to the person or persons to whom such sale shall be made, a certificate thereof, to contain the sum for which the lands purchased by such person or persons, were sold and if such sale was made upon such appraisement, then also of the arrearages of rent due on such lands. That the said person or persons to whom such certificates shall be given, shall within three months from the date thereof pay, into the treasury of the State the sums in such certificates respectively specified, and the treasurer is hereby required and authorized, to receive the same and to give to the said person or persons, paying, duplicate receipts for the monies by them respectively paid, and the several persons to whom such receipts shall be given, shall upon their respectively producing and lodging with the said commissioners one of the said receipts, be entitled to deeds and conveyances for the the lands by them respectively purchased.

Payment, when to be made.

Commissioners may maintain suits on contracts of sale.

XXI. *And be it further enacted by the authority aforesaid,* That the commissioners for the respective districts shall and may in their own names commence and prosecute any suit upon a contract for the sale of any estate against any person or persons, who shall have subscribed such note or memorandum in writing thereof as aforesaid, and all damages which shall be recovered by the said commissioners in such suits, shall be by them paid into the treasury of this State.

Purchases by commissioners to be void.

XXII. *And be it further enacted by the authority aforesaid* That all purchases made at such vendues by the said commissioners, or any or either of them, or any other person to or for the use of them, or any or either of them, shall be null and void; and that each commissioner before he enter upon the execution of his office shall appear before one of the

judges of any of the counties within the district for which such commissioner shall be appointed, and take and subscribe the following oath Official oath.
which such judge is hereby authorized and required to administer viz.

“ I A B. appointed a commissioner of forfeitures, for the district, do solemnly and sincerely swear and declare in the presence of Form of. Almighty God, that I will faithfully and honestly execute the said office in such manner as I shall conceive most for the benefit and advantage of the people of this State, according to the true intent and meaning of an act entitled An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect of all property within the same.”

XXIII. *And be it further enacted by the authority aforesaid, and it is hereby provided,* That the said commissioners shall not be authorized to sell any lands which at the time of the sale thereof, shall be within the power of the enemy, any thing herein before mentioned notwithstanding. Lands in power of enemy not to be sold.

XXIII. *And be it further enacted by the authority aforesaid* That the treasurer of this State shall in his accounts of the monies arising by the sales of forfeited estates specify the names of the several persons to whom the several estates immediately before the forfeiture thereof were deemed to belong as the same shall appear from the certificate of the commissioners: To the end that when the legislature shall by future act or acts to be passed for the purpose, provide for the payment of the debts due from the said persons respectively the amount of the monies arising from the sales of their respective estates may with the greater ease be ascertained. Treasurer, account to be kept by.

XXV. *And be it further enacted by the authority aforesaid,* That the forms of the several proceedings to be had in pursuance of this act and of the deeds or conveyances to be executed by the commissioners to be appointed in pursuance of this act, shall be as follows, that is to say Forms to be used.

Form of the Notices by the Sherif.

‘STATE OF NEW YORK ss :

By Esquire Sherif of the county of

Form of notice by sherif.

WHEREAS at a supreme court of judicature” or “ court of oyer and terminer and general gaol delivery ” or “ court of general sessions of the peace,” or “ court of quarter sessions of the peace ” (as the case may be) —(here insert the name or names of the person or persons indicted with their respective additions) “was” or “were severally” (as the case may be) indicted for adhering to the enemies of the people of this State. “These are therefor to notify the said (here insert the name of the person indicted) if “ he ” or “ she ” (as the case may be) shall at the expiration of the time for that purpose hereinafter limited be in full life and all persons claiming any estate or interest under “ him ” or “ her ” (as the case may be) if “ he ” or “ she ” (as the case may be) shall at the expiration of the said time be deceased that unless “ he ” or “ she ” (as the case may be) if in full life as aforesaid do personally appear in the supreme court of judicature of this State, within the time hereinafter limited, and traverse the said “ indictment ” or “ indictments ” (as the case may be) or if the said (here insert the name of the person indicted) shall be deceased that unless some or one of the said several persons so claiming an estate or interest as aforesaid, do personally or if *feme covert*, insane or within age respectively do by their several and respective barons, guardians or next friends respectively, appear in the said supreme court on or before the fourth day after the first day of the second term next succeeding

Witnesseth that the said commissioners by virtue of the power and authority to them in and by the said act granted and for and in consideration of the sum of _____ by the said _____ paid into the treasury of the said State have granted bargained, sold enfeoffed and confirmed and by these presents do grant bargain sell enfeoff and confirm unto the said _____ and _____ heirs and assigns all (here describe the lands or tenements to be conveyed) and all and singular the estate right title and interest whether in possession, reversion or remainder of in or to the said premises which in consequence of any conviction or attainder is become forfeited attached or vested in or to the people of the said State. To have and to hold all and singular the said premises hereby granted bargained sold, enfeoffed and confirmed with the appurtenances unto the said _____ and _____ heirs and assigns to the only proper use and behoof of the said _____ and _____ heirs and assigns forever, In witness whereof the said parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

Of other proceedings.

And that all the forms of proceedings in prosecutions for the offence aforesaid, to be had in pursuance of this act, other than such as are hereby otherwise specially directed, shall be as nearly as may be similar to the forms of the proceedings in cases of felony without benefit of clergy, except, that the word or words "offence" or "offences" (as the case may be) shall be used instead of the word or words "felony" or "felonies" and that where a traverse shall be put in by any person or persons claiming any estate or interest under a person deceased as aforesaid all and singular the proceedings and processes, shall, notwithstanding be of the same form as if the respective persons charged in the several indictments had been severally in full life and had in their own respective proper persons appeared and traversed, and for want of such traverse as if such person had made default in full life.

Claimants under deceased persons may traverse indictment.

XXVI. *And be it further enacted by the authority aforesaid* That each and every person or persons claiming an estate or interest under any person deceased shall and may upon affidavit of such claim and of the death of the person under whom such claim shall be made to be read and filed in court, be admitted to traverse the indictments against the persons under whom they so respectively claim. That in every case of such traverse as last aforesaid no trial shall be had thereon until after the expiration of the time herein before limited for putting in such traverse. That where two or more persons shall appear at one and the same time and produce such affidavit and thereupon apply to be admitted to traverse, the court may compel such persons to join in the traverse and that where any person or persons so claiming as aforesaid shall have been admitted to traverse and shall have traversed accordingly, and any other person or persons shall afterwards apply to be admitted to traverse, the person or persons so afterwards applying having respectively produced such affidavit of a claim as aforesaid shall upon the trial of such traverse be permitted to employ council, produce witnesses, sue for subpoena's for the attendance of witnesses, cross examine the witnesses on the part of the State, and do every other act and thing in and about a defence in like manner and as fully as the person or persons by whom the traverse shall have been put in.

Adverse claimants may be compelled to join in traverse.

CHAP. 26.

AN ACT for the appointment of a commissary of prisoners for this State.

PASSED the 22d of October, 1778.

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 to and for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to nominate and appoint during the pleasure of the said council and to commissionate under the seal for military commissions a commissary of prisoners for this State. That the said commissary of prisoners, so to be appointed, shall in the execution of his office be subject and demean himself agreeable to such orders as he shall from time to time receive from the person administering the government of this State, for the time being.

Commissary of prisoners to be appointed.

And be it further enacted by the authority aforesaid, That the person so to be appointed a commissary of prisoners for this State, shall be allowed, at and after the rate of fifty pounds per month for his services and subsistence, during his continuance in the said office.

Compensation.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissary of prisoners so to be appointed, to draw out of the treasury of this State from time to time by warrant or warrants from the person administering the government of this State for the time being, such sum or sums of money as may be necessary as well for paying the salary of the said commissary, as for the securing subsisting and exchanging such prisoners of war, as shall belong to this State; in the whole not to exceed the sum of three thousand pounds.

May draw money from treasury for purposes named.

And be it further enacted by the authority aforesaid, That the several sheriffs and gaolers, shall receive into their respective gaols, all such prisoners as shall be delivered to them, or either of them, by the said commissary of prisoners for that purpose, and shall be subject to the orders of the said commissary from time to time respecting the confinement and discharge of the said prisoners.

Sheriffs, etc., to receive prisoners into gaols.

CHAP. 27.

AN ACT for raising the sum of two million five hundred thousand dollars by tax within this State.

PASSED the 23d of October, 1779.

WHEREAS in and by an act of the legislature of this State passed the second day of March, last, and entitled, "An act for raising monies by tax be applied towards the public exigencies of this State," the public faith of this State is thereby pledged to the inhabitants of such parts of the State, who should bear and pay their equal and due proportion of the tax to be raised by virtue of the said act, that the legislature would at a future day devise ways and means for discovering where the lands or personal estates within any ward town manor district or precinct had not been assessed at the full amount or value thereof, agreeable to the

Preamble.

rate of assessing thereby prescribed; and for compelling such ward towns manors districts or precincts, where it should appear that the assessments were made at an under rate, to pay their deficiencies, with interest for the same at the rate of six per cent per annum, from the time when the same ought to have been paid.

And whereas it is suggested that the assessments have been very partially and unequally made, and that by reason thereof the burthen of the tax intended to be raised by virtue of the said act hath not been equally borne throughout the several parts of the State.

And whereas the respective county treasurers have neglected to transmit to the treasurer of this State copies of the amount of the several sums paid into the respective county treasuries for government taxes according to the direction of the last tax law of this State.

And whereas many of the supervisors have likewise neglected to make such returns of the assessment rolls as were by the said law required and therefore the legislature cannot at present enter upon and complete the business of correcting such partialities and inequalities as aforesaid.

And whereas a requisition hath been made upon this State for the sum of two millions and four hundred thousand dollars, to be paid into the treasury of the United States on or before the first day of January next, towards defraying the general expences.

Ibid.

And whereas it is conceived both equitable and expedient, until a more seasonable opportunity shall be afforded to the legislature, for devising means to relieve against former and prevent future frauds and errors in taxing, to adopt a mode of taxation similar to the mode hitherto pursued by congress, by assigning quota's to the several parts of the State, agreeable to an estimate to be formed from a general knowledge of their present respective circumstances and abilities, and allowing to such county as shall hereafter appear to have raised more than their due proportion, interest for the excess, at the rate of six per cent per annum, from the time when the same shall have been paid into the treasury of this State, and compelling such of them as shall hereafter appear to have raised less than their due proportion of the tax to be raised by virtue of this act, to pay in the deficiency, with interest for the same at the above rate, from the time when the same ought to have been paid into the treasury of this State;

Tax levied.

Be it therefore 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 there shall be raised by tax within the county of Albany the sum of nine hundred and ninety nine thousand five hundred and ninety three dollars, within the county of Dutchess the sum of seven hundred and three thousand one hundred and eighty nine dollars, within the county of Ulster the sum of three hundred and ninety one thousand eight hundred and thirty one dollars, within the county of Orange the sum of two hundred and sixty two thousand, two hundred and ninety nine dollars, within the county of Westchester the sum of thirty thousand six hundred and sixty one dollars, within the county of Tryon the sum of eighty one thousand seven hundred and sixty six dollars, and within the county of Charlotte the sum of thirty thousand, six hundred and sixty one dollars.

Quota assigned to county to be apportioned by supervisors.

That the quota's hereby assigned to the several counties, shall by the supervisors of the respective counties, be apportioned to and among the several wards towns manors districts and precincts in the said counties respectively—according to what may be deemed their present respective circumstances and abilities—That the clerks of the several counties shall forthwith after the passing of this act, by circular letters to be dis-

patched by special messengers (the expence whereof to be allowed and paid as the other contingent charges of the county) call a meeting of the supervisors for the purpose aforesaid — That the supervisor's clerk in each respective county as soon as the supervisor shall have made such apportionment, shall by persons to be specially employed for the purpose (the expence whereof to be also allowed and paid as the contingent charges of the county) cause the several supervisors who shall not be present at such meeting to be notified in writing of the sums at which the quota's of their respective wards towns manors districts or precincts shall have been so apportioned;

That the several supervisors shall forthwith, after the quota's shall be so assigned to their respective wards towns manors districts and precincts, convene the assessors within the same in order that they may enter upon the business of making the assessments to be made in pursuance of this act — That the assessors shall thereupon forthwith make assessments on the several inhabitants residents and persons holding or possessing real or personal estate within such ward town manor district or precinct, according to the estate and other circumstances and ability of each respective person to pay taxes collectively considered — That as soon as the assessors shall have completed the assessment roll, and the same shall have been inspected by the supervisor or supervisors of the ward town manor district or precinct, or in case of his or their death or absence out of the county by any justice of the peace of the county whom the assessors or the major part of them shall notify for the purpose he or they respectively shall form a tax list agreeable thereto to contain the names of the several persons holding real estate within the ward town manor district or precinct, and the names of the several persons resident within the ward town manor district or precinct, who shall have been assessed for their respective personal estates, and the sums at which they shall be severally assessed for their respective real and personal estates, according to the value of each respective estate, and the circumstances and ability of each respective person as aforesaid, and opposite thereto, the several sums at which the said persons shall be respectively taxed, and which sums shall bear such proportion to the respective sums at which the said persons shall have been respectively assessed as the whole quota of the tax of the ward town manor district or precinct doth bear the whole amount of the assessments thereof — That forthwith after the tax list shall be so completed and the same shall be signed by the supervisor or supervisors of the ward town manor district or precinct or a justice of the peace as aforesaid (and which shall be a sufficient warrant to the collector to collect the taxes contained in such tax list, without any other or further warrant) the same shall be delivered to the collector or collectors of the town manor district or precinct, who thereupon shall forthwith collect the said taxes — That if any of the persons taxed for their respective real estates, shall neglect or refuse to pay the tax for the same respectively within the time herein after mentioned, the collector shall levy the same by distress and sale of such goods and chattels as shall be found upon the premises, and if any of the persons taxed for their respective personal estates, shall neglect or refuse to pay the tax for the same respectively within the said time, the collector shall levy the same by distress and sale of the goods and chattels of the person so refusing or neglecting — That where distress and sale shall be made in either of the cases above mentioned, the overplus after deducting the charges of such distress and sale, shall be returned to the person by reason of the neglect or refusal of whom such distress and sale shall be made — That for want

Assessors to be convened and make assessments.

Tax list.

Tax list, when signed, sufficient warrant for collection.

Collection how enforced.

port every such case to the treasurer of the county for the time being, who is hereby expressly required and authorized to sue and prosecute for the same in his own name, and on recovery thereof to pay the same into the treasury of this State.

Persons may be summoned to appear before assessors and testify as to their property.

And be it further enacted by the authority aforesaid, That the assessors, or a majority of them, may by writing under their hands, summon any person actually resident within the ward, town manor district or precinct to appear before them at such time and at such place within their respective wards towns manors districts and precincts, as they may think proper, to be examined on oath, or if of the people called Quakers, on affirmation, which oath or affirmation the assessors or a majority of them are hereby authorized to administer, touching the value or amount of any personal estate; and if the person so to be summoned, shall not upon being served with such summons appear before the said assessors, or appearing shall refuse to answer to interrogatories upon oath, or if of the people called Quakers on affirmation, touching the value or amount of the personal estate, of any person within such ward town manor district or precinct, shall for every offence forfeit the sum of one hundred pounds, to be recovered and when recovered paid in like manner as is herein before directed in the fifth clause of this act, so as the person to be summoned, shall not be compelled to answer to any interrogatories touching the value or amount of his or her property;

Evidence not conclusive as to value.

Provided always that no evidence shall be conclusive for forming any assessment, but that the assessors shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means which in their judgment may be deemed most proper for estimating such actual value.

Persons exempt from tax.

And be it further enacted by the authority aforesaid, and it is hereby provided, That no person serving in the line of the army of the United States of America, and that no person who having removed from his or her usual place of abode by reason of the invasion of the enemy shall not in the judgment of the assessors be acquiring property beyond what may be necessary for the subsistence of his or her respective families, shall be subject to be taxed by virtue of this act for his or her personal estate, and that no minister of the Gospel of any denomination whatsoever, shall be subject to be taxed for their respective salaries, any thing herein contained to the contrary notwithstanding.

Persons to be deemed residents.

And be it further enacted by the authority aforesaid, That if any person shall be residing in any ward town manor district or precinct by the space of ten days before the assessors shall enter upon the business of making the assessments required by this act, such person shall be deemed an actual resident within such ward town manor district or precinct, and liable to be taxed within the same accordingly; and if any person shall come to reside by the space of ten days in any ward town manor district or precinct after the assessments shall be completed, and before the said first day of January next, and shall not when thereunto required by the assessors or either of them declare upon oath, and which oath the assessors or either of them are hereby authorized to administer, that he or she hath been assessed and taxed in pursuance of this act, such person shall be liable to be taxed in such ward town manor district or precinct, and his or her name together with the sum at which he or she shall be taxed, shall be added to the tax list by the assessors accordingly.

Account to be kept by State treasurer.

And be it further enacted by the authority aforesaid, That the treasurer of this State, shall in his accounts of the taxes raised by virtue of this act, credit each respective county with the sums collected within the

same respectively, and paid into the treasury of this State; and if upon a future enquiry (and the public faith is hereby pledged that such enquiry shall be made, as soon as a seasonable opportunity shall be afforded to the legislature for the purpose, and that the other matters in this clause specified shall be duly performed), it shall appear that any county, hath raised more than their respective due proportion of the tax to be raised by virtue of this act, with the other counties in any part of this State, due regard being had to the value of the estates within such county and to the circumstances and ability thereof at the time when the said tax shall have been collected, such county shall be allowed interest for such excess at the rate of six per cent per annum, from the time when the same shall have been paid into the treasury of this State, and if any county shall in like manner appear to have raised less than their like due proportion thereof, such county shall be compelled to raise the deficiency, with interest at the rate aforesaid, from the time when the same ought to have been paid into the treasury of this State.

Interest to be charged against or credited to the several counties.

And whereas considerable sums of the tax intended to be raised by virtue of the said Act, for raising monies by tax to be applied towards the public exigencies of this State, passed the second day of March last, are still in arrear, by reason that in many instances the time for which the collector who began the collecting of the said tax was elected, did expire before the collecting of the said tax was completed; and doubts have arisen whether the collector whose time did so expire, or the succeeding collector should collect such of the said tax as remained at the expiration of the said time uncollected.

Proviso as to time for collecting tax in arrear.

Be it therefore further enacted by the authority aforesaid, That the three superintending supervisors, or a majority of them, in each county, appointed in pursuance of the said act, shall and may authorize and direct the collector who began the collecting of the said tax, or the succeeding collector, to collect such arrearages in each respective ward town manor district or precinct, as they shall in each respective instance deem most expedient; and that such arrearages shall and may be collected notwithstanding the time within which the tax intended to be raised by virtue of the said act was directed to be collected is expired. And in order to remove doubts respecting the same,

Superintending supervisors may extend time.

Be it further enacted by the authority aforesaid, and it is hereby declared, That until the legislature shall make special provision for collecting the double taxes charged on the lands of persons who have been removed within the enemy's lines in pursuance of the Act more effectually to prevent the mischiefs, arising from the influence and example of persons of equivocal and suspected characters in this State passed the thirtieth day of June one thousand seven hundred and seventy eight, such lands as shall be assessed at an higher than the usual rate, by reason that such lands may be deemed to belong to persons so removed within the enemies lines as aforesaid, shall only be subject to the collection of the single tax, until such future legislative provision as aforesaid shall be made

Lands of persons named assessed at higher rate only subject to single tax.

And whereas in and by the Act for preventing certain inconveniences which may result to this State by reason that the emissions of Continental currency of May twentieth, seventeen hundred and seventy seven, and April eleventh, seventeen hundred and seventy eight, are called out of circulation passed the fourth day of March last, the treasurer of this State was required after the twentieth day of May and before the first day of June then next, to pay into the Continental loan office within this State all such of the said bills as should be then in the treasury of this State, to the end that they might be exchanged

Proviso as to treasurer paying bills into Continental loan office.

of goods and chattels whereon to levy the tax in either of the cases aforesaid, the collector shall be and he is hereby authorized and required to recover the same with costs of suit from the person or persons so refusing or neglecting, by action to be commenced in his own name before any justice of the peace of the county (where at the time of the commencement of such action the defendant shall happen to be) the authority and jurisdiction of which justice is hereby extended to all such actions notwithstanding the sum to be sued for shall exceed the sum of five pounds; That the collectors shall respectively pay into the county treasury the monies they shall from time to time collect as and for the tax to be raised by virtue of this act, never retaining in their possession respectively a sum exceeding the sum of three thousand pounds; That the several county treasurers shall from time to time pay the monies they shall respectively receive from the collectors into the treasury of this State, never retaining in their possession respectively a sum exceeding the sum of thirty thousand pounds.

Moneys to be paid into county treasury.

Allowance to collectors and county treasurers.

That the collectors shall severally be allowed, and hereby are authorized to retain the same in their hands out of taxes they shall respectively so collect, a poundage of four pence in the pound, for their services in collecting the said tax, and paying the same into the county treasury — That the several county treasurers shall be allowed, and hereby are authorized to retain the same in their hands out of the monies they shall respectively receive from the collectors, a commission of one quarter per cent for their services in receiving the said monies and paying the same into the treasury of this State; And that the collectors shall respectively collect the said tax, and pay the same into the respective county treasuries, on or before the first day of January next.

Power and authority of supervisors, etc., as to assessments.

And be it further enacted by the authority aforesaid, That the supervisor or supervisors within the respective wards towns manors districts and precincts for which they shall be severally elected, or such justice as aforesaid shall be vested with the following powers and authorities, to wit, From time to time, whenever they shall severally deem it expedient to summon the assessors and collectors to appear before him or them at such time and at such place within the ward town manor district or precinct as they shall respectively appoint; To assign a time within which the assessors shall compleat the assessments; — To cause the assessors to lay the assessment rolls before them for their inspection, and where they shall suspect that any persons shall be assessed at an higher or lower rate for their respective real estates within the ward, town, manor district or precinct, or for their respective personal estates than they ought to be assessed at, due regard being had to the value of their respective estates and to their respective circumstances and abilities, to recommit such improper assessments to the assessors to be reconsidered by them; in cases where the collectors shall not have collected the tax to be raised in pursuance of this act within the time herein before limited, from time to time to assign a further time within which the same shall be collected, In case of the death, removal, refusal to accept, or inability to serve, of any assessor or assessors, or collector, to call a special town meeting for electing an assessor or assessors, or collector, in the stead of the persons so dying, removing, refusing to accept, or becoming unable to serve, as the case may be — To cause the assessment rolls and tax list to be fairly made out, and when so made out to sign the tax list, and cause the same to be delivered to the collector, and to cause copies of the assessment rolls and tax list to be filed with the treasurer of the county and likewise with the treasurer of this State; to cause the collectors when they shall so appear before them, to render an account of

the monies they shall have respectively collected, and of the taxes which shall remain unpaid, and if they shall deem it expedient to direct the collectors to pay the monies which they shall severally have in hand, into the county treasury.

And be it further enacted by the authority aforesaid, That the supervisors or such justice of the peace as aforesaid shall be severally allowed for their respective services and expences for every day they shall be actually severally employed in executing the business by this act committed to them, each the sum of five dollars, besides the expences of clerks messengers papers and other incidental matters; and the assessors shall each be allowed and paid for each day they shall be respectively actually employed in making the assessments in pursuance of this act, the sum of five dollars, which wages and expences of the supervisors and assessors or such justice of the peace as aforesaid shall be allowed and paid as the contingent charges of the county are allowed and paid.

Allowance to supervisors and justices of the peace.

And be it further enacted by the authority aforesaid, That if any assessor or collector, shall refuse or neglect to appear before the supervisors or supervisor of the ward town manor district or precinct, or such justice of the peace as aforesaid, when duly notified by writing under his or their hand or hands, or if the assessors shall refuse to lay the assessment rolls before the said supervisor or supervisors or such justice of the peace as aforesaid when thereunto required, or if the assessors shall refuse to review or reconsider such assessments as shall be re-committed to them for that purpose, or if the collector shall refuse to render an account to the said supervisor or supervisors or such justice of the peace as aforesaid in manner hereinbefore directed when thereunto required by the said supervisor or supervisors, or such justice of the peace as aforesaid or if the assessors shall neglect to complete the assessments within the time by the said supervisor or supervisors or such justice of the peace as aforesaid from time to time to be assigned; the person or persons so offending, shall for each and every such offence forfeit the sum of one hundred pounds to the people of this State, to be recovered by action of debt, in the name of the treasurer of this State, in the supreme court of this State, with costs of suit; and when recovered, shall be paid into the treasury of this State; and it is hereby expressly made the duty of the said supervisor or supervisors or such justice of the peace as aforesaid to report every such offender to the attorney general; and it is hereby also expressly made his duty to sue and prosecute for the recovery of every such penalty, and to pay the same when recovered into the treasury of this State.

Penalty for refusal by collectors or assessors to perform duties imposed by this act.

And be it further enacted by the authority aforesaid, That if upon rendering such account as aforesaid, it shall appear to the said supervisor or supervisors or such justice of the peace as aforesaid that any collector shall be possessed of any monies which he ought to have paid into the hands of the county treasurer, or that any of the tax to be raised by virtue of this act shall be in arrear, and which such collector could have levied and collected; such collector shall be liable to pay all such monies which he shall then be possessed of and which he ought to have paid into the hands of the county treasurer, and all such arrears of tax, with interest for the same at the rate of fifteen per cent per annum, from the time when such arrears of tax could have been levied and collected, to be recovered with costs by action of debt, and to which suit the defendant may plead the general issue and give any special matter in evidence: And it is hereby expressly made the duty of the said supervisor or supervisors or such justice of the peace as aforesaid to re-

Collector liable for arrears of tax, etc.

port every such case to the treasurer of the county for the time being, who is hereby expressly required and authorized to sue and prosecute for the same in his own name, and on recovery thereof to pay the same into the treasury of this State.

Persons may be summoned to appear before assessors and testify as to their property.

And be it further enacted by the authority aforesaid, That the assessors, or a majority of them, may by writing under their hands, summon any person actually resident within the ward, town manor district or precinct to appear before them at such time and at such place within their respective wards towns manors districts and precincts, as they may think proper, to be examined on oath, or if of the people called Quakers, on affirmation, which oath or affirmation the assessors or a majority of them are hereby authorized to administer, touching the value or amount of any personal estate; and if the person so to be summoned, shall not upon being served with such summons appear before the said assessors, or appearing shall refuse to answer to interrogatories upon oath, or if of the people called Quakers on affirmation, touching the value or amount of the personal estate, of any person within such ward town manor district or precinct, shall for every offence forfeit the sum of one hundred pounds, to be recovered and when recovered paid in like manner as is herein before directed in the fifth clause of this act, so as the person to be summoned, shall not be compelled to answer to any interrogatories touching the value or amount of his or her property;

Evidence not conclusive as to value.

Provided always that no evidence shall be conclusive for forming any assessment, but that the assessors shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means which in their judgment may be deemed most proper for estimating such actual value.

Persons exempt from tax.

And be it further enacted by the authority aforesaid, and it is hereby provided, That no person serving in the line of the army of the United States of America, and that no person who having removed from his or her usual place of abode by reason of the invasion of the enemy shall not in the judgment of the assessors be acquiring property beyond what may be necessary for the subsistence of his or her respective families, shall be subject to be taxed by virtue of this act for his or her personal estate, and that no minister of the Gospel of any denomination whatsoever, shall be subject to be taxed for their respective salaries, any thing herein contained to the contrary notwithstanding.

Persons to be deemed residents.

And be it further enacted by the authority aforesaid, That if any person shall be residing in any ward town manor district or precinct by the space of ten days before the assessors shall enter upon the business of making the assessments required by this act, such person shall be deemed an actual resident within such ward town manor district or precinct, and liable to be taxed within the same accordingly; and if any person shall come to reside by the space of ten days in any ward town manor district or precinct after the assessments shall be completed, and before the said first day of January next, and shall not when thereunto required by the assessors or either of them declare upon oath, and which oath the assessors or either of them are hereby authorized to administer, that he or she hath been assessed and taxed in pursuance of this act, such person shall be liable to be taxed in such ward town manor district or precinct, and his or her name together with the sum at which he or she shall be taxed, shall be added to the tax list by the assessors accordingly.

Account to be kept by State treasurer.

And be it further enacted by the authority aforesaid, That the treasurer of this State, shall in his accounts of the taxes raised by virtue of this act, credit each respective county with the sums collected within the

same respectively, and paid into the treasury of this State; and if upon a future enquiry (and the public faith is hereby pledged that such enquiry shall be made, as soon as a seasonable opportunity shall be afforded to the legislature for the purpose, and that the other matters in this clause specified shall be duly performed), it shall appear that any county, hath raised more than their respective due proportion of the tax to be raised by virtue of this act, with the other counties in any part of this State, due regard being had to the value of the estates within such county and to the circumstances and ability thereof at the time when the said tax shall have been collected, such county shall be allowed interest for such excess at the rate of six per cent per annum, from the time when the same shall have been paid into the treasury of this State, and if any county shall in like manner appear to have raised less than their like due proportion thereof, such county shall be compelled to raise the deficiency, with interest at the rate aforesaid, from the time when the same ought to have been paid into the treasury of this State.

Interest to be charged against or credited to the several counties.

And whereas considerable sums of the tax intended to be raised by virtue of the said Act, for raising monies by tax to be applied towards the public exigencies of this State, passed the second day of March last, are still in arrear, by reason that in many instances the time for which the collector who began the collecting of the said tax was elected, did expire before the collecting of the said tax was completed; and doubts have arisen whether the collector whose time did so expire, or the succeeding collector should collect such of the said tax as remained at the expiration of the said time uncollected.

Proviso as to time for collecting tax in arrear.

Be it therefore further enacted by the authority aforesaid, That the three superintending supervisors, or a majority of them, in each county, appointed in pursuance of the said act, shall and may authorize and direct the collector who began the collecting of the said tax, or the succeeding collector, to collect such arrearages in each respective ward town manor district or precinct, as they shall in each respective instance deem most expedient; and that such arrearages shall and may be collected notwithstanding the time within which the tax intended to be raised by virtue of the said act was directed to be collected is expired. And in order to remove doubts respecting the same,

Superintending supervisors may extend time.

Be it further enacted by the authority aforesaid, and it is hereby declared, That until the legislature shall make special provision for collecting the double taxes charged on the lands of persons who have been removed within the enemy's lines in pursuance of the Act more effectually to prevent the mischiefs, arising from the influence and example of persons of equivocal and suspected characters in this State passed the thirtieth day of June one thousand seven hundred and seventy eight, such lands as shall be assessed at an higher than the usual rate, by reason that such lands may be deemed to belong to persons so removed within the enemies lines as aforesaid, shall only be subject to the collection of the single tax, until such future legislative provision as aforesaid shall be made

Lands of persons named assessed at higher rate only subject to single tax.

And whereas in and by the Act for preventing certain inconveniences which may result to this State by reason that the emissions of Continental currency of May twentieth, seventeen hundred and seventy seven, and April eleventh, seventeen hundred and seventy eight, are called out of circulation passed the fourth day of March last, the treasurer of this State was required after the twentieth day of May and before the first day of June then next, to pay into the Continental loan office within this State all such of the said bills as should be then in the treasury of this State, to the end that they might be exchanged

Proviso as to treasurer paying bills into Continental loan office.

for other bills to be provided for the purpose pursuant to the resolution of congress declaring that the said emissions should be taken out of circulation. *And whereas* the treasurer hath accordingly paid into the Continental loan office a sum to a considerable amount consisting in bills of the said emissions.

Treasurer to receive bills provided for exchange to pay treasurer of United States, etc.

Be it therefore enacted by the authority aforesaid, That the treasurer of this State shall be and he is hereby authorized and required to receive of the commissioner of the said loan office the bills so provided as aforesaid to be exchanged for the said bills paid into the said office; That the said treasurer shall out of any monies which now are or hereafter shall be in the treasury (including the monies so to be by him received in exchange as aforesaid) pay to the treasurer of the United States, or his order, the sum of eight hundred thousand dollars, the quota allotted to this State of the sum of fifteen millions of dollars, required of the United States, by resolution of congress passed the fifth day of January last. That the treasurer of this State shall be and he is hereby authorized and required to pay to the treasurer of the United States or his order the monies from time to time to be received in the treasury in this State as the tax raised in pursuance of this act to the amount of twenty four hundred thousand dollars, the quota of this State of the sum of forty five millions of dollars required of the United States by resolution of congress passed the twenty first day of May last; and that the treasurer shall be allowed and paid the incidental expences which may arise in and about performing the several matters required of him by this clause, agreeable to such account thereof as he shall produce, audited by the auditor general of this State; and that he shall retain in his hands the amount of such account out of any monies which may be in the treasury at the time of the auditing thereof.

CHAP. 28.

AN ACT to provide for the temporary government of the southern parts of this State, whenever the enemy shall abandon or be dispossessed of the same, and until the legislature can be convened.

PASSED the 23d of October, 1779.

Preamble.

WHEREAS some time will necessarily intervene after the enemy shall abandon or be dispossessed of the southern parts of this State, and before the legislature can be convened; In order therefore to provide for the peace safety and government of the said parts of this State, during such intervening time, and to enable the electors in the southern district and in the city and county of New York, and the counties of Suffolk, Queens, Kings and Richmond, to renew their representation in Senate and the Assembly respectively, and the inhabitants of the said district to elect corporation and town officers.

Officers named to constitute council with power to make ordinances for preserving order, preventing monopolies, etc.

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 the person administering the government of this State for the time being, together with the president of the senate, the chancellor, the judges of the supreme court, the representatives in senate and assembly, the secretary of the State, the attorney general and the judges of the several counties, for the time being, or any seven of them, whereof the person administering the government of this State for the

time being, shall always be one, shall be a council, with power and authority to make ordinances for the several purposes following: That is to say, for the purpose of preserving peace and good order in the southern district of this State—For the purpose of preventing a monopoly of any of the necessaries of life, or of any goods wares or merchandizes within the said district, and of prohibiting the exportation of any such necessaries, goods, wares or merchandizes out of the said district— For the purpose of billeting troops within the said district — For the purpose of seizing and impressing fuel, forage, vessels, horses, teams, carriages and drivers — For the purpose of supplying the markets within the said district with provisions, and regulating the prices of such provisions — For the purpose of holding elections within the said district, for electing representatives in senate and assembly, and corporation and town officers, appointing the mode in which such election shall be held and conducted, and making such provisions as may be deemed necessary, in order to prevent persons charged with, or suspected of disaffection to the freedom and independence of this State from electing or being elected at such elections; and also with power and authority, to confine any person or persons charged with treason or other offence.

Provided nevertheless, That the powers and authorities of the said council, with all and every their ordinances, shall cease determine and become void on the sixtieth day after the first day on which they shall meet, or on the first day after a quorum of both houses of the legislature shall be conveyed, after the enemy shall abandon or be dispossessed of the southern district of this State, whichever shall first happen.

Proviso as to when ordinances shall cease.

And be it further enacted by the authority aforesaid, That all contracts, bargains and sales, which have been or shall be made, by and between any person or persons now out of the said southern district, with any person or persons in the said southern district, or between persons within the said southern district, and not already carried into full execution and effect by all parties to the same, since the enemy possessed the same, and before the evacuation thereof, by the enemy, or their expulsion therefrom, respecting any personal property that shall be within the said district at the time of such evacuation or expulsion; excepting all contracts, bargains and sales, by and between the fixed residents of such parts of the county of Westchester, as are out of the power of the enemy, shall be, and the same are hereby declared to be, absolutely null and void from the beginning, as if the same respectively had never been made.

Contracts named null and void.

CHAP. 29.

AN ACT to appoint commissioners to represent this State in any treaty of pacification that may be had with any of the nations of Indians therein mentioned.

PASSED the 23d of October, 1779.

WHEREAS the government and people of this State from its first becoming an English colony, as well as their predecessors the Dutch, who were the original planters thereof, have from time to time expended vast sums of money for the protection and maintenance of the six nations of Indians residing within the territories of the said State: And the

Preamble.

said nations by repeated treaties and grants have put themselves and the country which they occupied under the protection of the government of this State, while it was administered by the crown of Great Britain; and a considerable part of the right of soil hath been actually purchased from them for valuable considerations.

And whereas Since the present war with Great Britain the said nations have by the most solemn treaties, repeatedly renewed, engaged to observe the strictest friendship towards the United States of America and all their inhabitants.

And whereas Notwithstanding all these solemn treaties engagements and obligations on their part, and the repeated acts of liberality benevolence and protection on the part of this State from its original plantation, four of the said nations, namely, the Mohawks, Onondagas, Cayugas and Senecas have, without provocation or complaint, ungratefully and perfidiously committed the most cruel hostilities against this State, destroyed the lives of a great number of its inhabitants, carried others into captivity, demolished and burned down many settlements and villages and plundered the property of the inhabitants of the same; to our very great distress and impoverishment: Extending at the same time their savage barbarities to the inhabitants and territories of the neighbouring States; and have moreover concealed in their castles and villages our implacable enemies, encouraged the disaffection of many of our inhabitants by promises and menaces: and to the utmost of their force and power voluntarily aided and assisted the king of Great Britain and his adherents in their attempt to reduce this country to ignominious bondage.

Commissioners,
powers
and duties
of.

Be it therefore 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 the person administering the government of this State for the time being and Anthony Van Schaick Levi Pawling and Peter Schuyler Esquires and Colonel Jacob Klock, or the major part of them of whom the person administering the government of this State for the time being shall always be one, shall be and are hereby authorized and empowered to be commissioners for this State in case of a treaty of pacification hereafter to be set on foot between the said hostile nations of Indians of the one part and the United States of America or this State on the other part to ask demand and by every way and means in their power to obtain for and in behalf of this State, such security and engagement from the said hostile nations of Indians not only for indemnifying and securing this State and the subjects and inhabitants thereof respectively against all future hostilities that might otherwise be committed by the said nations of Indians either jointly or severally or the individual members of the same respectively, but also to ask demand exact and receive such compensation and retribution for the abovementioned hostilities and injuries, whether in such treaty of pacification with the said United States or with this State as shall be proper and in every such treaty of pacification if the United States shall be parties thereto, to insist and require in behalf of this State, to be admitted to represent the same particularly as a principal and contracting party thereto by particular specification as an independent State; and in case either of such treaty between the said United States conjointly or this State separately of the one part and the said hostile nations of Indians or any or either of them on the other part, to contract and agree on the terms thereof; and that the said commissioners or the major part of them shall from time to time report to the legislature of this State all and singular the actings and doings of the parties to any such treaty

or treaties and each of them as the same shall occur And that the person administering the government of this State for the time being shall without delay furnish the congress of the United States of America and their commissioners for Indian affairs respectively with copies of this law; And further that for all reasonable expences which shall be incurred on the part of this State in the progress and completion of the premises, adequate provision shall be made by some future act or acts of the legislature of this State.

Copies of this law to be furnished congress, etc.

CHAP. 30.

A SUPPLEMENTARY ACT to an act entitled "An act of accession to and approbation of certain proposed articles of confederation and perpetual union between the United States of America, and to authorize the delegates of the State of New York to ratify the same on the part and behalf of this State in the congress of the said United States."

PASSED the 23d of October, 1779.

WHEREAS in and by a certain act of the legislature of this State of New York entitled "An act of accession to, and approbation of certain proposed articles of confederation and perpetual union between the United States of America, and to authorize the delegates of the State of New York to ratify the same on the part and behalf of this State, in the congress of the said United States," among other things reciting certain articles of confederation and perpetual union between the States of New Hampshire Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, transmitted by the honorable congress of the United States of America, for the consideration of the legislature of this State, and for their ratification in case they should approve of the same, it is enacted that the said several articles of confederation, and all and singular the matters clauses and things in the same contained, be and the same are thereby fully accepted received and approved of for and in behalf of the people of this State. And to the end that the same might with all due form and solemnity be ratified and confirmed by this State in congress, it is thereby further enacted that the delegates of this State in the said congress of the United States of America, or any two of the said delegates should be and thereby are fully authorized impowered and required, wholly entirely and absolutely, for and in behalf of the people of this State, and in such manner, and under such formalities, as shall be determined in congress, to ratify and confirm all and every the said articles of confederation, and all and singular the clauses matters and things therein contained;

Preamble.

Provided always that nothing in that act, or the said therein recited articles of confederation contained, nor any act matter or thing to be done and transacted by the delegates of this State in congress in and concerning the premises or any part thereof, should bind or oblige, or be construed deemed or esteemed to bind or oblige the government legislature people subjects inhabitants or residents of this State until the said above recited articles of confederation shall have been ratified

Proviso as to ratification by congress.

and confirmed by or in behalf of all the said United States in congress assembled, as by the said act relation thereunto being had may more fully appear.

And whereas it may become essential to the permanent welfare and security of these United States that the said articles of confederation and perpetual union should be ratified and carried into effect by such of the said States as have acceded or shall accede thereto; although the same should not receive the immediate approbation and sanction of all.

Power granted delegates in congress to ratify and confirm articles of confederation.

Be it therefore 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 full power and authority shall be and is hereby granted to the delegates of this State, in the congress of the United States of America, or any three of them, And the said delegates or any three of them are hereby accordingly authorized and empowered, for and in behalf of this State, to unite for the final accomplishment of the said confederation and perpetual union with such and so many of the delegates of the said United States respectively, who may for that purpose be lawfully authorized, as they shall in their wisdom judge proper and competent for mutual defense and permanent security; and thereupon in such manner and under such formalities as may be deemed expedient, shall ratify and confirm all and every the said articles of confederation and perpetual union. And this State and the inhabitants and residents within the same, shall at all times thereafter be bound by, and held to the due observance of the said articles, and every clause thereof, as long as the said confederation shall subsist and endure; Any thing in the said recited act of the legislature of this State, or in the said articles of confederation, to the contrary notwithstanding.

CHAP. 31.

AN ACT to provide for the payment of certain contingent expences of this State.

PASSED the 25th of October, 1779.

Appropriation for salaries.

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 the treasurer of this State, shall out of the monies which now are or which shall be in the treasury, pay the following several sums of money to the following persons and uses respectively; that is to say;

Senators and members of assembly.

To the several members of the senate and assembly for each and every day they shall severally have attended in senate and assembly during the present meeting of the legislature, each the sum of twelve dollars; and for each and every day they shall be severally travelling from their respective places of abode to the place of meeting of the legislature, and returning, each the sum of twelve dollars; agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may be; the account of the president of the senate, to be certified by the clerk of the senate; and the account of the speaker of the assembly, to be certified by the clerk of the assembly.

Puisne justices.

To the Honorable Robert Yates Esquire one of the puisne justices of the supreme court of this State, for extraordinary duties and services in

his office prior to the fifth day of July last, and in consideration of the advanced prices of the necessaries of life, the sum of one thousand pounds.

To the Honorable John Sloss Hobart Esquire one of the puisne justices of the said supreme court, for extraordinary duties and services in his office prior to the fifth day of July last, and in consideration of the advanced prices of the necessaries of life, the sum of one thousand pounds.

To the Honorable John Morin Scott Esquire secretary of this State for extraordinary duties and services in his office prior to the fifth day of July last, and in consideration of the advanced prices of the necessaries of life, the sum of five hundred pounds.

Secretary
of State.

To Robert Benson Esquire clerk of the senate, for his services in that station during the present meeting of the legislature, twenty dollars per day, agreeable to such account thereof as he shall produce, certified by the president of the senate.

Clerk of
senate.

To the said Robert Benson for sundry sums by him advanced for the use of the senate, the amount of such account thereof as he shall produce, certified by the president of the senate.

To John McKesson Esquire clerk of the assembly for his services in that station, during the present meeting of the legislature, twenty dollars per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

Clerk of
assembly.

To the said John McKesson for sundry sums by him advanced for the use of the assembly, the amount of such account thereof as he shall produce, certified by the speaker of the assembly.

To Mr. John Myer for engrossing the minutes of the council of appointment and going twice to Fish Kill to procure the binding of the same, one hundred and thirty six pounds thirteen shillings and four pence.

John
Myer.

To Victor Bicker doorkeeper to the senate, for his services in that station, during the present meeting of the legislature, fifteen dollars per day, agreeable to such account thereof as he shall produce, certified by the president of the senate.

Door-
keeper of
senate.

To Richard Ten Eyck doorkeeper to the assembly, for his services in that station, during the present meeting of the legislature, fifteen dollars per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

Ibid. of
assembly.

To Samuel Dodge Esquire appointed commissioner to have the care and superintendance of such poor as were removed from the city of New York to the county of Dutchess, the sum of six thousand pounds, for the use of the said poor.

Commis-
sioner of
poor.

To Abraham Bevier commissioner appointed to have the care and superintendance of such poor as were removed from the city of New York to the county of Ulster, the sum of two thousand pounds, for the support of the said poor.

To Ebenezer Purdy Esquire hereby appointed commissioner to have the care and superintendance of such poor as were removed from the city of New York to the county of Westchester, the sum of four thousand pounds, for the use of the said poor.

To the said Samuel Dodge Abraham Bevier and Ebenezer Purdy for their respective services in having the care and superintendance of the several poor herein before mentioned, each the sum of twenty dollars per day for each day, they shall respectively be actually employed in the said business, from and after the passing of this act, agreeable to such accounts thereof as they shall respectively produce, attested on oath, and audited by the auditor general of this State.

Frederick Fox in trust for widows named.

To Frederick Fox of German Flatts district in Tryon county Esquire, the sum of four hundred and eighty pounds for the use of the following poor widows in Tryon county (whose husbands have been slain by the enemy) and their children, to wit, Elisabeth Hillier and her four children, Catharine Remar, Elizabeth Trine and her six children, Catharine Ringle and her four children, Gertrude Stienwax and her two children, Elizabeth Bowen and her five children, Elizabeth Brown and her three children the widow of Joost Smith deceased, and her child, and the widow of Adam Torenbergh deceased, and her six children, equally to be divided among them per capita, that is to say, each the sum of thirty dollars.

Commissioners for detecting conspiracies.

To the commissioners appointed, or who may be appointed, for detecting and defeating conspiracies within this State, or any three of them, such further sum or sums of money as they or any three of them, shall from time to time require to defray the expence of the business committed to them, so as the amount of such farther sum or sums shall not in the whole exceed the sum of three thousand pounds.

Commissioners for raising troops.

To Jonathan Lawrence Thomas Palmer and Henry Glenn Esquires, commissioners appointed in pursuance of an act of the legislature of this State, entitled "An act for compleating the five Continental battalions raised under the direction of this State," the further sum of four hundred and fifty pounds to enable them to discharge the expence of conducting the men drafted to compleat the said batallions, from different parts of this State, to East Town in Pennsylvania.

Micah Townsend.

To Micah Townsend Esquire the sum of seventy pounds to reimburse his expences in a journey from Cumberland county, to his excellency the governor, on the business of quieting the disorders prevailing in the northeastern parts of this State.

To the said Micah Townsend the further sum of thirty eight pounds to reimburse sundry inhabitants of Cumberland county for the like sum by them advanced to defray the expence of Henry Sherburn, on a journey to his excellency the governor, and for other disbursements, in order to the appointment of militia officers in that county.

Charles Phelps.

To Charles Phelps Esquire or his order the sum of five hundred and sixty pounds to reimburse his expences in attending upon the legislature of this State, and by permission of the legislature, attending congress on the business of quieting the said disorders prevailing in the northeastern parts of this State; deducting thereout nevertheless, and retaining in the treasury, the sum of three hundred dollars advanced to the said Charles Phelps by Francis Lewis Esquire, on the account of this State.

Lawrence Fonda.

To Lawrence Fonda Esquire one of the persons employed by his excellency the governor to prevent violations of the embargo act, agreeable to the joint resolutions of both houses of the legislature passed in the month of October last, the sum of two hundred and thirteen pounds sixteen shillings and four pence, for the expence and wages of persons by him employed as guards for the purpose aforesaid.

Samuel Dodge.

To the said Samuel Dodge Esquire the sum of forty six pounds four shillings for the expence of removing the records in the office of the secretary of this State, from Poughkeepsie to Fish Kill in Dutchess county.

Isaac Sawyer and St. Leger Cowley.

To Isaac Sawyer and St. Leger Cowley each the sum of one hundred pounds as a gratuity for their valor and resolute conduct in effecting their escape when captivated by the Indians.

Senators and members of assembly.

To the several members of senate and of the late assembly, for each and every day they shall severally have attended at Kingston in Ulster county in the month of June last, for the purpose of a meeting of the

legislature, each the sum of six dollars; and for each and every day they were severally travelling from their respective places of abode to Kingston, and returning, each the sum of nine dollars, agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate or speaker of the assembly, as the case may be; and the account of the president of the senate to be certified by the clerk of the senate; and the account of the present speaker of the assembly, to be certified by the clerk of the assembly.

And be it further enacted by the authority aforesaid, That the said Ebenezer Purdy out of the sum of four thousand pounds granted to him by this act, for the use of the said poor in West Chester county shall pay and discharge all monies due to Zebediah Mills Esquire late commissioner to superintend the said poor agreeable to such accounts thereof as he shall produce, attested on oath and audited by the auditor general of this State.

Ebenezer Purdy to pay monies due Zebediah Mills.

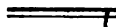
WHEREAS the senate and assembly did by concurrent resolutions passed the fourth day of April in the year of our Lord one thousand seven hundred and seventy eight, declare that the legislature would provide for the repayment of such sums as the treasurer should take on loan for the use of this State within one year from the time when such sums should be respectively paid into the treasury and with interest for the same at the rate of six per centum from the time of such payment.

Proviso as to loans to State.

And whereas the treasurer hath in consequence of the said resolutions received into the treasury on loan for the use of this State sundry sums.

Be it therefore further enacted by the authority aforesaid That the treasurer shall be and he is hereby authorized and required out of the monies which now are, or hereafter shall be in the treasury, to repay the several sums so taken on loan as aforesaid with interest as aforesaid, or to pay the interest only at the option of the respective lenders.

Treasurer to pay same with interest.



CHAP. 32.

AN ACT to authorize the production of certain original papers lodged in the secretary's office on the hearing of the controversies respecting the boundaries of this State.

PASSED the 9th of February, 1780.

WHEREAS it has been represented that certain original papers in the secretary's office will be necessary on the hearing of the controversies lately submitted to the determination of the honorable congress of the United States of America, respecting the boundaries of this State of New York.

Preamble.

Be it therefore 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 to and for the secretary of the State of New York, or his deputy to produce on the said hearing, and for that purpose to convey out of the State all such original papers remaining in the secretary's office, as by the Honorable James Duane and John Morin Scott Esquires and Egbert Benson Esquire, commissioners appointed by an act passed at the last meeting of the legislature entitled "An act to empower the congress of the United States of America to determine all controversies relative to certain lands in the

Secretary of State may convey out of State papers to be used in evidence.

counties of Cumberland, Gloucester, Charlotte, and Albany commonly called the New Hampshire grants," or by any two of the said commissioners, shall be judged necessary for the better manifestation of the boundaries and jurisdiction of this State.

CHAP. 33.

AN ACT granting a further reprieve to Jonah Wood convicted of murder.

PASSED the 9th of February, 1780.

Preamble. WHEREAS the legislature at their last meeting, did by act suspend the execution of Jonah Wood convicted of murder, for a certain time therein limited, and which will soon expire.

And whereas it is deemed proper further to suspend the execution of the said Jonah Wood. Therefore,

Execution suspended. *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 the execution of the said Jonah Wood for the murder aforesaid, shall be and is hereby further suspended, and a further reprieve is hereby accordingly granted to the said Jonah Wood, until thirty days after the first day on which a quorum of both houses shall be convened at the next meeting of the legislature.

CHAP. 34.

AN ACT more effectually to supply the army with flour.

PASSED the 12th of February, 1780.

Preamble. WHEREAS the necessities of the army call for an immediate supply of flour.

Supervisors to convene assessors. *Be it therefore 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 immediately after the passing of this act, the several supervisors of the respective towns manors precincts and districts within this State shall convene the assessors thereof respectively. That the said assessors being so convened shall each of them take the following oath, (which oath the supervisor is hereby empowered and required to administer) viz.

Form of. "I, A B, do solemnly swear in the presence of Almighty God, that I will faithfully and truly perform and discharge the duties enjoined upon me by an act entitled "An act more effectually to supply the army with flour" to the best of my ability and judgment:" so help me God.

Towns, etc., to be divided into districts. Assessors to estimate amount of wheat and flour. That the supervisors, respectively, shall thereupon divide their respective towns, manors, precincts, and districts into as many parts as they shall judge proper, assigning to each assessor, or to any two or more of them, his or their part. That the said assessors shall without delay proceed, within the parts assigned to them respectively, to examine and make an estimate of all the wheat, whether threshed or in the straw, and flour which shall be in the possession of any person or persons whatsoever. That in order the more effectually to enable the said assessors to

examine and make the said estimate, the said assessors are, by this act, fully empowered to enter, and if need be, by force to break open any house store house barn, mill or any other place whatsoever. That the said assessors shall, within the parts assigned to them respectively as aforesaid, forthwith seize for the use of the army, all the wheat and flour which shall be found in the possession of any person or persons whatsoever which in the judgment of the assessor or assessors so seizing, shall exceed the rate of one bushel of wheat, or the like proportion of flour, per head per month to every person belonging to the respective families of the persons in whose possession the said wheat or flour shall be found from the time of seizing to the first day of August next. That the assessor or assessors so seizing shall make a note in writing, specifying the quantity of flour or wheat so seized from each respective person, and which note shall be delivered to the said person or left at his or her usual place of abode. That the assessors shall keep an account in writing of each quantity of wheat and flour by them respectively seized, and containing also the names and places of abode of the several persons in whose possession respectively, such wheat and flour was at the time of the seizure thereof, and shall with all convenient speed deliver a true copy of such account to the commissary general of purchases, or to one of his deputies, assistants or agents, and another copy to the supervisor. That the said commissary general or either of his deputies assistants or agents shall be by this act fully empowered, and by force if need be, to take of the respective quantities of flour and wheat specified in such account two third parts and apply it to the use of the army, paying to the respective proprietors thereof the highest current price. That the remaining third part of the said respective quantities of flour and wheat shall remain in the custody of the several persons in whose hands the same shall be seized and be sold by the said persons respectively to such persons as shall have permits from the supervisor to purchase. That such permits shall be granted by the supervisor to such of the inhabitants of this State as shall apply for the same and for such quantity of flour and wheat to each respective inhabitant as the supervisor shall deem reasonable, and to be specified in each respective certificate. That the supervisor shall not grant such permit unless the person applying for the same shall previously make oath; or if of the people called Quakers affirmation (and which the supervisor is hereby authorized to administer) that the quantity of wheat or flour so to be purchased by the said person is intended only and is necessary for the support of his or her family until the first day of August next

Wheat and flour to be seized for use of the army.

Note of amount to be made, etc.

Account to be rendered to commissary general.

Two-thirds may be applied to use of army and remainder to be sold to persons having permits.

Oath to be administered.

Penalty for secreting, etc.

And be it further enacted by the authority aforesaid That if any person or persons whatsoever from whom any wheat or flour shall be so seized, shall embezzle or secrete or suffer to be embezzled or secreted the same or any part thereof so that the same shall not be had when legally demanded; such person or persons so offending shall forfeit five times the value of the quantity of wheat or flour so embezzled or secreted to be recovered with reasonable costs in a summary way before any justice of the peace of the county where the offence shall arise by the commissary general of purchases, or any one of his deputies, assistants or agents or by the person having a permit to purchase as aforesaid, demanding the same as the case may be the one moiety thereof to the prosecutor, and the other moiety to be paid into the hands of the treasurer of the county wherein the forfeiture shall have arisen, to be applied by the supervisors to the use of the county.

And be it further enacted by the authority aforesaid, That if any wheat or flour shall be seized, as aforesaid; and the assessor or assessors

Proceedings when

owner cannot be ascertained.

seizing the same cannot ascertain the owner or owners thereof; the person or persons so seizing shall deliver in writing to the owner or keeper of the house, mill, barn or store house where such wheat or flour shall be deposited, or shall leave such notice at the usual place of abode of such owner or keeper, and with some person of his or her family of the age of discretion specifying the quantity of the wheat or flour so seized, and if after such notice given the said wheat or flour or any part thereof, shall be embezzled; the owner of the house mill barn or store house wherein such wheat or flour was deposited shall incur a like forfeiture, and which shall be sued for, and when recovered applied as aforesaid.

Compensation of assessors.

And be it further enacted by the authority aforesaid That the said assessors shall respectively be entitled as a reward for their services in seizing and making their return as aforesaid, at the rate of four shillings for each bushel of wheat and one dollar for each hundred weight of flour to be by them respectively seized by virtue of this act and which allowances shall be paid to them in manner following viz. Two third parts thereof by the commissary general of purchases his deputy assistant or agent to whom such return shall be made as aforesaid; and upon the delivery of such return, and the remaining third part thereof by the respective persons having such permits and for the quantity specified in each permit and which said third part shall be paid by the said persons respectively upon receiving their permits, to the supervisor for the use of the assessors and that the supervisor shall be allowed for his services in granting such permits and taking such affidavit one dollar for each permit to be paid by the several persons to whom such permits shall be granted and upon the receipt of their respective permits.

How to be paid.

Allowance to supervisors.

Penalty for refusal to perform official duties.

And be it further enacted by the authority aforesaid That if any supervisor or assessor shall neglect or refuse to do and perform the several matters enjoined on him by this act; every such supervisor and assessor so offending shall for every offence forfeit the sum of five hundred pounds, to be sued for, recovered, and applied in like manner as aforesaid.

Justices of the peace, when to act.

And be it further enacted by the authority aforesaid That in case of the death or absence of the supervisor or supervisors, any justice of the peace resident within the respective towns manors districts or precincts shall upon the application of the said commissary general or any of his deputies assistants or agents, do and perform the several matters hereby enjoined on the supervisors: And shall in case of neglect or refusal to do or perform any of the said several matters; incur a like forfeiture to be recovered and applied as aforesaid.

CHAP. 35.

AN ACT to facilitate supplies for the army of the United States within this State.

PASSED the 12th of February, 1780.

Preamble.

WHEREAS applications are made to this State for an immediate supply of provisions for the army of the United States; and no effectual measures can justly be pursued, without payment for the commodities to be drawn forth —

And whereas it is represented, that the purchasing officers in the respective departments are unfurnished with money to answer the public exigencies:

And whereas a petition, from many of the citizens of this State, has been presented to the legislature, setting forth that they have sold large quantities of provisions, forage and other articles for the use of the army of the United States; and have not received payment; the purchasing officers alledging that it is out of their power to satisfy their demands for want of a supply of money from the Continental treasurer: That the petitioners are, at the same time, called upon for their quota of taxes, for the use of the United States; which, by the detention of the sums due to them from the public, they are unable to pay: and therefore praying for relief from the legislature.

And whereas the public safety may be in danger, unless an immediate remedy is applied in the premisses.

Be it therefore 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 several collectors of the State-taxes, throughout this State, to receive from the inhabitants within their respective wards, towns, manors, districts and precincts, in lieu of money, for such taxes, any printed certificate signed by Morgan Lewis Esquire, as deputy quarter master general, Udney Hay Esquire as deputy quarter master general in the army of the United States, Jacob Cuyler Esquire, as deputy commissary general of purchases to the army of the United States, or Andrew Bostwick Esquire as deputy commissary of forage to the army of the United States, or either of them, to the amount of the sum specified in each respective certificate and which sum shall be inserted in the certificate in words at full length.

Certificates to be accepted in lieu of taxes.

Provided that no collector shall receive in payment any such certificate, but only from the person in whose favour the same shall be given, and whose name shall be written therein, or for any greater amount than the amount of the tax to be paid by each respective person, or unless such certificate shall be dated on or before the first day of June next.

Only to be received from person to whom given.

And be it further enacted by the authority aforesaid, That the several county treasurers shall receive from the several collectors, in their respective counties, such certificates in payment for taxes. And that the treasurer of the State for the time being shall in like manner receive the same from the several county treasurers, and charge the sum due on each certificate, to the account of the said Morgan Lewis, Udney Hay, Jacob Cuyler or Andrew Bostwick which soever of them shall have signed the same respectively, as so much money advanced to them respectively, on the credit of the United States.

Treasurers to receive certificates.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Morgan Lewis, Udney Hay, Jacob Cuyler and Andrew Bostwick, together with Gerard Bancker Esquire treasurer of this State, or the treasurer for the time being, or any three of them, of which the said treasurer for the time being shall be one, to settle and adjust the forms of the said certificates, in such manner as they shall think most proper to prevent the evil effects which may arise from false or counterfeit certificates.

Forms, etc., of certificates to be settled.

Provided that nothing in this act contained shall be construed to deprive the several persons to whom such certificates shall be given, of the remedy which they would respectively have had for the recovery of the sums specified in such of the said certificates as shall not be received in payment for taxes if this act had not passed.

Proviso as to those not received for taxes.

And be it further enacted by the authority aforesaid, That if any person shall counterfeit any such certificate, or shall alter any such certificate so that the same shall appear to have been given for a greater sum than the same was intended to have been given for, the person so

Counterfeiting a felony.

offending shall be deemed guilty of felony, and shall on conviction, suffer the pains, penalties and forfeitures, prescribed by law in cases of felony, without benefit of clergy.

CHAP. 36.

AN ACT to annex the lands belonging to the corporation of the Reformed Protestant Dutch Church of Schenectady and the settlement called Corys Brook now in the districts of Half Moon and the united districts of Schohary and Duanesburgh to the district of Schenectady.

PASSED the 12th of February, 1780.

Preamble. WHEREAS the tract of land commonly known by the name of Corys Brook in the county of Albany, being contiguous to the district of Schenectady, it will be more convenient for the inhabitants residing on the said tract to attend elections, and perform public duties required of them by law in the district of Schenectady than in the united districts of Duanesburgh and Schoharie to which they now belong.

And whereas part of two tracts of land granted to the corporation of the Reformed Protestant Dutch Church at Schenectady aforesaid are respectively within the limits of Half Moon district, and the united districts of Schohary and Duanesburgh, whereby great inconveniencies arise to the several persons possessing the said two tracts with respect to levying taxes, repairing of highways, and other duties by law required: For remedy whereof,

Tracts
annexed to
Schenec-
tady dis-
trict boun-
dary lines.

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 the said three several tracts of land shall be and they are hereby annexed to and comprehended within the limits of Schenectady district, and that the western boundary or line of the said tract of land called Corys Brook, shall be the division line between the united districts of Schohary and Duanesburgh, and the district of Schenectady, and that a northerly line from the north bounds of the manor of Rensselaerwyck along the western boundary of the lands granted to John Schuyler to the lands granted to Cornelius Swits, and thence north to the Mohawk river shall be the division line on the south side of the said river between the district of Half Moon and the district of Schenectady.

CHAP. 37.

AN ACT to revive the courts of common pleas and general sessions of the peace, and to continue the processes in the late court of common pleas in the county of Dutchess.

PASSED the 14th of February, 1780.

Preamble. WHEREAS by reason of the great fall of snow which rendered the roads impassable, and the attendance of the judges and justices impracticable; the late intended inferior court of common-pleas and general sessions of the peace in and for the county of Dutchess was not held. In order therefore to prevent the inconveniencies which may arise thereby.

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 future inferior courts of common pleas and courts of general sessions of the peace in and for the said county, shall, after the passing of this act, be held; and all suits and processes depending in the late inferior court of the said county shall be continued in like manner as if an inferior court of common pleas and a court of general sessions of the peace in and for the said county had been respectively held on the first Tuesday in January last. That all precepts and processes issued out of the late inferior court of common pleas of the said county and which were returnable on the first Tuesday in January last, shall be returned at the inferior court to be held in the said county next after the passing of this act. That all persons who were bound by bail bond or recognizance to appear at the inferior court of common pleas or general sessions of the peace intended to have been held in the said county on the first Tuesday in January last, shall be held and bound to appear by virtue of such bail bonds or recognizances respectively, at the next inferior court of common pleas, or next general sessions of the peace, to be held in the said county, after the passing of this act: and that all processes and precepts to be issued out of the inferior court of the said county after the passing of this act and before the next inferior court thereafter, shall be tested on the first Tuesday in January last.

Courts when and where to be held.

Return of process.

Appearance of persons under bail.

CHAP. 38.

AN ACT to facilitate the completion of the articles of confederation and perpetual union among the United States of America.

PASSED the 19th of February, 1780.

WHEREAS, nothing, under Divine Providence, can more effectually contribute to the tranquility and safety of the United States of America, than a Federal alliance on such liberal principles as will give satisfaction to its respective members:

Preamble.

And whereas the articles of confederation and perpetual union recommended by the honorable congress of the United States of America, have not proved acceptable to all the States: it having been conceived that a portion of the waste and uncultivated territory, within the limits or claims of certain States, ought to be appropriated as a common fund for the expences of the war. And the people of this State of New York being on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security; and more especially to accelerate the Federal alliance by removing as far as it depends upon them the before mentioned impediment to its final accomplishment.

Be it therefore 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 to and for the delegates of this State in the honorable congress of the United States of America or the major part of such of them as shall be assembled in congress; and they the said delegates or the major part of them so assembled are hereby fully authorized and empowered for and on behalf of this State and by proper and authentic acts or instruments to limit and restrict

Delegates in congress empowered to fix boundaries of State.

the boundaries of this State in the western parts thereof, by such line or lines, and in such manner and form as they shall judge to be expedient; either with respect to the jurisdiction as well as the right or pre-emption of soil: or reserving the jurisdiction in part or in the whole over the lands which may be ceded or relinquished with respect only to the right or pre-emption of the soil.

Territory
ceded to be
property
of United
States.

And be it further enacted by the authority aforesaid That the territory which may be ceded or relinquished by virtue of this act either with respect to the jurisdiction as well as the right or preemption of soil or the right or preemption of soil only shall be and enure for the use and benefit of such of the United States as shall become members of the Federal alliance of the said States and for no other use or purpose whatsoever.

To be dis-
posed as
congress
shall
direct.

And be it further enacted by the authority aforesaid That all the lands to be ceded and relinquished by virtue of this act for the benefit of the United States with respect to property, but which shall nevertheless remain under the jurisdiction of this State, shall be disposed of and appropriated in such manner only as the congress of the said States shall direct; and that a warrant under the authority of congress for surveying and laying out any part thereof shall entitle the party in whose favor it shall issue to cause the same to be surveyed and laid out and returned according to the directions of such warrant; and thereupon letters patent under the great seal of this State shall pass to the grantee for the estate specified in the warrant; for which no other fee or reward shall be demanded or received than such as shall be allowed by congress.

At least
three dele-
gates to be
present.

Provided always and be it further enacted by the authority aforesaid That the trust reposed by virtue of this act shall not be executed by the delegates of this State unless at least three of the said delegates shall be present in congress.

CHAP. 39.

AN ACT for compelling the attendance of persons, not belonging to the army, as witnesses at courts-martial and courts of inquiry.

PASSED the 19th of February, 1780.

Preamble.

WHEREAS it is necessary for the furtherance of justice that all the subjects of the United States, altho' they may not be actually serving in the army, should be compelled to attend as witnesses at courts martial and courts of enquiry: Therefore.

Judges
authorized
to issue
subpœnas
for appear-
ance be-
fore courts
martial.

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 either of the judges of the supreme court or either of the judges of the inferior courts of common pleas or the attorney general of this State upon application made to such judge or attorney general and it appearing to him that the attendance of any person as a witness is necessary at a court martial or court of enquiry to issue a subpœna under his hand and seal requiring such person to appear and testify at such court martial or court of inquiry. That each and every person who, being served with such subpœna, shall without reasonable let or hindrance, neglect or refuse to appear and testify according to the tenor of such subpœna shall for every offence forfeit the sum of two hundred pounds

to be recovered in an action of debt with costs by any person who will sue for the same.

And be it further enacted by the authority aforesaid That this act shall continue and be in force until forty days after the rising of the legislature at their next meeting.

CHAP. 40.

AN ACT to regulate inns and taverns within this State.

PASSED the 21ST of February, 1780.

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 the following persons shall be be commissioners for licencing inns and taverns viz: In and for the city of Albany the mayor of the said city for the time being, and in and for the several towns manors districts and precincts the supervisor or supervisors of and the justice or justices of the peace resident within the same respectively, or in case there shall not be two justices or in case of the absence of the residing justices, then such neighbouring justice or justices as the supervisor or supervisors shall notify and associate with him or them for the purpose. That the said commissioners shall respectively as soon as conveniently may be after the first day of March next by advertizements to be affixed in at last five public places appoint a time and place when and where they will meet for the purpose of granting licences to inn-holders and tavern keepers within the said city and the respective towns manors districts and precincts. That the respective commissioners shall grant such licences to such and so many persons of sufficient abilities for keeping an inn or tavern within the said city and their respective towns manors districts and precincts as they shall judge necessary and proper.

Commissioners for licencing inns and taverns.

To appoint time and place of meeting.

To grant licences.

Provided that no licence shall be granted except in the said city unless three commissioners shall be present at the granting thereof and unless the person to whom such licence shall be granted shall previously enter into recognizance before the respective commissioners to the people of this State in the sum of three hundred pounds conditioned that he or she will not, during the time that he or she will keep an inn or tavern, keep a disorderly inn or tavern, or suffer or permit any cockfighting or gaming to be practiced within the inn or tavern to be by him or her so kept or within any outhouse yard or garden belonging to the same. That if any person shall sell by retail any liquors to be drank in his or her house, outhouse yard or garden, without having such licence as aforesaid the person so offending shall for each offence forfeit the sum of one hundred pounds to be recovered in a summary way by any person who will sue for the same before any justice of the peace of the county where the offence shall arise, one moiety after deducting reasonable costs to the prosecutor and the other moiety to the overseers of the poor for the use of the poor of the town manor district or precinct where the offence shall arise. That the commissioners shall respectively be allowed and paid by the several persons to whom such licences shall be granted, the sum of ten dollars for each licence and five dollars for each recognizance.

Proviso as to presence of commissioners and bonds.

Penalty for illegal sales.

Compensation of commissioners.

And be it further enacted by the authority aforesaid and provided always That nothing in this act shall be construed to make void, abridge or any wise lessen the several rights and privileges granted unto the cities of

Act, how to be construed.

New York and Albany and borough of Westchester by their respective charters any thing contained in this act to the contrary thereof notwithstanding.

Laws suspended.

And be it further enacted by the authority aforesaid That all laws heretofore passed respecting the regulating of inns or taverns and retailers of spiritous liquors within this State, be and the same are hereby suspended during the continuance of this act.

And be it further enacted by the authority aforesaid That this act shall continue and be in force until the first day of March which will be in the year of our Lord one thousand seven hundred and eighty one.

CHAP. 41.

AN ACT to revive continue and farther amend the several laws relative to impressing teams, forage, timber and fuel, billeting troops and preventing deceit in making flour casks within this State.

PASSED the 26th of February, 1780.

Act named revived.

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 a certain act of the legislature of this State entitled "An act to amend an act for regulating impresses of forage and carriages and for billeting troops within this State" passed the twelfth day of March, one thousand seven hundred and seventy nine, shall be and is hereby revived and shall continue in force until thirty days after the rising of the legislature at their next meeting subject nevertheless to the alterations and amendments herein after contained.

Fine increased.

And be it further enacted by the authority aforesaid That the fine of five pounds mentioned in the fifth section of the act entitled "An act for regulating impresses of forage and carriages and for billeting troops within this State" passed April second one thousand seven hundred and seventy eight shall be and is hereby increased to twenty five pounds; and also that the several and respective fines of five pounds mentioned in the fourteenth section of the same act shall each of them be and each of them is hereby increased to twenty pounds except the penalty thereby imposed on the constables which shall be ten pounds.

Reward to constables increased.

And be it further enacted by the authority aforesaid That the sum of two shillings allowed as a reward to the constable for each team he shall procure, as mentioned in the twelfth section of the same act, shall be and is hereby increased to twenty four shillings and that the constable shall be entitled to the said sum of twenty four shillings for each team he shall impress notwithstanding every such team when so impressed may not in consequence thereof be at the time and place of rendezvous and actually serve.

Provide as to appraisal of teams.

And whereas by the first above mentioned act the first judges of the counties of Albany Ulster Dutchess Orange and Westchester or any three of them are authorized to ascertain and assize the prices of team-age in the public service within this State and least a failure should be made in the attendance of a sufficient quorum for that purpose.

Other judges to act.

IV. *Therefore be it enacted by the authority aforesaid* That in addition to the first judge of each of the said counties one other judge in each of the said counties to be duly notified in writing by the quarter master general or his deputy shall be added to the first judge and all the said

judges or any three of them shall enjoy the same powers and authorities and be entitled to the same reward for their attendance and service as the said first judges are by the said act vested with and entitled to any thing in the said act to the contrary thereof notwithstanding.

V. *And be it further enacted by the authority aforesaid,* That the said judges, or any three of them, when they shall meet, to ascertain and determine the pay and wages to be allowed and paid for teams carriages horses and drivers impressed within this State, shall, at the same time, ascertain and determine the price that shall be given for forage. To determine wages of teams, etc.

And whereas the legislature have by several acts passed at the last and this present meeting directed such portion of the wheat within this State to be seized for the use of the army, that it is necessary that all the Indian corn rye and buckwheat should be retained for the subsistence of the inhabitants.

VI. *Be it further enacted by the authority aforesaid and it is hereby provided;* That no Indian corn, rye or buckwheat shall be impressed for forage after the passing of this act; any thing in the said second above mentioned act to the contrary notwithstanding. Indian corn, etc., not to be impressed.

VII. *And be it further enacted by the authority aforesaid :* That upon application made to any justice of the peace, by the quarter master general, his deputy or assistant; it shall be lawful for the said justice taking to his assistance two reputable freeholders of the town manor precinct or district, one of the said freeholders to be chosen by the said quarter master his deputy or assistant; and the other by the proprietor of the timber and firewood to be impressed, and in case of the neglect or refusal of the proprietor so to chuse, then the said other freeholder shall be elected by the said justice; and the said justice and the said freeholders are, by this act, empowered to impress standing timber and fire-wood from such person or persons as in their judgment can conveniently spare the same; ascertaining, at the same time, the price that shall be given by the said quarter master his deputy or assistant for the same to the proprietor thereof. Proceedings to impress timber, etc.

Provided always, that no such timber or fire-wood shall be impressed beyond the distance of half a mile from the banks of Hudson's river, without the express request of the said quarter master his deputy or assistant for that purpose. And provided further that nothing herein contained shall be construed to warrant an impress of chestnut timber. Proviso as to location of timber, etc.

And whereas great abuses have been committed by the deceitful making of flour casks.

VIII. *Be it therefore enacted by the authority aforesaid :* That all flour casks which shall be made within this State, shall be made tight, and of good timber, and well hooped with at least ten good hoops, three of which shall be at each head. And if any person or persons shall offend in the premises, such person or persons so offending, shall forfeit for each cask the sum of sixteen shillings to be recovered in a summary way, before any justice of the peace within the county where the same shall happen with costs by any person who shall sue for the same; the one moiety to his own use, and the other to be paid into the hands of the overseers of the poor of the place where the same shall happen for the use of the poor thereof. Flour casks, how to be made.

And be it further enacted by the authority aforesaid: That the justices of the peace shall respectively be allowed for each warrant they shall respectively grant or issue for making an impress in pursuance of this or either of the above mentioned acts, the sum of twenty four shillings, to be paid by the quarter master general or forage master general or either of their respective deputies or agents applying for such warrant. Justices' fees.

And be it further enacted by the authority aforesaid; That this act shall continue in force until thirty days after the first day of the next meeting of the legislature.

CHAP. 42.

AN ACT further to continue to the person administering the government of this State, the power of appointing the place for holding the supreme court.

PASSED the 26th of February, 1780.

Preamble. WHEREAS an act entitled, "An act to continue to the person administering the government of this State the power of appointing the place for holding the supreme court," passed the twenty sixth day of February in the year of our Lord one thousand seven hundred and seventy nine, will expire by its own limitation, on the first day of April next.

Power conferred by act named continued. *Be it therefore 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 the power by the said act continued to the person administering the government of this State, for the time being, and every provision in the said act contained, shall be and hereby are farther continued until the first day of April which will be in the year of our Lord one thousand seven hundred and eighty two.

CHAP. 43.

AN ACT for a general limitation of prices, and to prevent engrossing and withholding, within this State.

PASSED the 26th of February, 1780.

Preamble. WHEREAS the honorable the congress of the United States of America by certain resolutions bearing date the nineteenth day of November one thousand seven hundred and seventy nine, did recommend to the legislatures of the several States forthwith to enact laws for establishing and carrying into execution a general limitation of prices throughout their respective jurisdictions on the following principles, and to commence in their operation from the first day of February then next; viz. Articles of domestic produce, farming and common labor, the wages of tradesmen and mechanics, water and land carriage not to exceed twenty fold of the price current through the various seasons of the year one thousand seven hundred and seventy four. Articles imported from foreign parts to be in due proportion with labor and the articles as above stated making a proper allowance for freight insurance and other charges, salt and military stores, whether of home manufacture or imported from abroad, to be excepted from the limitation of prices. And to enact laws against engrossing and withholding and to take the necessary measures for having the same carried into execution. And the legislature of this State being desirous in the most equitable and effectual manner to carry into effect the good intentions of congress.

Prices of goods, rate of wages, etc., fixed. *Therefore 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 all articles of domestic produce farming and common labor, the wages of tradesmen and mechanics shall not exceed the

following rates viz. Good merchantable wheat twenty dollars per bushel, pease and white beans twenty dollars per bushel, good merchantable wheat flour fifty six dollars per hundred gross weight good merchantable rye thirteen dollars per bushel, good merchantable Indian corn eleven dollars per bushel, good merchantable buckwheat eight dollars per bushel, good merchantable oats seven dollars per bushel, pork well fatted eighty nine dollars per neat hundred weight, and in the same proportion for a greater or lesser quantity, best grass fed beef six shillings per pound, best stall fed beef in the month of January seven shillings per pound, in the month of February eight shillings per pound, in the month of March nine shillings per pound, in the month of April ten shillings per pound, in the month of May eleven shillings per pound, in the month of June twelve shillings per pound, good butter by the firkin or cask eighteen shillings per pound, and good fresh butter by the small quantity twenty one shillings per pound, American cheese of the best quality twelve shillings per pound, rendered tallow sixteen shillings per pound, rendered hogs lard twelve shillings per pound, raw hides seven shillings per pound, and in the usual proportion when dried, and other skins in the proportion of price they usually bore to raw hides, good well tanned soal leather four dollars per pound, and all kinds of curried leather not to exceed twenty fold of the price thereof in the year one thousand seven hundred and seventy four, the best sort of mens shoes made of neats leather twenty-five dollars per pair, men's calf skin shoes of the best quality twenty eight dollars per pair, and women and children's shoes in due proportion, bloomery iron at the place of manufacture thirty two pounds per gross hundred weight, refined iron at the place of manufacture forty pounds per gross hundred weight, pig iron at the place of manufacture two hundred and fourteen pounds per ton, best manufactured American steel fit for edged tools four dollars per pound, and common American manufactured steel three dollars per pound, iron pots, kettles and other light castings, eight shillings per pound, large cast iron kettles and pans, twenty four pounds per hundred weight, nails of American manufactory per pound as follows twenty penny, twenty four shillings, twelve penny twenty seven shillings, ten penny thirty shillings, eight penny, thirty two shillings, other nails in the usual proportion good new scythes and good new sicks thirty dollars each, good new felling axes twenty two dollars each, hay of the best quality seventy pounds per ton. That the price of teaming and all land transportation shall not exceed the rate of six dollars for the carriage of twenty hundred neat weight per mile, including all expences attending the same.

And whereas it may be difficult to ascertain the weight of many articles usually transported by land, therefore the price of a two horse waggon, or two ox cart with a driver, be thirty dollars per day, a four horse waggon or four ox cart with a driver, be fifty dollars per day, including all expences attending the same. That the price of sheep's wool be seven dollars per pound; good well dressed flax twenty eight shillings per pound. That the prices of all kinds of European, East and West India goods, wares and merchandise imported from foreign parts or brought into this State from the neighbouring States, or by capture from the enemy or otherwise, shall not exceed the rate of twenty five per cent advance upon the prime cost at the place of importation with an addition of the stated allowance for transportation. That the wages of mechanics, manufacturers and labourers, shall not exceed the rate of twenty fold of the prices at which they respectively sold in the year of our Lord one thousand seven hundred and seventy four. That

the prices of liquors retailed by innholders or tavern keepers to be drank in their respective houses shall not exceed centum per centum advance upon the wholesale price, and for all other articles of refreshment and entertainment at the following rates viz. Each meal of victuals twenty eight shillings, lodging, per night, eight shillings, stabling and keeping an horse on hay per night or twenty four hours twenty eight shillings, pasturing a horse per night or twenty four hours fourteen shillings, a quart of oats four shillings, and other grain in proportion; and for other articles of refreshment for man or horse in like proportion.

Invoices of imported goods to be produced before justice of the peace, etc.

And be it further enacted by the authority aforesaid That each and every person who shall bring into this State any such European East or West India goods wares or merchandizes for sale shall previous to the sale thereof or of any part thereof appear before a justice of the peace within this State and produce to such justice an invoice of the goods wares or merchandizes, so brought, to contain the prime cost thereof and the expence of transportation as aforesaid and shall then and there declare upon oath, or if of the people called Quakers on affirmation, (and which oath or affirmation the said justice is hereby authorized to administer) to the truth of such invoice That if any person shall offend contrary to the tenor of this clause, the person so offending shall forfeit five times the value of the goods wares or merchandizes so sold to be recovered and applied in like manner with the other penalties mentioned in this act; and in every suit for the recovery of the penalty aforesaid the burthen of the proof shall lay upon the defendant to shew that he or she hath appeared before a justice of the peace, produced such invoice and made such oath or affirmation as aforesaid.

Price of goods not mentioned

IV. *And be it further enacted by the authority aforesaid* That all kinds of American manufacture and internal produce not particularly mentioned and regulated in the preceeding clause of this act, be estimated at rates not exceeding twenty fold of the prices at which they respectively sold in the year one thousand seven hundred and seventy-four.

Penalty for asking or receiving greater price.

V. *And be it further enacted by the authority aforesaid* That if any person or persons whatsoever, shall ask demand, have receive or take either in money or in barter or exchange, either directly or indirectly, for any of the articles of labor or mechanical work, provisions, produce, manufactures, goods, commodities wares or merchandizes (salt and military stores excepted) or for refreshment or other supplies for man horse or cattle, at any inn or inns within this State, the respective rates and prices whereof have been severally fixed and ascertained as aforesaid, any greater sum or sums, rate or rates, price or prices for the same respectively than those at which the same have been severally and respectively fixed and ascertained as aforesaid, such person or persons shall forfeit for every such offence treble the value or price as above rated. Provided always that nothing herein contained shall extend to hinder or prevent bartering or exchanging between neighbours, according to the several usages and customs in this State in the year one thousand seven hundred and seventy four, for their own and family's use and consumption only.

Proviso as to bartering between neighbors.

Proviso as to withholding necessities of life from those in want. Proceedings in such cases.

And whereas many persons inhabitants of this State have from time to time been guilty of the shameful practice of withholding from those who are in want of sundry necessities of life, and refusing to sell the same, though possessed of more than their consumption requires.

Be it further enacted by the authority aforesaid That if any person or persons having more of any article or articles herein before enumerated or nonenumerated or limited than may be necessary for his or her family's use or subsistence, or for carrying on his or her trade or

business, shall refuse to sell the overplus or a reasonable part thereof to any person or persons who may be in want of the same for his or her family's use or subsistence, or for carrying on his or her trade or business, or shall refuse to sell the said overplus or a requisite part thereof, to any person properly authorized to purchase for the use of the army of the United States of America, or any detachment thereof, the person desirous to purchase shall apply to any justice of the peace of the county where the person having such overplus shall reside; which justice being fully informed and convinced of the necessity and want under which the said applicant labours, he shall summon the person so refusing to appear before him at such time and place as he shall think proper to direct, to be mentioned in the summons, and if on lawful service of the said summons, he or she, so refusing as aforesaid, shall neglect to appear as therein required, or if on his or her appearance and examination it shall in either case be evident to the said justice, that he or she is possessed of a greater quantity of any of the said articles than is necessary as aforesaid, the said justice is hereby required to issue his warrant to any constable of the county, commanding him to call to his assistance such and so many persons as may be necessary, and take such proportion of the overplus aforesaid as may be necessary for the supply of the person so complaining; which goods shall be sold to the complainant and the money, after deducting ten dollars for the justice's fees, together with other necessary and reasonable costs for the constable and assistance, shall be lodged in the hands of the justice to be by him delivered to the owner when he she or they shall apply for the same; and if the owner of the said goods shall neglect to apply for the said money within the space of three months after the same is paid into the hands of the said justice, it shall be forfeited to the use of the county, and paid by the said justice to the county treasurer, to be applied by the supervisors to the use of the county; and the receipt of the said treasurer shall discharge the said justice from the money so paid, and forever bar the owner, so neglecting, from any suit action or claim for the recovery thereof; and if any such action shall be commenced or prosecuted such justice shall be at liberty to plead the general issue and give this act in evidence. Provided always that if any justice shall issue a warrant for seizing any such articles on the application of any commissary, quarter master or other person properly authorized to purchase for the army, or any detachment thereof, he shall in granting the same have respect to the circumstances and wants of the inhabitants of the neighbourhood in which the person resides from whom such articles are to be impressed, and shall determine the quantity proper to be taken on such application accordingly.

And for the more effectual recovery of the fines and forfeitures mentioned in this act

Be it enacted by the authority aforesaid, That the several offences for which the said fines and forfeitures herein before mentioned are regulated and declared, are and shall be cognizable before any one justice of the peace of the county in which the offence shall be committed. Provided always that the party defendant shall, at his option in all cases be entitled to have a trial by a jury of six reputable freeholders to be summoned out of the body of the county in which the offence shall have been committed; and in such case the justice shall before he proceeds to trial administer to the jurors the following oath viz.

"You shall well and truly try the matter in difference between plaintiff and defendant and a true verdict give according to the evidence: So help you God."

Offences
cognizable
before jus-
tices of the
peace.
Trial by
jury.

Jurors'
oath.

Fines,
how dis-
posed of.

And where judgment shall be given for the recovery of any such fine or forfeiture the same when recovered, after deducting ten dollars for the justices fees, and other reasonable costs and charges, shall be paid one moiety to the person who shall sue and prosecute for the same, and the other moiety thereof to the treasurer of the county in which the offence shall have been committed, to be applied by the supervisors to the use of the county; and if the plaintiff in any such suit or suits as aforesaid shall become non suit, or discontinue or withdraw his suit, or if judgment therein shall be rendered for the defendant, that then and in every such case the defendant shall have execution for his costs to be taxed.

Sales at
public
vendue
not to
exceed
price fixed.

And be it further enacted by the authority aforesaid; That none of the articles goods, wares or merchandizes, herein limited and regulated, shall be sold at public vendue at a higher price than the rate established by this law, any person offending herein shall be subject to the like penalties and forfeitures as if the same had been sold at private sale to be recovered and applied as aforesaid.

When act
to take
effect.
Copies to
be trans-
mitted,
etc.

And be it further enacted by the authority aforesaid and it is hereby provided That this act shall not take place until twenty days after the date of the proclamation herein after mentioned. That the person administering the government of this State for the time being shall as soon as conveniently may be after the passing of this act transmit copies thereof to the executive authorities of the States of Massachusetts Bay, Connecticut and Pennsylvania and request the aid executive authorities, as soon as the legislatures of the said States respectively have passed laws for the like purpose with this act to inform him thereof; and that the person administering the government of this State for the time being shall forthwith upon the receipt of such official information from the said three States issue a proclamation declaring this act to be in force.

CHAP. 44.

AN ACT to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of one hundred pounds and under and for suspending an act therein mentioned.

PASSED the 26th of February, 1780.

Preamble. WHEREAS the empowering justices of the peace, mayors, recorders, and aldermen to try causes to the value of one hundred pounds, and under, may be advantageous to the inhabitants of this State, and by means thereof they may be enabled speedily, and at small expence, to obtain justice.

Jurisdic-
tion of
justices,
mayors,
etc., in
civil cases.

I. *Be it therefore 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 all actions, cases, and causes, of debt, covenant, trespass, trespass upon the case and replevin, wherein the thing, debt or damages demanded shall not exceed the sum of one hundred pounds (except such actions as are hereby excepted) shall after the passing hereof be, and hereby are made cognizable before any one justice of the peace of any of the counties, or the mayor, recorder, or aldermen of the cities of New York and Albany, and borough of West Chester, respectively, within this State, and the said justices, mayors, recorders, and aldermen are hereby respectively empowered and required to hold a court, for the

trial of such causes and are hereby vested with all such power and authority for the purposes aforesaid, as is usual in other courts of record within this State, and to sign all process which shall issue, out of such court; and upon application to either of them made, for the recovery of any such debt or damages, to issue a summons or warrant as the case may require, directed to any constable or other proper officer of the city town manor borough, precinct or district where the defendant dwells or can be found, commanding him to bring, or cause such defendant to come and appear before him at the time and in the manner following. That is to say, in case such process shall be in the nature of a warrant, forthwith after the service thereof, but where a summons shall be issued then on some certain day therein to be expressed, not less than six, nor more than twelve days, from the service of such summons; and at the time appointed for hearing such action, or on such other day as such court shall think reasonable to appoint, not exceeding six days, the said court shall proceed to hear and examine the allegations and proofs of the plaintiff and defendant, and within four days thereafter give judgment thereon, agreeable to law and equity together with such costs as are herein after allowed.

Process, etc.

Provided always, that if, on service of such warrant, the magistrate who issued the same, be abroad, or not able to hear and try the cause; in such case it shall and may be lawful for the constable or officer serving such warrant, to carry the defendant before any other magistrate of the said city, town borough manor precinct or district, who shall and may take cognizance of the said cause and proceed to a final determination thereof, in the same manner as he could or might have done if he had issued such warrant by virtue of which such defendant shall be arrested.

If justice, etc., is absent where defendant to be taken.

II. *And be it further enacted by the authority aforesaid.* That the process against all freeholders, and against all inhabitants having families, shall be by summons only (except as is hereafter excepted) and served on the person of the defendant, or a copy thereof left at his or her house or place of abode in the presence of some of the family of suitable age and discretion (who shall be informed of the contents thereof) at least six days before the time of appearance mentioned in the said summons: And the constable or officer serving such summons shall upon the oath of his office indorse thereupon the manner in which he has executed the same, and sign his name thereto: And in case the defendant doth not appear at the time and place appointed in such summons, and it shall appear by the return indorsed thereon, that the said summons was duly served upon the person of the defendant in manner aforesaid, and no sufficient reason appearing to the court upon oath why the defendant did not appear at the time appointed; then the said court shall proceed to hear try and determine the cause, and issue execution thereon in the same manner as if such defendant had actually appeared: but in case a copy of the summons was left at his or her house or place of abode in manner aforesaid, and the constable or officer indorse such return thereon as he is above directed, if then the defendant doth not appear at the time and place appointed in the said summons, and no sufficient reason be offered to the court upon oath why he does not appear, then and in such case, the court shall issue a warrant, and proceed in the same manner as is above directed. Provided always that where any parties shall agree to enter the action without any process, the court shall proceed to trial in the same manner as if a summons or warrant had issued.

Process against freeholders, etc.

Return of.

Proceedings on return day.

Proviso as to entry of action by agreement.

III. *Provided also and be it enacted by the authority aforesaid* That if any such plaintiff, or his attorney, so applying shall upon oath or affirma-

Warrant may issue

Fines,
how dis-
posed of.

And where judgment shall be given for the recovery of any such fine or forfeiture the same when recovered, after deducting ten dollars for the justices fees, and other reasonable costs and charges, shall be paid one moiety to the person who shall sue and prosecute for the same, and the other moiety thereof to the treasurer of the county in which the offence shall have been committed, to be applied by the supervisors to the use of the county; and if the plaintiff in any such suit or suits as aforesaid shall become non suit, or discontinue or withdraw his suit, or if judgment therein shall be rendered for the defendant, that then and in every such case the defendant shall have execution for his costs to be taxed.

Sales at
public
vendue
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And be it further enacted by the authority aforesaid; That none of the articles goods, wares or merchandizes, herein limited and regulated, shall be sold at public vendue at a higher price than the rate established by this law, any person offending herein shall be subject to the like penalties and forfeitures as if the same had been sold at private sale to be recovered and applied as aforesaid.

When act
to take
effect.
Copies to
be trans-
mitted,
etc.

And be it further enacted by the authority aforesaid and it is hereby provided That this act shall not take place until twenty days after the date of the proclamation herein after mentioned. That the person administering the government of this State for the time being shall as soon as conveniently may be after the passing of this act transmit copies thereof to the executive authorities of the States of Massachusetts Bay, Connecticut and Pennsylvania and request the aid executive authorities, as soon as the legislatures of the said States respectively have passed laws for the like purpose with this act to inform him thereof; and that the person administering the government of this State for the time being shall forthwith upon the receipt of such official information from the said three States issue a proclamation declaring this act to be in force.

CHAP. 44.

AN ACT to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of one hundred pounds and under and for suspending an act therein mentioned.

PASSED the 26th of February, 1780.

Preamble. WHEREAS the empowering justices of the peace, mayors, recorders, and aldermen to try causes to the value of one hundred pounds, and under, may be advantageous to the inhabitants of this State, and by means thereof they may be enabled speedily, and at small expence, to obtain justice.

Juris-
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I. Be it therefore 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 all actions, cases, and causes, of debt, covenant, trespass, trespass upon the case and replevin, wherein the thing, debt or damages demanded shall not exceed the sum of one hundred pounds (except such actions as are hereby excepted) shall after the passing hereof be, and hereby are made cognizable before any one justice of the peace of any of the counties, or the mayor, recorder, or aldermen of the cities of New York and Albany, and borough of West Chester, respectively, within this State, and the said justices, mayors, recorders, and aldermen are hereby respectively empowered and required to hold a court, for the

trial of such causes and are hereby vested with all such power and authority for the purposes aforesaid, as is usual in other courts of record within this State, and to sign all process which shall issue, out of such court; and upon application to either of them made, for the recovery of any such debt or damages, to issue a summons or warrant as the case may require, directed to any constable or other proper officer of the city town manor borough, precinct or district where the defendant dwells or can be found, commanding him to bring, or cause such defendant to come and appear before him at the time and in the manner following. That is to say, in case such process shall be in the nature of a warrant, forthwith after the service thereof, but where a summons shall be issued then on some certain day therein to be expressed, not less than six, nor more than twelve days, from the service of such summons; and at the time appointed for hearing such action, or on such other day as such court shall think reasonable to appoint, not exceeding six days, the said court shall proceed to hear and examine the allegations and proofs of the plaintiff and defendant, and within four days thereafter give judgment thereon, agreeable to law and equity together with such costs as are herein after allowed.

Process, etc.

Provided always, that if, on service of such warrant, the magistrate who issued the same, be abroad, or not able to hear and try the cause; in such case it shall and may be lawful for the constable or officer serving such warrant, to carry the defendant before any other magistrate of the said city, town borough manor precinct or district, who shall and may take cognizance of the said cause and proceed to a final determination thereof, in the same manner as he could or might have done if he had issued such warrant by virtue of which such defendant shall be arrested.

If justice, etc., is absent where defendant to be taken.

II. *And be it further enacted by the authority aforesaid.* That the process against all freeholders, and against all inhabitants having families, shall be by summons only (except as is hereafter excepted) and served on the person of the defendant, or a copy thereof left at his or her house or place of abode in the presence of some of the family of suitable age and discretion (who shall be informed of the contents thereof) at least six days before the time of appearance mentioned in the said summons: And the constable or officer serving such summons shall upon the oath of his office indorse thereupon the manner in which he has executed the same, and sign his name thereto: And in case the defendant doth not appear at the time and place appointed in such summons, and it shall appear by the return indorsed thereon, that the said summons was duly served upon the person of the defendant in manner aforesaid, and no sufficient reason appearing to the court upon oath why the defendant did not appear at the time appointed; then the said court shall proceed to hear try and determine the cause, and issue execution thereon in the same manner as if such defendant had actually appeared: but in case a copy of the summons was left at his or her house or place of abode in manner aforesaid, and the constable or officer indorse such return thereon as he is above directed, if then the defendant doth not appear at the time and place appointed in the said summons, and no sufficient reason be offered to the court upon oath why he does not appear, then and in such case, the court shall issue a warrant, and proceed in the same manner as is above directed. Provided always that where any parties shall agree to enter the action without any process, the court shall proceed to trial in the same manner as if a summons or warrant had issued.

Process against freeholders, etc.

Return of.

Proceedings on return day.

Provide as to entry of action by agreement.

III. *Provided also and be it enacted by the authority aforesaid* That if any such plaintiff, or his attorney, so applying shall upon oath or affirma-

Warrant may issue

appointed for selling them, shall expose them to sale by public vendue to the highest bidder and pay the debt or damages, and cost levied, to the magistrate who issued the execution (and return the overplus, if any be, to the owner) and that within twenty days after the receipt of such execution, and for want of sufficient goods and chattels whereon to levy, the said constable, or other proper officer shall according to the tenor of the said execution, take the body of the person against whom any such execution shall be granted, and convey and deliver him or her to the keeper of the common goal of the city, borough or county which said goal keeper is hereby commanded to keep such prisoner in safe custody in the common goal aforesaid until the debt or damages, with the costs, shall be fully paid, or until he or she shall be from thence delivered by due course of law. Provided nevertheless that no such execution shall issue against any freeholder or inhabitant having a family, in less than thirty days after giving the said judgment, unless the party in whose favour judgment shall be given, shall make it appear to the said court on oath or affirmation that he or she will be in danger of losing the debt or damages, if such delay be allowed, in which case the said court shall issue execution immediately as herein before directed; unless the party against whom such judgment shall be given; shall thereupon give security (to the party in whose favour judgment was given) to pay the debt or damages, and costs at or before the expiration of thirty days.

When to issue against freeholders, etc.

Penalty for refusal by constable to pay over moneys collected.

VII. *And be it further enacted by the authority aforesaid*, That in case any constable shall collect or levy any debt or damages and costs, in any action, and shall neglect or refuse to pay the same to the magistrate who issued the execution within twenty days after the receipt thereof, such constable for every such neglect or refusal, shall forfeit and pay to the party grieved, or any other who will sue for the same, the sum of fifty pounds, to be recovered by action of debt together with costs, before any justice mayor recorder or alderman, and to be levied by execution in manner and form as other debts and costs are to be levied by virtue of this act.

Cases in which plaintiff shall not recover costs.

VIII. *And be it further enacted by the authority aforesaid* That if any person or persons whatsoever shall commence or prosecute any suit or action for any debt or damages made cognizable as aforesaid, in any other manner than is directed by this act, and shall obtain a judgment thereon for a debt or damages which without costs of suit, shall not amount to more than one hundred pounds (not having caused an oath or affirmation to be made before the obtaining a writ and filed the same in the clerk's office, that he she or they so making oath or affirmation, did truly believe the debt due or damages sustained, exceeded the sum of one hundred pounds, he she or they so prosecuting, shall not recover, nor have any costs, in such suit or action, any law, usage or custom to the contrary in any wise notwithstanding

Provide as to actions in which title to land is in question, etc.

Provided always that neither this act nor any thing herein contained shall be deemed or construed to extend to such actions wherein the people of this State may be concerned, or where the title of lands shall in any wise come in question, or to any action of slander. Provided also that nothing in this act contained shall extend to matters of account where the sum total of such account shall exceed in the amount or value thereof the sum of four hundred pounds, and that account proved to the satisfaction of the said court, and that no justice of the peace, being a tavern keeper, shall try any action by virtue of this act in his own house.

IX. *And be it further enacted by the authority aforesaid* That when in any action of trespass to be brought by virtue of this act, the defendant shall justify upon plea of title, that he shall then enter into a recognizance to prosecute and make good his title in manner as is directed in and by an act of the late colony of New York entitled "An act for preventing of trespasses" passed the fifth day of May one thousand six hundred and ninety nine, otherwise the magistrate shall proceed to hear and determine the cause as if no such plea had been made.

Plea of title in actions for trespass.

X. *And be it further enacted by the authority aforesaid*, That all and every sum or sums of money, not exceeding the value of one hundred pounds, to be sued for and recovered in any court of record by virtue of any law of this State, shall be and hereby are made cognizable before any one justice mayor recorder or alderman in manner as aforesaid any thing in the said law mentioned to the contrary in any wise notwithstanding; and also that where in any city town manor borough precinct or district no such constable or other proper officer shall be chosen and appointed; that then and in such case, the said court upon application, shall and may direct it's process or executions to the constable (of the next adjoining town precinct or district) living nearest where the defendant dwells or can be found, who is hereby required to execute the same, unless some other person shall voluntarily consent to be deputed by the court for that purpose.

Jurisdiction of justices, etc., in civil actions.

XI. *And be it further enacted by the authority aforesaid* That no greater or other costs shall be allowed taxed or taken in actions brought by virtue of this act, than the following viz. A summons sixteen shillings, a warrant twenty shillings, a judgment twenty shillings, administering every oath or affirmation ten shillings, every execution thirty shillings, subpœna for each witness ten shillings, venire facias to summon a jury twenty shillings, swearing the jury thirty shillings, witnesses attending on summons or otherwise forty shillings, per day, and so in proportion for a longer or shorter time. Constable or other proper officer for serving every warrant, summons, subpœna, or execution for one miles travel or under twenty shillings, for every mile more ten shillings, serving every execution for every pound one shilling, summoning every jury sixty shillings, juries for all causes tried twenty shillings per man, when summoned and attending and not serving ten shillings per man. Provided that the whole costs to be recovered or allowed in any one cause or action, shall not exceed the sum of forty pounds. And provided that nothing herein contained shall extend to oblige any justice of the peace, being a member of the senate, or assembly, any judge of the county courts, or the mayor and recorder of the cities of New York and Albany, to take cognizance of any actions by virtue of this act, but that they shall be at liberty at all times to act therein or not, at their discretion.

Costs.

XII. *And be it further enacted by the authority aforesaid* That one certain act entitled "An act for establishing and regulating courts to determine causes of forty shillings and under in this colony" passed the sixteenth day of December one thousand seven hundred and thirty seven, shall be immediately after the commencement of this act suspended, and every clause, article matter and thing in the said act contained, hereby is suspended during the continuance of this act.

Act named suspended

XIII. *Provided always and be it enacted by the authority aforesaid* That all suits already commenced before any mayor recorder alderman or justice of the peace within this State, by virtue of an act entitled An act to empower justices of the peace mayors recorders and aldermen to try causes to the value of five pounds and under and for

Proviso as to actions pending.

suspending an act therein mentioned passed the twelfth day of March one thousand seven hundred and seventy two: And also all suits which have been commenced in the supreme court, or any of the inferior courts of common pleas or mayors courts, within this State, tho' the sum or thing sued for be under the value of one hundred pounds, shall and may be proceeded in to judgment and execution, as fully and effectually as if this act never had passed any thing herein contained to the contrary thereof in any wise notwithstanding.

Writs of error and certiorari to issue only on affidavit.

XIV. *And be it further enacted by the authority aforesaid* That from and after the passing of this act no writ of certiorari or writ of error shall be issued out of the supreme court of this State in any suit or action wherein a final judgment shall be given by any magistrate by virtue of this act, unless one of the parties in such suit, or some other credible person in his behalf, shall within one month after such final judgment, make affidavit before one of the judges of the supreme court or one of the judges of the inferior court of common pleas of the county where such judgment shall be given or before one of the commissioners for taking affidavits to be read in the supreme court (and in case such affidavit shall be made before one of the judges of the county or such commissioner, such affidavit shall be transmitted to one of the judges of the supreme court) satisfying such judge that there is reasonable cause for granting a writ of certiorari or writ of error to remove such judgment either for error therein or some unfair practice in the magistrate who shall have tried the cause, which shall be particularly specified in the said affidavit; And the judge or commissioner before whom such affidavit shall be made, shall keep a true copy thereof and, when thereunto requested, shall deliver the same to the adverse party.

Penalty for violating preceding section.

XV. *And be it further enacted by the authority aforesaid* That any person being a party in such action who shall procure any writ of certiorari or writ of error, otherwise than is herein above directed, shall forfeit the sum of one hundred pounds to be recovered by action of debt with costs of suit before any one justice of the peace mayor recorder or alderman within this State by the adverse party plaintiff or defendant in such original suit for his own use.

Defeated party to pay costs.

XVI. *And be it further enacted by the authority aforesaid* That if on bringing any certiorari or writ of error upon any judgment in any action tried by virtue of this act, such judgment shall be confirmed then the party procuring such writ of certiorari or writ of error, shall pay all costs of defending such suit in the court above, to be taxed by one of the judges of the said court, and to be levied by *capias ad satisfaciendum* or *fieri facias* issued out of said court, and for service whereof the sheriff shall be entitled to fees as in other cases. And if the said judgment shall be reversed the person in whose favour such judgment shall be reversed, shall in like manner have his costs, to be taken and recovered as aforesaid.

Attorney-general to prosecute magistrates and constables for unjust practices.

XVII. *And be it further enacted by the authority aforesaid*, That if any magistrate who shall try a cause and give judgment thereon by virtue of this act, shall refuse to deliver (to either party who shall apply for the same and offer payment therefor) a copy of the summons, warrant, venire, verdict, or judgment, in any such action, or if any such magistrate, or any constable employed in the service of any process in any of the said causes; shall willfully be guilty of any unjust practices, that in such case the justices of the supreme court shall direct the attorney general to prosecute such magistrate or constable so offending, by information on behalf of the people according to the ordinary course of law.

XVIII. *And be it further enacted by the authority aforesaid* That this act shall be and continue in force, from the passing thereof, until the first day of March which will be in the year of our Lord one thousand seven hundred and eighty one.

CHAP. 45.

AN ACT to encrease the number of collectors in the counties of Albany, Ulster and Orange.

PASSED the 1st of March, 1780.

WHEREAS many districts in the counties of Albany, Ulster and Orange are so extensive, that it is become necessary to encrease the number of collectors. Preamble.

I. *Be it therefore 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 freeholders and inhabitants of the districts within the said counties respectively, and they are hereby empowered to elect in manner heretofore accustomed, at their annual town, district or precinct meetings, any number of collectors not exceeding three, each of whom shall be a freeholder and inhabitant of the district in which he is so elected a collector. Collectors,
election of.

And whereas there is not any collector at present in office in Saraghtoga district, in the county of Albany.

II. *Be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of the said district of Saraghtoga, shall on the second Tuesday of March next, at the usual place of their annual district meetings, elect three collectors for the said district who shall be freeholders and residents therein, to continue in office until the next annual town meeting of the said district.

And be it further enacted by the authority aforesaid, That all collectors who shall be elected in pursuance of this act shall respectively be vested with the same powers, to perform and execute the like duties, and be liable to the same pains and penalties, as the other collectors in the said counties in which they are respectively elected, are by law vested with. or are obliged or ought to perform or execute, or are liable to. Powers
and duties
of.

CHAP. 46.

AN ACT, to cancel the defaced bills of credit of this State.

PASSED the 1st of March, 1780.

WHEREAS many, of the bills of credit issued by the authority of the provincial congress of the late colony of New York, and of the bills of credit issued by the authority of the convention of this State, of various denominations, are become so defaced as to render them unfit for circulation. Preamble.

Be it therefore 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 all such bills of credit of this State as shall from time to time come into the treasury of this State, and shall in the judgment Bills of
credit
worn and
defaced to
be can-
celed.

of the treasurer be so worn or defaced as to be unfit or improper for circulation, shall notwithstanding they may severally exceed the denomination of one dollar, be cancelled, and an account of the number and amount of the bills so cancelled, shall be laid before the legislature in like manner as is directed with respect to bills of the denomination of one dollar and under, in and by a certain act entitled "An act to cancel certain bills of credit of this State," passed the twenty sixth day of February, in the year of our Lord one thousand seven hundred and seventy-nine. And that the several members of the legislature, who shall after the passing of this act, superintend the cancelling any bills of credit to be cancelled in pursuance of this act, or the said act above mentioned, shall be allowed each the sum of twenty dollars per day, for each day they shall respectively attend for that purpose, any thing in the said act notwithstanding.

Allowance to members for services.

CHAP. 47.

AN ACT for raising the sum of five million of dollars by tax within this State, and for other purposes therein mentioned.

PASSED the 6th of March, 1780.

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 there shall be raised by tax within this State on or before the first day of April next the sum of three million of dollars. That the quota of the county of Albany of the said sum shall be one million two hundred and eighty six thousand eight hundred and twenty four dollars; the quota of the county of Dutchess seven hundred and sixty seven thousand two hundred and seventy three dollars, the quota of the county of Ulster four hundred and twelve thousand, two hundred and sixty six dollars, the quota of the county of Orange three hundred and sixty one thousand six hundred and thirty seven dollars, the quota of the county of Westchester forty thousand dollars, the quota of the county of Tryon one hundred and twenty thousand dollars; and the quota of the county of Charlotte twelve thousand dollars; that the quotas hereby assigned to the several counties, shall by the supervisors of the respective counties be appointed to and among the several wards, towns, manors, districts and precincts within such counties respectively according to what may be deemed their respective circumstances and abilities at the time of making such apportionment — that the clerks of the several counties shall forthwith after the passing of this act by circular letters to be dispatched by special messengers (the expense whereof to be allowed and paid as the other contingent charges of the county) call a meeting of the supervisors for the purpose aforesaid — that the supervisors clerk in each respective county as soon as such apportionment shall be made shall by special messengers to be employed for the purpose (the expense whereof to be allowed and paid as aforesaid,) cause the several supervisors who shall not be present at such meeting to be served with a notice in writing of the sums at which the quota's of their respective wards, towns, manors, districts or precincts shall have been so apportioned — That in case of the death or absence of the supervisor that such notice shall be served upon either of the assessors — That the several supervisors shall forthwith after such apportionment shall be made, or in case such notice as

Amount to be raised by tax apportioned among counties.

County clerks to call meetings of boards of supervisors.
Notice to be served on absent members.

Assessors to be con-

aforsaid shall be serverd upon an assessor, then such assessor, shall convene the assessors, in order that they may proceed to make the assessments of the ward town manor district or precinct— That the assessors shall immediately thereupon proceed to make assessments on the several inhabitants residents and persons holding or possessing real or personal estate within the ward town manor district or precinct according to the estate and other circumstances, and ability to pay taxes, of each respective person collectively considered. That after the assessors shall have made out the assessment roll, they shall thereupon cause notifications thereof in writing to be affixed in at least three public places in the ward, town, manor, district or precinct, and shall in such notifications assign a time and place when and where they will meet, and that all persons who will attend may inspect the assessment roll. That if upon hearing the proofs or allegations of any person it shall appear that any persons are assessed at an higher or lower rate than they respectively ought to be, that the assessors shall add to or deduct from the respective assessments in such manner as they shall deem reasonable and make the necessary alterations in the assessment roll accordingly. That the assessors shall be authorized to adjourn the said meeting to such and so many different places as they shall deem most convenient, and such meeting shall be continued from day to day, (and not exceeding ten days Sundays excepted) until it shall appear to the assessors that there hath been reasonable time for the inhabitants of the ward, town, manor district or precinct to have appeared before them and have had respectively an hearing. That as soon as the assessors shall have compleated the assessment roll, the same shall be delivered to the supervisor or supervisors of the ward, town, manor, district or precinct, or in case of his or their death or absence to a justice of the peace of the county, whom the assessors shall notify for the purpose. That the supervisor or supervisors, or such justice of the peace shall thereupon form a tax list agreeable to such assessment roll— That the several sums to be inserted in the tax list as and for the tax to be paid by each respective person, shall bear such proportion to the sum at which each person is respectively assessed, as the whole quota of the tax of the ward town manor district or precinct, doth bear to the whole amount of the assessments thereof. That the assessors in making the assessments shall distinguish between the assessments of the real and the assessments of the personal estates, and that the assessment roll and tax list shall respectively be of the form in the schedule to this act annexed. That forthwith, after the tax list shall so be compleated, and the same shall be signed by the supervisor or supervisors of the ward, town, manor, district or precinct, or a justice of the peace as aforsaid (and which shall be a sufficient warrant to the collector to collect the taxes contained in such tax list without any other or further warrant) the same shall be delivered to the collector or collectors of the ward town, manor, district, or precinct, who, thereupon shall forthwith collect the said taxes. That if any of the persons taxed for their respective real estates, shall neglect or refuse to pay the tax for the same respectively when thereunto required by the collector, the collector shall levy the same by distress, and sale of such goods and chattels as shall be found upon the premises, and if any of the persons taxed for their respective personal estates shall neglect or refuse to pay the tax for the same respectively, when thereunto required as aforsaid, the collector shall levy the same, by distress and sale of the goods and chattels of the persons so refusing or neglecting. That where distress and sale shall be made in either of the cases above mentioned, the overplus after de-

vened and assessment to be made.

Notice of meeting and that roll may be inspected.

To hear proofs, etc.

May adjourn meeting.

Roll to be delivered to supervisor.

Tax list.

Real and personal property to be separately assessed.

Tax list to be delivered to collector for collection.

How collected.

ducting the charges of such distress and sale shall be returned to the person, by reason of the neglect or refusal of whom, such distress and sale shall be made. That for want of goods and chattels whereon to levy the tax, in either of the cases aforesaid, the collector shall be and he is hereby authorized and required, to recover the same with costs of suit, from the person or persons so refusing or neglecting, by action to be commenced in his own name before any justice of the peace of the county, where at the time of the commencement of such action, the defendant shall happen to be the authority and jurisdiction of which justice, is hereby extended to all such actions, notwithstanding the sum to be sued for shall exceed the sum of one hundred pounds. That the collectors shall respectively pay into the county treasury, the monies they shall from time to time so collect, never retaining in their possession respectively a sum exceeding the sum of five thousand pounds. That the several county treasurers shall from time to time, pay the monies they shall respectively receive from the collectors, into the treasury of this State, never retaining in their possession respectively, a sum exceeding the sum of thirty thousand pounds. That the collectors shall severally be allowed, and hereby are authorized to retain the same in their hands, out of the taxes they shall respectively so collect, a poundage of six pence in the pound, for their services in collecting the said tax, and paying the same into the county treasury. That the several county treasurers shall be allowed, and hereby are authorized to retain the same in their hands out of the monies they shall respectively receive from the collectors, a commission of one quarter per cent for their services in receiving the said monies, and paying the same into the treasury of this State. That the collectors shall respectively collect the said tax and pay the same into the respective county treasuries, on or before the first day of April next. And that the treasurer of the State shall pay of the said monies as they shall from time to time come into the treasury to the amount of two million two hundred and fifty thousand dollars, to the treasurer of the United States, or his order. And that the collectors to whom the tax lists shall be delivered shall severally be authorized to collect the said taxes notwithstanding the time for which they were respectively elected to the said office may expire before the collecting of the said taxes shall be completed.

Compen-
sation of
collectors.

Ibid. of
county
treasurers.

State treas-
urer to pay
sum named
to treas-
urer of
United
States.

Power and
authority
of super-
visors and
justices of
the peace.

And be it further enacted by the authority aforesaid, That the respective supervisor or supervisors, or such justice of the peace as aforesaid, shall be vested with the following powers and authorities viz: To assign a time within which the assessors shall complete the assessments: In cases where the respective collectors shall not have collected the taxes within the time herein before limited, from time to time to assign such further time for that purpose, as to such supervisor or supervisors, or justice of the peace, shall appear reasonable and proper: In case of the death, removal, or refusal to accept, or inability to serve, of a collector, to call a special town meeting for electing a collector, in the stead of the person so dying removing, refusing to accept, or becoming unable to serve, as the case may be: To cause the assessment rolls and tax list to be fairly made out, and when so made out, to sign the tax list and cause the same to be delivered to the collector, and a copy thereof to be filed with the treasurer of the county: To cause the collectors to appear before him or them the said supervisor or supervisors, or justice, from time to time, and at such time and at such place within the ward, town, manor, district or precinct, as he or they shall appoint, and to render an account of the monies they shall have respectively collected, and of the taxes which shall remain unpaid; and to direct the collectors to

pay the monies which they shall severally have in hand, into the county treasury.

And be it further enacted by the authority aforesaid, That the supervisors, or such justice of the peace as aforesaid, shall be severally allowed for their respective services and expences, for every day they shall be actually severally employed in executing the business, by this act committed to them, each the sum of twelve dollars, besides the expences of clerks, messengers, papers, and other incidental matters, and the assessors shall each be allowed and paid for their services and expences for each day they shall be respectively actually employed in making the assessments, in pursuance of this act, the like sum of twelve dollars, which wages and incidental expences of the supervisors, justices of the peace and assessors as aforesaid, shall be allowed and paid, as the contingent charges of the county are allowed and paid, to be charged nevertheless to the ward, town, manor district or precinct in which the same shall respectively arise.

Compensation of.

And be it further enacted by the authority aforesaid, That if any collector shall refuse or neglect to appear before the supervisor or supervisors of the ward, town, manor, district or precinct, or such justice of the peace as aforesaid, when duly notified, by writing under his or their hand or hands, or if any collector shall refuse to render an account to the said supervisor or supervisors, or such justice of the peace as aforesaid, in manner herein before directed, when thereunto required by the said supervisor or supervisors, or such justice of the peace as aforesaid, or if the assessors shall neglect to compleat the assessments within the time by the said supervisor or supervisors, or such justice of the peace as aforesaid, from time to time to be assigned, the person or persons so offending, shall for each and every such offence, forfeit the sum of eight hundred pounds to the people of this State, to be recovered by action in the name of the treasurer of this State, in assumpsit for monies received to the use of the plaintiff, in the supreme court of this State, with costs of suit, and when recovered, shall be paid into the treasury of this State: And it is hereby expressly made the duty of the supervisor or supervisors, or such justice of the peace as aforesaid, to report every such offender to the attorney general, and it is hereby expressly made his duty to sue and prosecute for the recovery of every such penalty, and to pay the same, when recovered, into the treasury of this State.

Penalty in case officers named neglect to perform official duty.

And be it further enacted by the authority aforesaid, That if upon rendering such account as aforesaid, it shall appear to the said supervisor or supervisors, or such justice of the peace as aforesaid, that any collector shall be possessed of any monies, which he ought to have paid into the hands of the county treasurer, or that any of the said tax shall be in arrear, and which such collector could have levied and collected, such collector shall be liable to pay all such monies which he shall then be possessed of, and which he ought to have paid into the hands of the county treasurer, and all such arrears of tax, with interest for the same at the rate of fifteen per cent per annum, from the time when such arrears of tax could have been levied and collected, to be recovered with costs, by action in the name of the treasurer of the county, in assumpsit for monies received to the use of the plaintiff, and to which suit the defendant may plead the general issue, and give any special matter in evidence. And it is hereby expressly made the duty of the said supervisor or supervisors, or such justice of the peace as aforesaid, to report every such case to the treasurer of the county for the time being, who is hereby expressly required and authorized to sue and prosecute such suit aforesaid.

Action may be maintained against collector for arrears of tax, etc.

Assessors may summon persons to appear and be sworn as to value of property.

And be it further enacted by the authority aforesaid, That the assessors, or a majority of them, may by writing under their hands summon any person actually resident within the ward, town, manor, district or precinct, to appear before them, at such time and at such place within their respective wards, towns, districts or precincts, as they may think proper, to be examined on oath, or if of the people called Quakers, on affirmation, which oath or affirmation the assessors or a majority of them are hereby authorized to administer touching the value or amount of any personal estate, and if the person so to be summoned shall not, upon being served with such summons appear before the assessors, or appearing, shall refuse to answer to interrogatories upon oath, or if of the people called Quakers on affirmation, touching the value or amount of the personal estate of any person within such ward, town, manor, district or precinct, shall for every offence forfeit the sum of one hundred pounds, to be recovered with costs in action of debt in the name of the treasurer of the county, and when recovered, paid in like manner as last aforesaid, so as the person to be summoned, shall not be compelled to answer to any interrogatories, touching the value or amount of his or her property. And provided always that no such evidence shall be conclusive for forming any assessment, but that the assessors shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means which, in their judgment may be deemed most proper, for estimating such actual value.

Persons exempt from taxation.

And be it further enacted by the authority aforesaid, and it is hereby provided, That no person who having removed from his or her usual place of abode by reason of the invasion of the enemy, shall not in the judgment of the assessors be acquiring property beyond what may be necessary for the subsistence of his or her respective families; and that no person serving in the line of the army of the United States, shall be subject to be taxed by virtue of this act for his or her personal estate; and that no minister of the Gospel of any denomination whatsoever; shall be subject to be taxed for their respective salaries, any thing herein contained to the contrary notwithstanding.

Persons deemed actual residents.

And be it further enacted by the authority aforesaid, That if any person shall be residing in any ward, town, manor, district or precinct, by the space of ten days before the assessors shall enter upon the business of making the assessments required by this act, such person shall be deemed an actual resident within such ward, town, manor district or precinct, and liable to be taxed within the same accordingly: And if any person shall come to reside by the space of ten days in any ward, town, manor district or precinct after the assessment shall be completed, and before the said first day of April next, and shall not when thereunto required by the assessors or either of them, declare upon oath, and which oath the assessors or either of them are hereby authorized to administer, that he or she hath been assessed and taxed in pursuance of this act, such person shall be liable to be taxed in such ward, town, manor, district or precinct, and his or her name together with the sum at which he or she shall be taxed, shall be added to the tax list by the assessors accordingly.

Sums collected to be credited counties.

And be it further enacted by the authority aforesaid, That the treasurer of this State, shall in his accounts of the taxes raised by virtue of this act, credit each respective county with the sums collected within the same respectively; and that interest shall be allowed for the excess to such counties as shall appear to have raised more than their due proportion, and that such counties as shall appear to have raised less, than their due proportion, shall be compelled to pay the deficiency with in-

terest, in like manner as is provided in the act for raising the sum of two million five hundred thousand dollars, passed the twenty third day of October last. And in order to remove doubts respecting the taxes charged on lands of persons who have been removed within the enemies lines.

Be it further enacted by the authority aforesaid, and it is hereby declared, That until the legislature shall make special provision for collecting the double taxes charged on the lands of persons who have been removed within the enemy's lines, in pursuance of the Act, more effectually to prevent the mischiefs arising from the influence and example of persons of equivocal and suspected characters in this State, passed the thirtieth day of June one thousand seven hundred and seventy eight, no lands shall be assessed at an higher than the usual rate, by reason that such lands may be deemed to belong to persons so removed within the enemy's lines as aforesaid.

Lands of suspected persons not to be assessed at higher than usual rate.

And be it further enacted by the authority aforesaid, That a further sum of two million of dollars shall in like manner as is herein before directed with respect to the said sum of three million of dollars, be raised by virtue of this act, on or before the first day of July next. That the respective quota's of the several counties above mentioned shall be in a like proportion as aforesaid. That the supervisors shall meet in their respective counties on the third Monday in May next, for the purpose of apportioning the said several quota's, to and among the several wards, towns, manors, districts and precincts.

Further sum of two millions to be raised.

And whereas by an act passed the twenty third day of October last, entitled "An act for raising the sum of two million five hundred thousand dollars by tax within this State" the sum of thirty thousand six hundred and sixty one dollars is assigned as the quota of the county of Charlotte,

And whereas it is conceived that the said county was over charged in the quota aforesaid.

County of Charlotte over charged.

Be it therefore further enacted by the authority aforesaid, That instead of the said quota as aforesaid there shall be raised within the county of Charlotte the sum of fifteen thousand dollars to be levied and paid in like manner as the said sum of twelve thousand dollars to be raised in the said county by virtue of this act any thing in the said first mentioned act to the contrary hereof notwithstanding.

Amount to be raised in that county.

SCHEDULE

Form of the assessment roll.

An assessment roll for _____ in the _____ of _____

Form of assessment roll.

	Real estate	Personal estate.	
A: B.....	£	£	
C: D.....	£		
E: F.....		£	

Form of the tax list.

ibid. of tax list.

A tax list for in the of

	Real estate	Personal estate	Amount of tax.
A. B.....	£	£	£
C D.....	£		£
E F.....		£	£

CHAP. 48.

AN ACT to empower the judges of the supreme court, and courts of oyer and terminer to enlarge or discharge accessaries who shall on voluntarily submitting to trial be acquitted previous to the conviction of all the principals.

PASSED the 6th of March, 1780.

Preamble.

WHEREAS by the common law no person indicted as accessory to any felony committed, can be compelled to submit to a trial previous to the conviction of all the principals; and in case any accessory indicted as aforesaid, shall voluntarily submit to trial and be acquitted, the court have no power to discharge the person so acquitted, until all the principals are tried and acquitted. For remedy whereof,

Persons acquitted on trial to be discharged.

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 when any person or persons has or have been, or shall hereafter be indicted as accessory or accessaries to any felony, and shall voluntarily submit to a trial for the same, and upon such trial shall be acquitted; it shall and may be lawful for the judges of the supreme court, or either of them, or the judges in any court of oyer and terminer or gaol delivery at their discretion to enlarge or discharge the person or persons so tried and acquitted as aforesaid; any law usage or custom, to the contrary thereof, in any wise notwithstanding.

And be it further enacted by the authority aforesaid, That this act shall continue in force, for one year only.

CHAP. 49.

AN ACT to alter the terms of the courts of common pleas and general sessions of the peace in the county of Tryon.

PASSED the 8th of March, 1780.

Preamble.

WHEREAS the inferior court of common pleas and general sessions of the peace in and for the county of Tryon are by law directed to be held four times annually, that is to say, on the second Tuesdays of December, March, June, and September.

And whereas the said terms and seasons are by experience found to be very inconvenient.

Be it therefore 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 the said courts of common pleas and general sessions of the peace in and for the said county shall hereafter be held three times annually, that is to say, on the second Tuesdays of February, June and October, in every year. That all actions and proceedings depending in either of the said courts shall be and are hereby continued until the first Tuesday in June next. And that all processes issued out of either of the said courts, and returnable on the second Tuesday of March instant shall be and are hereby continued and made returnable on the second Tuesday in June next; and all persons bound by recognizance to appear in the said court of general sessions of the peace, shall by virtue of such recognizances respectively, be bound to appear in the said court of general sessions of the peace on the said second Tuesday of June next.

Times and places of holding courts named.

CHAP. 50.

AN ACT to ascertain the division line between the district of Halfmoon and the west district of Rensselaerwyck and for dividing Mohawk district in the county of Tryon into two districts.

PASSED the 9th of March, 1780.

WHEREAS inconveniencies have arisen from the uncertainty of the division line between the district of Halfmoon and the west district of Rensselaerwyck

Preamble.

Be it therefore 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 the middle of the Mohawk river, from the Cohoos to where it empties itself, through the northermost sprout, into the North or Hudson's river, shall, for the future, be the division line between that part of the district of Halfmoon and the west district of Rensselaerwyck. Provided always that nothing herein contained shall be construed to affect any question that may arise touching the boundaries of any grant or patent of lands.

Boundary line between Halfmoon and west district of Rensselaerwyck.

And whereas many inconveniencies arise to the inhabitants of Mohawk district in the county of Tryon from the said district being too extensive.

Be it therefore enacted by the authority aforesaid, That that part of the said district which is on the south side of the Mohawk river shall be a separate and distinct district and continue to be called Mohawk district, and that the remaining part of the said district shall henceforth be another separate and distinct district and be called and known by the name of Caughnawaga district.

Mohawk district divided.

And be it further enacted by the authority aforesaid That the annual town meetings of Mohawk district as above limited shall be held at the now dwelling house of Myndert W. Quackenbos, and the annual town meetings of Caughnawaga district at the now dwelling house of John B. Wemple. That Jacob Gardinier Esquire John Newkerk, Robert A. Yates and Isaac Marselius be commissioners of the highways for Mohawk district, and that Jellis Fonda Esquire Adam Gardinier, Sampson Simpson and Adam Fonda be commissioners of the

Town meetings.

Commissioners of highways.

Election
of town
officers.

highways for Caughnawaga district. That the freeholders and inhabitants of the said districts respectively are hereby authorized and required yearly and every year on the annual day for town meetings, for choosing town officers, in the said county, to elect an equal and like number of town officers with the number heretofore elected in the said Mohawk district, hereby divided into two districts, and that the said town officers in each district shall respectively do perform and execute the like duties and services, and be liable to the same penalties, as other persons in the like offices in the other districts in the said county by law are intended or ought to do, or are liable to any law; usage or custom to the contrary notwithstanding.

CHAP. 51.

AN ACT for the immediate sale of part of the forfeited estates.

PASSED the 10th of March, 1780.

Preamble. WHEREAS it is necessary, in order to raise monies for providing the troops of this State, in the service of the United States with clothing and other necessaries, that part of the forfeited estates within this State should be immediately sold.

Proviso in
act named
repealed.

Be it therefore 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 the proviso, in the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State, "in respect to all property within the same," passed the twenty second day of October last, for suspending the sales of forfeited real estates until the first day of October next, as far as it respects the counties of Albany, Ulster, Orange and Dutchess, except such lands as lie on the south side of the Highlands in the county of Orange, and such lands as lie on the west side of Hudson's river and which are on the north side of the Mohawk river in the county of Albany shall be and is hereby repealed; and that the commissioners of forfeitures appointed or to be appointed in pursuance of the said act shall accordingly forthwith after the passing of this act proceed to make sale of all such forfeited real estates within their respective districts in the mode prescribed by the said act.

Commis-
sioners of
forfeitures
to make
rules.

Commis-
sioners
may draw
moneys
from treas-
urer, etc.

And be it further enacted by the authority aforesaid, That the commissioners for the middle district and the commissioners for the western district may from time to time draw from the treasury, and the treasurer is hereby accordingly required to pay the same, monies in manner following that is to say, The commissioners for the middle district sums not exceeding in the whole the sum of twenty thousand pounds, The commissioners for the western district sums not exceeding in the whole the sum of twenty thousand pounds. That the commissioners shall each of them be allowed for his wages, exclusive of actual expences, thirty dollars per day for each day they shall respectively be actually employed in executing the business committed to them. That the respective purchases shall within one month from the date of their respective certificates pay into the treasury the several sums therein specified— That it shall be lawful for the commissioners to make sales after a public notice of four weeks only. And that the several commissioners of

forfeitures shall instead of the oath of office prescribed in and by the said act, severally take and subscribe the following oath viz. Official oath.

I A. B. appointed a commissioner of forfeitures for the district, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will faithfully and honestly execute the said office, so help me God; any thing in the said act contained contrary to the several paragraphs in this clause notwithstanding, Form of.

And be it further enacted by the authority aforesaid, That the said commissioners shall make an abstract of the sales within their respective districts, to contain the names of the respective purchasers, the descriptions of the respective estates by them sold, the sums for which the same were respectively sold, the dates of the respective conveyances, and the names of the several persons to whom the several estates immediately before the forfeitures thereof were deemed to belong; and shall from time to time file copies of such abstracts in the office of the clerk of the county wherein the lands and tenements respectively lie. And the clerks of the respective counties shall record such abstracts in a book or books to be provided for that purpose, and for which services the several clerks shall be allowed a reasonable allowance, to be paid by the respective commissioners in like manner with the other expences that may accrue in and about the said sales. Abstract of sales.

And be it further enacted by the authority aforesaid, That the commissioners shall from time to time make report to the legislature, of the sales by them respectively made, and of the difficulties and impediments which may arise in the execution of their said office. Report to legislature.

CHAP. 52.

AN ACT for the appointment of commissioners of sequestration, in cases of vacancies in that office, and for other purposes therein mentioned.

PASSED the 11th of March, 1780.

WHEREAS no provision hath hitherto been made for the appointment of commissioners of sequestration in cases where vacancies have arisen, or may arise in the said office. Preamble.

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 the several commissioners of sequestration throughout this State heretofore appointed, or hereafter to be appointed, shall be deemed to hold their offices respectively during the pleasure of the council of appointment. That where a vacancy or vacancies have arisen or shall arise in the said office, by death, resignation, removal from office, or in any other manner whatsoever, other commissioner or commissioners shall be appointed to fill up such vacancy or vacancies. That each commissioner hereafter to be appointed, shall be appointed by the council of appointment, in like manner as other officers are directed to be appointed in and by the twenty third article of the Constitution, and shall be commissioned by commission under the great seal of this State. Term of office.

And whereas the legislature have at this present meeting passed a law for the immediate sale of part of the forfeited estates; To the end therefore that the estates so intended to be sold may not be encumbered with leases; Vacancies. How appointed.

Commissioners not to execute leases.

Be it further enacted by the authority aforesaid, That the said commissioners shall not from and after the passing of this act, be authorized to lease any lands or tenements within the the middle district, except such lands or tenements as lay on the south side of the mountains in Orange county, or any lands or tenements in the county of Albany, except such lands or tenements as being on the west side of Hudson's river, do also lay on on the north side of the Mohawk river, which may be deemed to have become forfeited to the people of this State, in consequence of the attainder of any or either of the offenders named in the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State, in respect to all property within the same."

Commission in lieu of wages.

And be it further enacted by the authority aforesaid, That from and after the passing of this act, the wages heretofore allowed to the said commissioners shall cease, and that in lieu thereof, the commissioners for each respective county or districts shall be allowed a commission of ten per cent on the monies hereafter to become due to them, and which they shall respectively from time to time pay into the treasury of this State.

CHAP. 53.

AN ACT to raise troops for the defence of the frontiers.

PASSED the 11th of March, 1780.

When troops to be raised.

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 troops shall be raised for the defence of the frontiers of this State for the ensuing campaign whenever the congress of the United States shall have declared that the said troops shall be paid and subsisted at the expence of the said United States: That the commanding officer of each regiment of militia shall cause just and exact lists to be made and returned of all the male inhabitants (slaves excepted) of the age of sixteen years and upwards resident within the district of the regiment.

List of male inhabitants to be made.

Field officers to meet and divide regiment into classes.

That the said commanding officer together with the other field officers of the regiment shall within one week after such returns shall be made meet together at such time and at such place within the district of each regiment as the commanding officer thereof shall appoint. That at this meeting the field officers or the major part of them shall divide the regiment agreeable to such return thereof into classes each class to consist of thirty five names, and if there should be a surplus of names after the regiment shall be so divided into classes the majority of the said field officers shall add the persons of which such surplus shall consist to the several classes and in such proportion to each class as they shall think proper so that the several classes shall with respect to estate and ability be as nearly equal as may be. That the commanding officer of the regiment shall cause to be delivered to a militia officer or to some other reputable person belonging in each class a list of the class. That each class shall after the expiration of fifteen days from the delivery of such list furnish and deliver to the commanding officer of the regiment at such time and at such place within the district of the regiment as he shall from time to time appoint, notice whereof shall be given to the person to whom the list shall be delivered, one able

List to be delivered to officer or person belonging to class and each class to deliver able bodied man fully equipped.

bodied man to be provided with a good musket or firelock cartouch box or pouch capable of containing seventeen charges of ammunition, a knapsack or havesack and a good blanket, to serve in the corps to be raised by virtue of this act for the defence of the frontiers until the first day of December next, unless sooner discharged. That if any class shall omit or neglect to furnish and deliver a man to be accoutred and provided as aforesaid, within the time or times for that purpose to be appointed as aforesaid, the commanding officer of the regiment shall thereupon convene the assessors of the ward town manor district or precinct wherein such class shall be at such time and place as the said commanding officer shall appoint. That the said commanding officer shall lay before the said assessors a list of the names of the persons belonging to such delinquent class—That the said assessors or a majority of them which shall be so convened shall thereupon assess upon such class a sum equal to double the amount of the highest bounty which shall then have been given by any class in the regiment for a recruit to be raised in pursuance of this act, and shall apportion the said sum to and among the several persons composing such delinquent class in such manner as the assessors shall deem reasonable, due regard being had to the circumstances and ability of each respective person. That the said commanding officer shall thereupon deliver the assessment-roll to such serjeant in the regiment as he shall appoint for the purpose. That the said serjeant shall thereupon by distress and sale levy of the several persons named in such assessment roll the sums opposite to their respective names and shall after deducting therout a poundage of one shilling in the pound for his services in collecting the said monies pay the same to the said commanding officer by whom they shall be paid into the treasury of this State — That if any person shall refuse to pay the sum assessed upon him and shall not be possessed of goods and chattels whereof the same can be levied, the said commanding officer, shall by warrant under his hand to be directed to any serjeant of the regiment cause such person to be committed to the gaol of the county, or if there shall be no gaol in the county to the next nearest gaol, there to remain without bail or mainprize until the sum so assessed upon him shall be paid to the commanding officer of the regiment— That if any one or more persons belong to a class shall at his or their own costs and expences procure the man to be furnished by such class, or provide the man so to be procured with arms accoutrements and a blanket as aforesaid, the person or persons who shall advance monies for either of the purposes aforesaid shall have a remedy against the several other persons in the class to recover from them their respective proportions of the said monies so advanced by suit to be commenced before a justice of the peace of the county and in determining such proportion, due regard shall be had to the circumstances and abilities of the defendant compared with the circumstances and abilities of the other persons in the class and the justice or jury shall assess the damages of the plaintiff or plaintiffs accordingly and the justice shall be authorized to have cognizance of such action notwithstanding the sum in demand may exceed the sum of one hundred pounds. That the corps to be raised by virtue of this act for the defence of the frontiers shall be subject to the rules and regulations contained in the articles of war made or to be made by the congress of the United States of America for regulating the armies of the said States and that courts martial for the trial of any person belonging to the said corps shall consist of officers belonging to the army of the United States or to the militia of this State or to the said corps as the person administering the government of

Assessment to be made against delinquent class.

Collection of assessment.

Persons having no goods and refusing to pay to be committed to gaol.

Persons advancing money to furnish man to have remedy against other persons in class.

Corps subject to rules and articles of war.

Levies to be divided into corps and necessary officers appointed.

this State for the time being shall order and direct.— That the person administering the government of this State for the time being shall from time to time make such arrangement of the said levies intended for the defence of the frontiers and divide them into such and so many corps as he shall deem proper and shall by and with the advice and consent of the council of appointment, appoint the necessary officers accordingly.— That the commanding officers of the regiment shall cause the levies to be raised by virtue of this act to march to such place or places of rendezvous as the person administering the government of this State shall appoint — That this law shall be carried into execution by general orders to be issued for the purpose by the person administering the government of this State for the time being from time to time and whenever he shall deem it expedient, after the congress of the United States shall have declared that the troops to be raised in pursuance of this act shall be paid and subsisted at the expense of the said United States and each and every commission or non commission officer of the militia who shall omit or neglect to do or perform any matters or duties imposed on or required of him, shall be subject to and incur such penalties and punishments as shall be adjudged against him by a court martial to be instituted and appointed for the purpose to consist of officers belonging to the militia of this State.— That the commanding officers of the several companies of militia shall be authorized and required to administer an oath to the several serjeants and corporals whom they shall order and direct to make such lists as aforesaid that the lists by them respectively made and returned are just and true.— That the following persons shall be exempted from the draft to be made in pursuance of this act and their names shall be omitted out of the lists herein before mentioned, that is to say all ministers of the gospel, all persons who have heretofore procured others to enlist in either of the Continental battalions raised under the direction of this State, according to law and who shall produce certificates thereof so as the time for which the respective persons so procured did engage to serve shall not have expired at the time when the said lists shall be respectively made, all physicians, surgeons and surgeon's mates belonging to the general hospital of the United States, and all such persons who in judgment of law are or shall be of the people called Quakers.— That if the assessors shall upon being duly notified, refuse or neglect to meet at such time and place as the commanding officer of the regiment shall appoint for the purpose of making the assessments herein before mentioned, or meeting shall neglect or refuse to make such assessments the assessors so offending shall for each offence forfeit the sum of one hundred pounds to be recovered in a summary way before any justice of the peace of the county by the said commanding officer by suit to be commenced in his own name and the said penalty when recovered shall be paid by the said commanding officer into the treasury of this State.

Oath to be made to lists.

Exempt persons.

Penalty for refusing to meet and make assessments.

CHAP. 54.

AN ACT to provide the troops of this State in the service of the United States, with clothing and other necessaries.

PASSED the 11th of March, 1780.

For providing the troops of this State, in the service of the United States, including Major General McDougal, Brigadier General James Clinton, and their respective suit's, not belonging to the line of other States the officers and privates serving in the five battalions raised under the direction of this State, and also the officers and privates serving in the dragoons, artillery and other corps credited to this State, the chaplain to the brigade under the command of the said Brigadier General James Clinton, and the present chaplain to the garrison at the forts in the Highlands and to each physician surgeon and surgeon's mate belonging to the general hospital of the United States and who at the time of their respective appointments, were inhabitants of this State, with clothing and other necessaries.

For provid-
ing cloth-
ing for
officers
and pri-
vates.

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 Peter T. Curtenius Esquire, commissary to purchase clothing for this State, shall cause to be purchased for each commission officer, surgeon and surgeon's-mate in the said troops and to each physician, surgeon and surgeon's mate as aforesaid cloth and linnen with lining and trimings sufficient for a cloth regimental suit, two linnen vests, two pair of linnen breeches, two ruffled shirts, two plain shirts, and four stocks and also two pair of worsted hose, two pair of linnen hose, two pair of shoes, one pair boots a blanket and an hatt.—That he shall also cause to be purchased and made up for the use of the non-commissioned officers and privates in the said troops, one thousand eight hundred regimental coats, one thousand eight hundred woolen vests, one thousand eight hundred woolen overalls, three thousand six hundred pair of hose, three thousand six hundred pair of shoes, one thousand eight hundred blankets, and one thousand eight hundred hatts—That he shall cause to be paid to each of the said commission officers the sum of two hundred dollars to defray the expence of making up the clothing hereby allowed to them. That it shall be lawful for the person administring the government of this State for the time being by writing under his hand to appoint from time to time during his pleasure a commissary to provide the said troops with necessaries.—That the said commissary shall cause the said troops to be provided with rum, tea, and sugar agreeable to the following rations viz—A major general at the rate of four gallons of rum, six pounds of sugar and half a pound of tea per month—A brigadier general at the rate of three gallons of rum, four pounds of sugar and six ounces of tea per month, A colonel and a chaplain at the rate of two gallons of rum, three pounds of sugar and a quarter of a pound of tea, each per month. Each other officer in the line and staff at the rate of one gallon and a half of rum three pounds of sugar and a quarter of a pound of tea per month, each non-commission officer and private at the rate of one pound of sugar, two ounces of tea, and one pound of tobacco per month, and half a gill of rum per day.

Commiss-
ary to
purchase
same, etc.

Rum, etc.,
to be pro-
vided.

And to the end that the said Peter T. Curtenius, and the said person so to be appointed a commissary to provide necessaries, may respectively be furnished with monies for the said several purposes.

Treasurer
to make
payments
on war-
rants
drawn by
governor.

Be it further enacted by the authority aforesaid, That the treasurer of this State shall pay to the said Peter T. Curtenius, and the said person so from time to time to be appointed a commissary to provide necessaries respectively, upon warrants from the person administering the government of this State for the time being, the monies arising from the sales of forfeited estates; and that it shall be lawful for the said person administering the government of this State for the time being, to issue warrants in favor of the said Peter T. Curtenius and the said commissary to provide necessaries, for such sum and sums as he shall from time to time deem requisite for the several purposes aforesaid. That the said Peter T. Curtenius, and the said person to be appointed a commissary to provide necessaries, shall each be allowed for their services, exclusive of travelling expences a commission of one per cent, upon the monies to be by them respectively paid out in executing the business hereby committed to them. That the said Peter T. Curtenius and the said commissary to provide necessaries shall each of them, in issuing the several articles to be by them respectively procured, and in the execution of the other business hereby committed to them respectively, be subject to such orders and directions as they shall from time to time receive from the person administering the government of this State for the time being.

Allowance
for ser-
vices.

Appropriation.

And be it further enacted by the authority aforesaid, That the monies arising from the sales of forfeited estates shall not be appropriated to any use or purpose, other than to providing clothing and necessaries for the troops of this State, in the service of the United States, unless by a special appropriation to be particularly mentioned in the several laws by which such other appropriation shall be made.

And as a means for the more speedily raising monies for the purposes aforesaid —

\$2,000,000
to be taken
on loan.

Be it further enacted by the authority aforesaid, That two million of dollars be taken on loan by this State, in sums of two thousand dollars each, payable at the expiration of one year if demanded, at the treasury, or sooner, if there shall be monies in the treasury arising from the sales of forfeited estates, with interest, at the rate of six per cent, per annum, from the day when the said sums shall be respectively lent. That the treasury of this State shall forthwith after the passing of this act, cause one thousand loan office certificates of the denomination of two thousand dollars each, to be printed, whereby the several bearers of the said certificates shall be entitled to receive from the treasury of this State, the sum of two thousand dollars, with interest for the same at the rate of six per cent per annum, at the expiration of one year from the date of the said certificate, or sooner if demanded, if at the time of such demand there shall be money in the treasury arising from the sales of forfeited estates; and that the said certificates shall be received at the treasury in payment upon a purchase of any of the said forfeited estates to the amount of the principal and interest of the the said certificates respectively, at the time of such payment — That the treasurer shall from time to time pay off such of the said certificates, payment whereof shall be demanded, out of the monies which shall then be in the treasury arising from the sales of forfeited estates, any thing herein before to the contrary notwithstanding. That the said certificates shall be signed by the treasurer and be printed in such form and manner as he shall devise, by and with the approbation of the person administering the government of this State for the time being. That the treasurer shall receive from the several persons who shall lend the same, the monies so to be taken on loan, and give to the respective lenders certificates

Certificates
to be is-
sued.

Payment
of.

Treasurer
to receive
money and
issue certi-
ficates.

for the sums so lent, and shall pay to the said Peter T. Curtenius, and the said person to be appointed a commissary to provide necessaries, severally, the monies so be taken on loan, in like manner as is herein before directed, with respect to the monies arising from the sales of forfeited estates. That the treasurer shall upon the warrant of the person administering the government of this State, advance as cash to the said Peter T. Curtenius and the person to be appointed commissary as aforesaid, severally, of the said certificates to such amount as shall be specified in each warrant, with blanks as to the date. That it shall be lawful for the said Peter T. Curtenius, and the said person so to be appointed commissary as aforesaid, to give the said certificates in payment for any goods wares and merchandizes which they may respectively purchase, and to fill up the blanks in the said certificates, with the day when they shall be respectively given in payment.

Advances
to persons
named.

And be it further enacted by the authority aforesaid, That if any person shall forge or counterfeit any such loan office certificate, or shall sell, negotiate or assign over, or tender for, or in payment at the treasury, any such forged or counterfeit certificate, knowing the same to be forged or counterfeit, the person so offending shall upon conviction suffer the like pains and penalties as in cases of felony without benefit of clergy.

Penalty
for count-
erfeiting,
etc.

CHAP. 55.

AN ACT for regulating the militia of the State of New York.

PASSED the 11th of March, 1780.

WHEREAS the wisdom and experience of ages point out a well regulated militia as the only secure means for defending a State against external invasions, and internal commotions and insurrections,

Preamble.

And whereas this, and the other United States of America, are now invaded by foreign enemies, and the safety of this State may be endangered by intestine commotions and insurrections.

And whereas it is therefore become the duty of the legislature of this State, to put the militia thereof, on such an establishment as will most effectually encourage a martial spirit among the people, provide for the internal and external security of the State, and enable it most vigorously to co-operate with the other United States, in a cause no less noble and exalted, than the defence of the common rights and liberties of America against hostile tyranny and oppression.

I. *Be it therefore 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 every able bodied male person, (deserters from the enemy, not subjects of any of the United States, Indians and slaves excepted) residing within this State, from sixteen years of age to fifty, (except such persons as are herein after excepted) shall immediately after the passing this act, unless he shall heretofore have been enrolled, be, by the captain, or in his absence, the next commanding officer, of the beat, wherein he shall reside, enrolled in the company of such beat. That every captain, or commanding officer of a company, shall also enroll every person, or persons, who shall from time to time arrive at the age of sixteen years, or come to reside or sojourn within his beat, and without delay, notify such enrollment to each person so enrolled, by some inferior officer of the company; who, on oath, shall be a competent witness to prove

Persons to
be en-
rolled.

Disputes,
how to be
decided.

such notice. That if any dispute shall arise with respect to the age, or ability to bear arms, of any person, it shall be determined by the captain or commanding officer of the company with right of appeal, to any person who may conceive himself aggrieved, to the colonel, or commanding officer of the regiment, whose determination in the case shall be final. That every person so enrolled, and notified, shall within twenty days thereafter, furnish and provide himself, at his own expence, with a good musket or firelock, fit for service, a sufficient bayonet (unless he shall be provided with a good rifle) with a good belt, a pouch or cartouch box, containing not less than sixteen cartridges, suited to the bore of the musket or firelock, each cartridge containing a proper quantity of powder and ball, or in lieu of such pouch or cartouch box and cartridges, with a quantity of powder and ball respectively, disposed of in a powder horn and shot bag, and wadding equivalent to such cartridges, and two spare flints, a blanket and a knapsack, and shall appear so armed, accoutred and provided, when called out to exercise, or duty, as herein after directed, except that when called out to exercise only, he may appear without blanket or knapsack; and if any such person shall appear to the captain or commanding officer of the company, to be too indigent to arm accoutre and provide himself in manner aforesaid, he shall be furnished with arms and accoutrements, out of the monies to arise from the fines from time to time to accrue in the regiment to which he shall belong, and in case of deficiency thereof, out of the public magazines or stores of this State, by order of the person administering the government of this State for the time being.

Equip-
ments.

Militia to
be ar-
ranged in
brigades,
etc.

II. That the commander in chief, for the time being, shall, by general orders, arrange the militia of this State into brigades regiments and companies, and, by and with the advice and consent of the council of appointment, appoint such and so many brigadiers general, and other officers, as he shall think most conducive to the public service; copies of such general orders to be filed in the office of the clerk of the county where the regiment, or company shall be.

Brigade
major.

III. That each brigadier general, shall have one brigade major of his own choice, to rank as major in the militia, and receive pay on the certificate of his brigadier.

Officers.

IV. That each regiment shall have and be commanded by one lieutenant colonel, (except where a colonel has heretofore been appointed) and one major, (unless in cases where it shall be thought necessary to appoint two majors). That each company shall be officered with one captain, one first lieutenant, one second lieutenant, and one ensign, as commissioned officers, and by four sergeants, four corporals, one drummer and one fifer; and the staff of each regiment shall be, one adjutant, and one quartermaster, who shall respectively rank as first lieutenants; and the sergeants, corporals drummers and fifers, shall be appointed by the captains, or other commanding officers of the several companies; and if any person so to be appointed, shall refuse to accept the office to which he shall be appointed, he shall forfeit the sum of forty pounds, to be adjudged, levied, and disposed of, in manner as is herein after directed, with respect to fines for neglecting or refusing to appear to train and exercise, as is herein after mentioned.

Colors

V. That each regiment shall be provided with a standard or colours, at the expence of the field officers; and each company with a drum and fife, at the expence of the commissioned officers thereof.

Troops of
horse.

VI. That there may be a troop of horse in each brigade, and a company of grenadiers in each regiment of foot, which may conveniently furnish the same. That the said troops of horse, and companies of

grenadiers, shall respectively be formed and composed of volunteers, in the respective brigades and regiments, residing at such convenient distances from each other, that they may with ease and dispatch be called out for training, discipline, or other service. Provided, that no troop of horse shall be established without the consent of the brigadier; and that no grenadier company shall be established in any regiment, without the consent of all the field officers; and that no troop of horse, or grenadier company, shall exceed fifty men, officers included; and that no person shall hereafter enlist in any troop of horse, or grenadier company, without the consent of the commanding officer of the regiment in which he shall reside.

VII. That on every such enlistment of a volunteer; the captain of the troop of horse, or company of grenadiers, do immediately certify to the captain of the beat, from which such volunteer shall enlist, the enlistment of the said volunteer. Enlistments to be certified.

VIII. That each trooper shall be equipped and provided with a good servicable horse, at least fourteen hands high, a good saddle, housing, holsters, breast plate and crupper, a case of good pistols, a good, horse-man's, sword, a pair of boots and spurs, and a carbine well fixed with a good belt swivel and bucket, and a cartridge box to contain twelve cartridges at least; and that each grenadier, shall be equipped and provided with a grenadier's cap, a good musket and bayonet, a broad sword, a belt and a pouch or cartridge box; and so equipped and provided, the troopers and grenadiers, shall, respectively, be called out under the direction of their respective officers, as is hereby required, with respect to the rest of the militia. Equipments of troopers.

IX. That each colonel or commanding officer of a regiment, shall, in the first or second week in April, and in the first or second week in November, in every year, call out his regiment to his regimental parade, which shall be the place in the district of the regiment the most convenient for that purpose; and having paraded the same, shall require from the captain or commanding officer of every beat, in the regiment, a return thereof, expressing the exempts and the absentees, and the causes of the respective exemptions and absences; cause the said regiment, except the exempts, thus paraded to be called by the company rolls, and the arms ammunition and accoutrements of each man to be examined, and the defaulters to be noted; and shall cause them to be sufficiently exercised, trained and disciplined, for their instruction and improvement; and shall within two weeks thereafter, make or cause a true regimental return (excepting therein by name the exempts or absentees) to be made to the commander in chief, for the time being; until a brigadier general be appointed to the brigade to which the regiment shall belong. That the captain, or commanding officer of each company, shall and may call out his company to such place, within his beat, as shall be most convenient for that purpose, at least four times in every year, and shall cause them when so called out, to be well and sufficiently exercised trained and disciplined for their instruction and improvement. Regimental parades.

X. That every commissioned officer of the militia, in this State, who shall omit or neglect to perform any of the duties, by this act enjoined on him, of enrolling training or disciplining in and to the use of arms, the militia of this State, or making perfect returns of the militia, or not calling out to actual service the militia, or any part thereof, when necessary, and shall, if under the rank of a brigadier, be thereof convicted by a brigade court martial from the brigade to which he shall belong, consisting of at least thirteen members, (which court martial the brigadier is hereby authorized and required to appoint, and direct to sit) and the sen- Officers neglecting to perform duties imposed by this act to be court martialled.

tence thereon be confirmed in manner herein after mentioned, be, *ipso facto*, removed from his office, and reduced to do duty in the ranks as a foot soldier; any exemption from duty to the contrary in any wise notwithstanding.

Meeting of general and field officers to review sentences.

XI. That the brigadier general, and the field officers of each brigade, shall, on the second Tuesday in January and the second Tuesday in June yearly and every year, meet together, at such town or place within the brigade as the brigadier general shall appoint; to which meeting all sentences of courts martial in such brigade, not before confirmed or disallowed, shall be brought, and shall by the said brigadier general, or next commanding officer, and field officers, or the majority of them, be respectively confirmed or disallowed; upon determining all which the brigadier, or next commanding officer, shall sit as president; and shall immediately thereafter, particularly, report, under his hand, to the commander in chief all such sentences as shall be so confirmed; and all brigadiers general, for offences, not particularly provided for in this act, shall be tried by a general court martial, to be appointed by the commander in chief, and if on conviction, the sentence thereof be confirmed by such commander in chief, that upon such brigadier general shall be removed from his office. That all sentences of courts martial so confirmed shall be, by the commander in chief from time to time, laid before the council of appointment, to the end, that they may appoint others instead of the officers so found guilty.

Cashiered and resigned officers to do duty as foot soldiers.

XII. That every commissioned officer of the militia of this State who shall be cashiered, or who shall resign his commission, unless with the consent of the council of appointment, shall be obliged to do the duty of and in every respect be put on a footing with a private soldier, any thing contained in this act, to the contrary thereof notwithstanding.

Foot soldiers, penalty for not appearing.

XIII. That every foot soldier of the said militia who shall neglect to appear when called out, without sufficient excuse, shall for every such offence forfeit the sum of eight pounds; and if he shall appear wanting any of his arms, ammunition or accoutrements, prescribed for him by this act, without sufficient excuse, he shall, for every deficiency, forfeit the sum of three pounds; and if any non-commissioned officer or private in any troop of horse shall be charged with either of the said offences, and shall not have sufficient excuse, he shall forfeit for the offence of not appearing the sum of sixteen pounds, and for every other of the said offences the sum of six pounds.

Fines, etc.

XIV. That all fines to arise from offences, in a company only, shall be adjudged of and inflicted by the commissioned officers of such company, and shall be levied with costs by warrant under the hand and seal of the captain or commanding officer, directed to one or more of the sergeants of the said company, by distress and sale of the goods and chattels of the offender, and paid by the sergeant or sergeants to the said captain or commanding officer of the company; And that all fines to arise from the like offences upon the calling out of the regiment, shall be adjudged of and inflicted by the field officers of the regiment, or the major part of them and shall be levied with costs by warrant, under the hand and seal of the colonel or commanding officer of the regiment, directed to one or more of the sergeants of the said regiment, by distress and sale of the goods and chattels of the offenders respectively, and by him or them paid to the said colonel or commanding officer; all which fines shall by him be paid over to the quarter master of the said regiment, to be by him laid out under the direction of the field officers of the said regiment for arming accoutring and furnishing with ammunition the privates thereof in manner aforesaid. And where in any case

no goods or chattels shall be found, then on such warrants, to be issued in either of the cases above mentioned, the serjeant or serjeants shall take the body of the offender and him convey to the common goal of the county, there to be kept in safe custody, until he pay the said fine and costs. And the goaler is hereby required and commanded to receive such offender, with the warrant, and him safely to keep until he shall have paid his said fine and costs, which goaler after receiving the same, on demand by such serjeant or serjeants, pay the same to him or them, and thereupon such fine shall be disposed of in manner herein before directed for the disposal of fines.

XIV. That all officers in the militia shall take rank according to the dates of their commissions. Provided that where officers now hold the same offices in the militia which they held under the late government before the revolution or under the convention before the organization of the present government and have since taken out new commissions for the same office such officers shall take rank from the dates of their former, and not from the dates of their last commissions, any thing herein contained notwithstanding. Rank.

XV. That from all returns to be made by the colonels or commanding officers of regiments, respectively, to the respective brigadiers general, brigade returns shall without delay be made to the commander in chief. Returns.

XVI. That one brigade, regiment, or company of foot (except grenadiers who shall form on the right of the regiment) shall not be considered as older than, or having rank or preference of, the other, but each brigade, regiment or company shall be posted and disposed of in the line on command, as the commanding officer on the spot, shall on every occasion or emergency think proper. How companies, etc., posted, etc.

XVII. That on every emergency of a sudden invasion by the enemy, or insurrection, within this State, the commanding officer of any brigade, regiment, or company, as the cases may require, shall immediately draw out the militia under his command and with them oppose the enemy or the insurgents, and that all brigades, regiments, troops and companies, shall from time to time be subject to general, brigade, regimental, and company, orders, as is usual according to the course and practice of war for suddenly taking the field for the purpose aforesaid. And all such orders, by any officer under the rank of commander in chief, shall be reported in writing by express, to the commander in chief for the time being, and also to the colonel or commanding officer of the regiment, if given by one under his command, and if given by the colonel or commanding officer of the regiment, shall be reported to the brigadier general, and if given by the brigadier general to the commander in chief, all which reports shall be acted upon by the respective persons to whom the same shall respectively be made as the emergency may require, and by such persons respectively be reported, with their respective doings thereon, to their next superior officer, and so on in succession till they reach the commander in chief. Militia to be called out in cases of emergency.

XVIII. That every person in the militia, whether officer or private, when called out into actual service, either to act separately or in conjunction with the troops of the United States of America, shall from the time of his receiving due notice thereof from his commanding officer, until he be properly discharged from that service, if and as long as he shall perform the same, and untill properly discharged or dismissed, be allowed pay, subsistence and rations, according to the Continental establishment, and on every neglect or refusal to march, after such notice as aforesaid, shall be dealt with as a deserter, or having marched out, on Officers and privates called into actual service subject to rules and articles of war.

such notice, and before his proper discharge or dismissal, shall commit any offence, or shall, before such discharge or dismissal, desert from the corps to which he shall belong, or from his post, shall for every such offence be subject to the rules and articles of war, established by the congress of the United States of America, for the better government of the troops in the service of the said United States; which shall be put in execution against the offender by the militia orders and authority, in like manner as the same are put in execution in the army of the said United States against offenders therein, by proper orders and authority thereof; and that in all such cases the governor or commander in chief for the time being, and all militia officers subordinate to him, shall and may enjoy and exercise all the powers by the said rules and articles of war, given to the commander in chief of the army of the United States and the several officers subordinate to him in the said army; and that upon notice left at the usual place of abode of any offender, containing the charge against him, and the time and place when and where the court martial will be held for his trial, and due proof made to such court of the service of such notice, it shall be lawful for such court to proceed to the trial of such offender in like manner as if he had appeared, and plead not guilty to the charge.

In case of fines of offender may be sentenced to serve in army.

XIX. That in every case where a fine shall be imposed by a court martial, in consequence of this act it shall and may be lawful for such court martial to direct the offender (in case of the non payment of such fine) to serve in, and do duty with, any one of the regiments of the army of the United States of America raised by the direction and under the authority of this State, as a private soldier thereof, for and during such time as the court martial shall adjudge, not exceeding six months.

Power to order out enrolled militia, etc.

XX. That the commander in chief for the time being shall have power and authority, from time to time in his discretion, to order out the whole or any part of the associated exempts and enrolled militia of this State into actual service, not only for the defence of this State, but to give assistance to any other of the United States, or to reinforce the army of the United States or any part thereof, and that the associated exempts shall be called out, in rotation, so as to do their equal proportion of duty with the enrolled militia, as nearly as may be, in the discretion of the commander in chief, or brigadier general within whose command the said associated exempts do reside, and to cause each of them to march out of this State for either of the said purposes. Provided always that none of the enrolled militia of this State or associated exempts shall be compelled to do duty out of the same for a greater space of time than forty days at any one time; and provided also that not more than one third part of the militia and associated exempts of this State shall, on any occasion or emergency, be required or ordered to march out of this State, any thing herein contained to the contrary thereof in any wise notwithstanding.

Courts martial, etc.

XXI. That for the several purposes aforesaid general, brigade and regimental, courts martial and courts of inquiry shall from time to time, as cases may require, be instituted and formed, and general brigade and regimental orders from time to time given, upon the plan directed by the aforesaid rules and articles of war, and by the officers in rank respectively in the militia equal with those respectively authorized for the purpose by the said articles of war, in respect whereof the governor or commander in chief and all militia officers respectively shall be considered as on the same footing as the general and commander in chief of, and as the officers in their respective ranks belonging to, the army of the said United States; Provided always that no commissioned military

officer, except when questioned upon the aforesaid rules and articles of war, shall be sentenced or adjudged to any other punishment than to be broke and rendered incapable of any military office whatsoever within this State; and provided also that it shall and may be lawful for a court martial, whenever they shall conceive it proper, to fix and determine a fine for which any person, adjudged to receive corporal punishment, may commute such punishment; and if the said fine shall be paid, within the time by the court martial for that purpose limited, the said person shall be accordingly acquitted of such corporal punishment. That all such fines shall be paid into the hands of the eldest militia officer, from this State, on the spot, and shall by him be paid into the hands of the officer commanding such regiment, for the purpose of providing a sufficient quantity of arms and ammunition for the use of the said regiment, and that the overplus be paid by the said commanding officer into the treasury of the State.

XXII. That a roll of the privates of each company shall be made, and divided, by the captain or commanding officer of the company, into eight classes, as nearly equal in number to each other as conveniently may be, and a serjeant or a corporal shall be allotted on the roll, by the captain or commanding officer, to each class; which said eight classes, in each company, shall on detachments or drafts, in pursuance of this act, perform their tour of duty in numerical order; and to ascertain which class shall take the first and which the second tour of duty on detachment, and so on to the eighth class, eight slips of paper, numbered respectively from one to eight inclusively, shall be so rolled up, or otherwise closed as to conceal the number, and being put into a hat, box, or vessel, and well shook together in the same, the serjeant or corporal of each class shall, in the order to be directed by the captain or commanding officer, in behalf of his class, take out one of the ballots; and the number drawn by the serjeants and corporals, respectively, shall determine their respective tours of duty of the several classes; The class which draws number one to have the first tour of duty, and so on in numerical order throughout all the eight classes, determining their respective tours of duty; and in the same numerical order shall the eight classes continue their rotation without any new balloting, until the numbers respectively contained in each class shall, by the events of war or other accidents, become very unequal, when there shall be a new balloting as above directed.

XXIII. That when and as often as the classes shall be thus fixed, each captain or commanding officer of each company shall form a roll consisting of the eight classes and containing the names of the men in each class, with the names of the serjeant and corporal respectively prefixed to each class, and numbered according to the order of balloting, which he shall keep for his own use, guidance, and direction, and shall notify each serjeant, corporal, or private, to what class he shall belong, and shall return a copy thereof, with the list of his commissioned officers prefixed thereto, without delay, to the colonel or commanding officer of the regiment, who shall enter all such, and every other company return, in a book to be kept by him for the purpose.

XXIV. That the colonel or next commanding officer of the regiment shall, on receipt of all the classed returns of the companies in his regiment, convene together all the commissioned officers in his regiment, and proceed in like manner to fix by ballot the respective tours of duty of all commissioned officers under the rank and degree of a field officer, from and including number one to and including such number as shall be equal to the number of companies in the regiment; which balloting

Privates of each company to be divided into classes.

Roll of classes.

Tours of duty of commissioned officers.

shall be made separately and severally in the four several lines of office, and be entered by the colonel or commanding officer in his said book, as also the quota of each detachment both as to officers and privates, in order thereby, from time to time, to ascertain the rotation of the service of both, which shall ever be determined by such quotas respectively.

Majors,
etc., to
decide
tours by
lot.

XXV. That if there be two majors belonging to a regiment they shall decide by lot which of them shall take the first tour of duty, and the order or tour of duty thereby established shall ever after govern.

XXVI. That to establish the rotation of duty, on detachments, among the several field officers in the regiments composing a brigade, the colonels, lieutenant colonels, and majors, shall without delay meet together and decide the same by several and separate lots in numerical order as aforesaid, in the several lines of office, which being done, a roll thereof shall immediately be made and subscribed by them all, and returned to the brigadier general of the brigade

Brigadier
general to
be ap-
pointed to
command.
Substi-
tutes.

XXVII. That to a brigadier general's command of detachments the commander in chief shall appoint such brigadier general as shall in his judgment appear most proper for advancement of the service.

In case of
sickness,
etc., next
on roll to
perform
tour of
duty.

XXVIII. That every private shall be allowed to substitute, on detachments, an able bodied private in his stead, who shall nevertheless take his own tour of duty in the order wherein it shall have been fixed as aforesaid. That in case, by sickness or unavoidable accident an officer or private shall be prevented from taking his tour of duty on any detachment, the next to him on the respective rolls of detachment, without regard to classes with respect to privates, shall fill his place, and the person so prevented shall in return take the proper next tour of duty on detachment of him so filling his place; and all classings as aforesaid shall go on in rotation in the several numerical orders above mentioned as long and as often as the public service shall require the same. Provided always that the commander in chief shall and may, from time to time, in his discretion, order out on detachment as great a part of any brigade, regiment, troop of horse, or associated exempts, or the whole militia into actual service, and also that the like discretionary power may, on sudden emergencies, and without waiting for the order of his superior officer, be exercised by the commanding officer of any brigade, regiment, troop of horse, or company, respectively, over each brigade, regiment, troop of horse, or company, giving notice thereof, in writing, without delay together with all things relating thereto as well to his commanding officer as to the commander in chief for the time being.

Exempt
persons.

XXIX. That all persons, under the age of sixty years, who have held civil or military commissions, and are not or shall not be re-appointed to their respective proper ranks of office; and all other persons, between the age of fifty and sixty years, who have associated and elected their officers, or shall hereafter associate themselves, shall be exempted from serving as part of the enrolled militia. That all such persons, who have not yet associated, shall form themselves into voluntary associated regiments, or companies, according to their number in each respective county, and recommend their own officers, and that all such associated regiments, or companies, shall make returns thereof respectively to the commander in chief for the time being, without delay, who with the advice of the council of appointment shall issue commissions to them accordingly in default of which returns, they shall respectively do duty in the ranks with the militia, of the beat within which they shall respectively reside, until they shall respectively associate as aforesaid. That the substance of such associations shall be, that the associators will sev-

erally on all occasions, obey the orders of their respective commanding officers, and will in cases of invasion or incursions of the enemy, or insurrections, march to repel the enemy or suppress such insurrections, in like manner as the enrolled militia are compelled to do, so that they shall not, when called out in detachments, be annexed to any other regiment, or company, or be under the immediate command of any other than their own officers, but be deemed and considered as a separate and distinct corps, and that when such associated exempts shall be called into actual service they shall be subject to the orders and command of any and every officer of superior rank to such officer of associated exempts.

XXX. That every person, an inhabitant of this State, subject by this act to military duty in the militia, who shall remove out of the limits of the regiment or corps in which he shall be commissioned, associated, or enrolled, and sojourn, or be within the limits of any other regiment, or corps, shall be subject to drafts, and be obliged to do duty in the regiment, or corps, within the limits of which he shall so happen to be, unless he shall give a satisfactory account to the commanding officer of the said regiment, or company, that he has not absconded from the corps to which he belongs in order to avoid being drafted or performing other military duty.

In case of removal when liable to draft.

XXXI. That the lieutenant governor, members of the senate and assembly, and their several clerks, and all judicial officers, the secretary of this State and two of his deputies, the treasurer, the auditor general, and the attorney general of this State, the clerks and register of courts and the county clerks, and sheriffs and their respective deputies not exceeding one, and the coroners not commissioned in the militia, all county treasurers and all ministers of the gospel, and all physicians and surgeons except in their several and respective professions, and callings, all public school masters actually engaged for twelve months, all collectors, all ferry men licenced by the governor or commander in chief for the time being, all post masters, and post riders shall notwithstanding their being respectively able bodied, above sixteen and under sixty years of age, and all such persons in the service or employ of the United States, or of this State, or engaged or employed in any manufacture or business, so that it would be for the good of the public that they should be exempted, who shall procure special exemptions from the commander in chief of the militia of this State for the time being, under his hand, shall respectively be exempted from training and doing duty in the militia, but shall nevertheless be armed accoutred and provided as above mentioned.

Officers, etc., exempt from training.

XXXII. That all those male persons, between the ages of sixteen and sixty years, who are or shall be of the people called Quakers, upon producing a certificate from one of their quarterly meetings that he or they is or are of the society called Quakers, shall be exempted from all military service whatsoever, to which they would respectively be subject by this act, were they not respectively of the people called Quakers: And for such exemption, shall yearly and every year, severally pay the sum of eighty pounds, in lieu of all military service whatsoever, required by this act, except services on detachments and calling out the militia for actual service by virtue of this act in which cases each of them shall annually pay the sum of one hundred and sixty pounds. And for the purpose of levying the said annual sums, the captain or commanding officer of every beat, shall annually return to the respective supervisors of the ward, town, manor, precinct or district, wherein he shall reside, a list of such Quakers as aforesaid, residing

Quakers exempt but liable to tax.

within his beat; and the respective supervisors of the county, at either of their meetings, shall make out a separate tax list thereon, with a warrant to be issued by them to the collectors respectively for levying the same, of the form, as near as may be agreeable to the form of the warrants to collect the taxes for defraying the contingent expences of the county, and in default of goods and chattles of any Quaker, whereon to levy the said sum or sums, the warrant for levying the same shall authorize the collector to commit him to the gaol of the county, and the keeper of the said gaol, is hereby required to receive and detain him in safe and close custody, until the said sum or sums shall be paid to the said collector, and the said collector; shall respectively pay the monies they shall so from time to time collect, into the county treasury, from whence they shall be paid by the several county treasurers into the treasury of this State.

Act not to affect persons who have furnished substitutes

XXXIII. That this act, or any thing in the same contained, shall not in cases of drafts or detachments of the militia, affect any person, who has furnished a sufficient able bodied man for service in one of the five Continental battalions raised under the direction of this State, pursuant to law, unless the time of such service shall have expired.

Notice, what deemed sufficient.

XXXIV. That in all cases where notice is required by this act, verbal notice to the party himself, or left at his usual place of abode, with a person of the years of discretion, by any commissioned or non commissioned officer of the company, shall be deemed a legal and sufficient notice.

Whereas the militia officers are frequently put to great expence in attending general and regimental courts martial, and courts of enquiry.

Expenses of officers attending courts-martial to be paid out of fines, etc.

XXXV. *Be it therefore enacted by the authority aforesaid*, That the same shall respectively be ascertained from time to time, by the president of such courts respectively, and be paid from time to time, out of the fines arising from each regiment, or corps of exempts, and which are by this act required to be paid, to the commanding officer of the regiment, to be by him applied as aforesaid, and such certificates shall respectively be delivered, from time to time, by the respective officers entitled to receive the several fines imposed by this act, to the commanding officer of the regiment, together with the remaining balance of such fines, that every such officer so receiving such fines respectively, as by this act are made payable as aforesaid, shall, from time to time, as the same shall accrue and be received, account for and pay the same to the said commanding officer, in manner aforesaid, at the expiration of every three months, to commence thirty days after the passing of this act. That the respective colonels or commanding officers of regiments shall account under oath for the expenditures and application of the said fines, at, and to, the meeting of field officers by this act, directed to convene in January and June in every year, and that the ballance be paid into the treasury of the State.

Officers to be reimbursed moneys expended.

XXXVI. *And whereas* the commanding officers of brigades and regiments are frequently on extraordinary emergencies, obliged to disburse of their own monies for paying expresses, for reimbursement thereof, the treasurer of this State shall, and is hereby required, from time to time, to repay the same out of any monies in the treasury, Provided that the accounts thereof respectively shall be first sworn to before a justice of the peace of any county within this State.

Ammunition to be furnished.

XXXVII. *Be it further enacted by the authority aforesaid*, That the commissioner of military stores, of this State, shall on application of any or either of the colonels or commanding officers of regiments of the militia of this State, by a draft in writing on the said commissioner, in favor of the quarter master of the regiment, with a warrant endorsed

from the person administering the government of this State for the time being, furnish such quarter master, or quarter masters, with such quantities either of loose ammunition, or made up in cartridges, for the said regiment or regiments, as shall be directed by the said warrant, the said quarter master or quarter masters paying for the same, the first cost thereof, and the expence of making up the same, which monies the said commissioner shall from time to time lay out again, in the purchase of ammunition.

XXXVIII. *And be it further enacted by the authority aforesaid,* That if any person be wounded or disabled upon assisting in repelling any invasion or an incursion of the enemy, or suppressing an insurrection, or any other legal military service, he shall be subsisted and provided for at the expence of the State, during such disability, except such persons whose cases are already provided for by the several acts of the congress of the United States of America, making provision for persons that may become disabled while in the service of the United States. That each person who hath been, or shall hereafter be so wounded or disabled, and whose cases shall not be provided for as aforesaid, shall be entitled to such partial or permanent allowance, as shall be adjudged by the field officers of the regiment (not exceeding the allowances granted by the acts of congress aforesaid) and which adjudication, being confirmed by the commander in chief for the time being, he shall thereupon issue duplicate warrants under the privy seal of the State, upon the treasury for the payment of the sum or sums so to be adjudged to the person so wounded or disabled; and the treasurer upon being served with one of the said duplicates, shall out of any monies which may then be in the treasury, pay to the several persons in whose favor such warrants shall be issued, the sum or sums to be specified, and in such manner as shall be directed by the said warrants respectively.

Wounded persons to be subsisted, etc.

XXXIX. *And be it further enacted by the authority aforesaid,* That the act now in force, entitled, "An act for regulating the militia of the State of New York," passed on the third day of April one thousand seven hundred and seventy eight, the act entitled "An act, to amend an act, entitled An act, for regulating the militia of the State of New York" passed the thirtieth day of June one thousand seven and seventy eight, and the act, entitled "An act, farther to amend an act, entitled An act, for regulating the militia of the State of New York, and other purposes therein mentioned," passed the ninth day of October, one thousand seven hundred and seventy nine, shall be, and are hereby respectively continued in full force, until the third day of April next, any thing contained in in this act notwithstanding.

Acts continued in force.

And whereas the proceedings of sundry courts martial, are not fully compleated, as also many delinquents not yet tried.

XL. *Be it therefore further enacted by the authority aforesaid,* That regimental courts martial shall and may take cognizance of, try and determine, all such offenders as have been guilty of any offences against the before mentioned acts: Provided, that no sentence of such court shall extend to corporal punishment of every kind whatsoever except imprisonment, and provided also, that no such court shall proceed to any such trial, but by and with the consent of the commander in chief, or a general officer of this State.

Offenders against may be tried.

XLI. That proceedings or trials at courts martial, may be carried on at any time or times, the seventh article of the fourteenth section of the said articles of war, whereby such proceedings or trials are prohibited from being carried on, except between the hours of eight in the morning, and three in the afternoon, to the contrary notwithstanding.

Proceedings of courts when may be carried on.

Articles of war to be read.

XLII. That the commanding officers of the several companies, shall cause the said articles of war, to be read and published at least twice in every year, at the head of their respective companies.

XLIII. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force from the third day of April next, until the first day of March, one thousand seven hundred and eighty two, and no longer.

CHAP. 56.

AN ACT for the more speedy trial of felonies without benefit of clergy for subjecting the accessaries to such felonies, to a like punishment, with the principals, and for the trials of such accessaries, although the principals may not be convicted.

PASSED the 11th of March, 1780.

Preamble.

WHEREAS murders, burglaries, thefts and robberies have been of late so frequently committed within the State, that the public peace and safety require the most speedy and effectual mode of punishing, and preventing the same in future.

Commissions for courts named to be made out.

Be it therefore 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 commissions of oyer and terminer and general gaol delivery, shall, as soon as conveniently may be, after the passing of this act, be made out, if the same are not already made out, for the counties of Albany, Ulster, Westchester, Dutchess, Orange, Tryon and Charlotte respectively, to continue and be in force respectively, for one year from the respective dates thereof, which commissions shall be lodged with the clerk of the courts of oyer and terminer and general gaol delivery.

Precepts to be issued for summoning grand juries, etc.

And be it further enacted by the authority aforesaid, That whenever and as often as any person or persons, shall be apprehended and in actual custody, charged with any of the offences aforesaid, heretofore committed or that may hereafter be committed, it shall and may be lawfull, and it is hereby declared to be the duty of each and every of the judges of the supreme court of judicature of this State, on report being made to him or them in writing by the several sherifs of the said counties, that any person or persons for the offences aforesaid are in actual custody, immediately to issue a precept in his or their name or names and under his or their hand or hands and seal or seals and as near as may be agreeable to the form of precept issued by the justices of the courts of oyer and terminer and general gaol delivery in this State, to such sheriff, for summoning a grand and petit jury for, and proclaiming, a court of oyer and terminer and general goal delivery, at such time and place in the said county as the said judge or judges shall appoint, which precept is hereby declared to be good legall and effectual to all intents and purposes whatsoever, although there may not be fifteen days between the test and return thereof, and such sheriff is hereby required and commanded immediately to proceed to the execution thereof without any delay, And that all summonses, services, notices and other duties commanded by the said precept to be done and performed by the said sheriff are hereby declared to be legally and well and effectually done and performed, if done and performed on or before the day preceding the day appointed for the holding the said

court, any law usage or custom whatsoever to the contrary in any wise notwithstanding.

And be it further enacted by the authority aforesaid, That every juror summoned to attend the said court pursuant to this act, and not appearing on being thrice called in open court, shall forfeit and pay for every such default such fine or fines as the said court shall inflict not exceeding fifty pounds unless some reasonable cause of absence be proved to the satisfaction of the court.

Jurors liable to penalty for non attendance.

And whereas special sessions of oyer and terminer and gaol delivery in pursuance of this act may be frequently held; and least the same should become burthen-some to persons who shall attend as jurors.

Be it therefore further enacted by the authority aforesaid, That the judges at every such special sessions of oyer and terminer and gaol delivery, shall be and they are hereby required to dismiss the grand jury and adjourn the said court to the next new summons within twenty four hours after such prisoners, as shall be named in the report of the sheriff to the judge, in order to the calling of the said court, shall have been tried.

When grand jury to be dismissed and court adjourned.

And whereas a court of oyer and terminer and gaol delivery to be held in pursuance of this act may not be so proclaimed throughout the county, as that the several persons bound by recognizance to appear at the court of oyer and terminer and general gaol delivery shall have notice thereof.

Be it therefore enacted by the authority aforesaid, That it shall be lawful for the judges at a special sessions of oyer and terminer and gaol delivery to be held in pursuance of this act in their discretion, from time to time to respite any recognizance or recognizances until the next court of oyer and terminer and general gaol delivery, which shall be held in the county.

Recognizances may be respited till next court.

And whereas divers wicked and disaffected subjects of this State, do receive into their houses or other buildings, and otherwise support, relieve, maintain, aid, and comfort, evil disposed persons, thereby enabling and encouraging them to commit murders, burglaries, thefts, and robberies and, after the commission of such offences, knowingly assist the perpetrators thereof in eluding the justice of the country, and in receiving or secreting the goods and effects stolen. *And whereas* by the laws of this State such wicked and disaffected inhabitants cannot be brought to tryal as accessaries, either before or after the fact, unless their respective principals are convicted. For remedy whereof.

Proviso as to maintaining evil disposed persons, etc.

Be it farther enacted by the authority aforesaid. That every person or persons, who shall hereafter receive into his her or their respective houses or other buildings, or otherwise procure, advise, or command, any person or persons in, for, or to, the commission of any murder, burglary, grand larceny, or robbery, and thereupon any of the said offences shall be committed — or, after the commission of any of the said offences, any person or persons shall receive, relieve, aid, comfort, or assist such felon or felons, knowing the offences by him her or them to have been committed, or receive the goods and effects, knowing the same to be stolen, shall for every such offence be indicted, tried, and convicted, notwithstanding the principal or principals may not be convicted, and shall upon conviction suffer and incur the same pains and penalties as the principal or principals would have suffered and incurred, had they respectively been tried and convicted, and shall and may be indicted tried and otherwise proceeded against at any special sessions or oyer and terminer and gaol delivery to be held in pursuance of this act, and shall for that purpose be reported by the several sheriffs in manner herein before mentioned. Provided nevertheless that in all cases where

To be punished as principals.

When to be proceeded against as accessories.

the principal or principals shall be in actual custody, such offender or offenders shall be proceeded against as accessory or accessories, any thing in this act contained to the contrary notwithstanding. And provided also that every offender or offenders who shall be tried and acquitted under this act, shall not afterwards be tried or punished as accessory or accessories if the principal or principals should be thereafter taken.

Report of arrests to be transmitted to judges.

And be it further enacted by the authority aforesaid, That the sherifs of the several counties, whenever and as often as any person or persons so charged as aforesaid, with offences committed within their respective counties, either as principals or accessories, shall be apprehended and in actual custody, shall, by special messengers, transmit such report thereof to one of the judges of the supreme court as aforesaid, The expence of which messengers shall be allowed and paid as the other contingent charges of the county are allowed and paid.

And be it further enacted by the authority aforesaid, That this act shall continue in force until thirty days after the rising of the legislature at their next meeting and no longer.

CHAP. 57.

AN ACT to raise a sum not exceeding fifteen hundred pounds in the east district of the manor of Rensselaerwyck, in the county of Albany, for the purposes therein mentioned.

PASSED the 11th of March, 1780.

Preamble.

WHEREAS from the frequent robberies committed in the east district of the manor of Rensselaerwyck it became necessary to employ a number of rangers.

Sum to be raised by tax.

Be it therefore 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 the supervisor of the said district be and is hereby required to order to be raised and collected from the freeholders and inhabitants of the said district a sum not exceeding fifteen hundred pounds together with a sum not exceeding one shilling in the pound for collecting the same; to be raised with and levied and collected in the same manner as the contingent charges of the county; and to be paid by the collector into the hands of the said supervisor to be by him with the approbation of any two justices of the peace resident within the said district, applied in the payment of the said rangers for services performed before the passing of this act and the incidental charges attending the same. And the said supervisor shall account for the expenditure of the said monies to the supervisors of the county at their next meeting after the said monies shall be collected, and shall pay the ballance which may remain in his hands into the treasury of the county and on settling the quotas of the several districts of the contingent expences of the county in the said district shall be credited with such ballance.

To be applied in payment of rangers for services.

CHAP. 58.

AN ACT to authorize any two justices of the peace to enlarge persons who shall desert from the enemy, and for other purposes therein mentioned.

PASSED the 13th of March, 1780.

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 whenever any person who shall have come from within the lines of the enemy shall be confined in the common gaol of any county within this State, it shall and may be lawful for any two justices of the peace for such county to enlarge the person so confined upon his or her entering into recognizance to the people of this State either with or without surety, and in such sum or sums, as the said justices in their discretion shall deem proper; The condition of which recognizance shall be that he or she will appear at the next court of oyer and terminer and general gaol delivery, to be held in and for such county; or that he or she shall reside at the place and within the bounds within this State to be assigned by the said two justices or that he or she shall be of good behavior during the present war. And the said justices may in their discretion insert one or more of the foregoing conditions in such recognizance. Provided that such justices shall not by virtue of this act enlarge any person who shall be in custody by virtue of a warrant under the hand and seal of any judge of the supreme court; nor any person whose going at large will, in the opinion of such justices, be dangerous to the State. And provided also that nothing in this act contained shall be construed to excuse any person, so enlarged on recognizance, from doing duty in the militia of this State, nor shall his absence from the place assigned by such justices for his residence, while on command in the militia, be deemed a breach of such recognizance.

Deserters from enemy may be released on entering into recognizance

Proviso as to persons not to be released.

And be it further enacted by the authority aforesaid, That whenever any person shall desert from the army of the enemy or come over from within their lines and shall voluntarily surrender himself or herself to a justice of the peace, it shall and may be lawful for such justice to call to his assistance one other justice of the same county and to bind the person, so surrendering himself or herself in recognizance, and deal with him in all respects as is before directed for persons in actual custody; which recognizance shall be subject to the provisos mentioned in the preceding clause. Provided that nothing in this act contained shall be construed to prevent any person from being apprehended and dealt with according to law, for any offence committed after such person shall have left the enemy's lines.

Persons surrendering to be dealt with as though in actual custody.

Whereas the several laws relating to the commissioners for enquiring into detecting and defeating all conspiracies which may be formed in this State, against the liberties of America, are now expired.

Proviso as to laws that have expired.

And whereas there are several persons now confined by order of the said commissioners, and several persons are bound by recognizance taken before the said commissioners; To the end therefore that provision may be made in the premises.

Be it further enacted by the authority aforesaid, That it shall be lawful for any three persons who were such commissioners, in their discretion, to discharge the several persons so in actual confinement, without bail, or upon the said persons respectively entering into

Persons who were commissioners may discharge

persons in
confinement.

recognizance with or without surety for their respective appearance at any court of oyer and terminer and general gaol delivery to be held in and for any county within this State, and to discharge any recognizances heretofore taken before the said commissioners, except such recognizances as may have been taken for the appearance of any person or persons, at any court of oyer and terminer and general gaol delivery; and that the powers of the said commissioners shall be revived and hereby are continued for the several purposes aforesaid accordingly.

And be it further enacted by the authority aforesaid, That this act shall continue in force, until thirty days after the rising of the legislature, at their next meeting.

CHAP. 59.

AN ACT for relieving certain persons in the county of Westchester against the penalty contained in a resolution of convention, passed the twenty seventh of December eighteen hundred and seventy six, requiring the inhabitants of the said county to take an oath of allegiance.

PASSED the 13th of March, 1780.

Preamble
as to oath
of allegi-
ance.

WHEREAS by a resolution of the convention of this State passed the twenty seventh of December seventeen hundred and seventy six, all the male inhabitants of the county of Westchester from the age of sixteen years and upwards without discrimination, were required to take an oath of allegiance to the State within a certain limited time, or be put out of the protection of the State, and treated as open enemies.

And whereas from some persons from want of opportunity did not comply with the said resolution.

On comply-
ing with con-
ditions
named
persons
may take
oath.

Be it therefore 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 any person in the said county of Westchester, who hath not taken an oath of allegiance in pursuance of the aforesaid resolution of convention, to apply to any two of the field officers of the regiment in which such person shall reside, or to any two justices of the peace of the said county, and by evidence on oath (which oath the said field officers or justices of the peace are hereby authorized and required to administer) prove to the satisfaction of the said two field officers or justices of the peace, that he hath since the declaration of the independence of this State, constantly demeaned himself as a friend to the freedom and independence of the United States of America; that the said two field officers or justices of the peace, shall thereupon administer to the said person, the following oath of allegiance viz

Form of.

I do solemnly swear in the presence of Almighty God that I will bear true faith and allegiance to the State of New York as a free and independent State, and will in all things do my duty as a faithful subject of the same. So help me God.

Certificate
to be given.

And be it further enacted by the authority aforesaid, That the said two field officers or justices of the peace, shall deliver to each person to whom they shall administer an oath of allegiance in pursuance of this act, a certificate thereof, and also file lists of the names of all such persons in the office of the clerk of the said county.

And be it further enacted by the authority aforesaid, That each and every person who shall take an oath of allegiance in pursuance of this act shall be and hereby is declared to be from and immediately after he shall take such oath of allegiance, within the protection of this State, and entitled to all the privileges of a subject of this State any thing in the said resolution notwithstanding. Provided that nothing in this act contained shall be construed to purge or exculpate any person from any crimes or misdemeanors done or committed previous to his taking an oath of allegiance, in manner and form aforesaid.

Persons taking oath within protection of State, etc.

CHAP. 60.

AN ACT further to amend an act for the better laying out regulating and keeping in repair all common and publick highways and private roads in the counties of Ulster, Orange, Dutchess Charlotte and Westchester passed the eleventh day of March one thousand seven hundred and seventy nine and for extending the same to the counties of Albany and Tryon.

PASSED the 13th of March, 1780.

I. *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 the Act for the better laying out, regulating and keeping in repair all common and publick highways, and private roads, in the counties of Ulster, Orange, Dutchess, Charlotte, and Westchester," passed the eleventh of March one thousand seven hundred and seventy nine except the fourteenth, twenty fifth, and twenty sixth sections thereof, shall be, and is hereby extended to the counties of Albany and Tryon.

Act named extended to counties of Albany and Tryon.

II. *And be it further enacted by the authority aforesaid,* That the fines, forfeitures and commutation money, in the above said act, shall be and they are by this act increased to a tenfold proportion.

Fines increased.

III. *And be it further enacted by the authority aforesaid,* That if it shall so happen that the improved farm of any inhabitant of the said counties shall be divided and lay in different districts that then in such case every such inhabitant shall be subject to work upon the highways in that district only, in which his dwelling house is erected.

Inhabitants to work in district where dwelling is situated.

IV. *And be it further enacted by the authority aforesaid,* That all persons in the said counties of Albany and Tryon, that may meet each other on any of the said roads or highways in carriages or sleighs those going from the city of Albany shall give way to those going towards the said city, and all persons traveling eastward on any of the said roads or highways on the east side of Hudsons river shall give way to those traveling westward and *vice versa* on the west side of the said river, under the penalty of twenty pounds, to be recovered and applied as directed in the third clause of said act

Right of way to be given to persons travelling toward Hudson river.

V. *And be it further enacted by the authority aforesaid,* That every publick and main road leading from any township, precinct or district in which there is a considerable settlement, to any port or place of embarkation in either of the said counties, or where a new road shall be required to be laid out, that then and in every such case such publick or main road shall be continued from district to district, and through the same as streight and direct as the nature of the ground will admit; And that such main or publick road may be established or being estab-

Public roads to be continued from district to district, etc.

Proceed-

ings to lay
out roads,
etc.

Ibid. in
case of
dissatis-
faction on
part of
commission-
ers of
either
of other
townships.

lished may be altered, so as to be more generally convenient and useful to the inhabitants of the respective townships, precincts or districts, through which the same may extend, it shall and may be lawful to and for the commissioners of the township precinct or district, which shall require the said road to be laid out or altered, by writing under their hands to appoint and summon a general meeting of all the commissioners of the respective townships precincts or districts, through which the road proposed shall extend at any time not less than three or more than ten days after the service of notice on the said commissioners, and at such convenient place in that township, precinct or district which shall be most central to the usual residence of the major part of such commissioners; and the said commissioners are hereby directed and required to meet and attend according to such appointment; and when the said commissioners so convened shall have consulted together and deliberated upon the subject of the said meeting they shall then proceed to lay out the highway or road proposed and required from district to district and in the best and most advantageous manner for publick and general utility and convenience, that is to say the commissioners of each respective township precinct or district shall lay out that part of the intended road which shall extend through the township precinct or district of which they are respectively commissioners and the same being so laid out shall be certified returned and recorded as a publick road or highway, in the manner directed in and by the said act and shall be maintained in each respective township, precinct or district. But if it shall so happen that the commissioners of either of the other townships precincts or districts then assembled shall be dissatisfied with any part of the road so to be laid out, they shall be at liberty and are hereby authorized to propose the manner in which they conceive that part of the road which is objected to ought to be laid out, and if the commissioners whose duty it is to lay out the same shall not agree to the alteration insisted upon, that then a description shall be made in writing signed by all the commissioners present of both the roads proposed, and it shall be lawful for three or more of the said commissioners to apply to any two justices of the peace for the said counties respectively not residing or holding lands in the township, precinct or district concerning which such controversy shall have arisen or the township precinct or district for which such road shall be required, and such justices are hereby authorized and directed thereupon to issue their precept to one of the constables of the said county, commanding him to summon a jury of twelve good and sufficient freeholders of the said county not interested in the said road, who being duly sworn for that purpose shall enquire and give their verdict which of the roads in controversy will be the best and most commodious as a main and publick highway, and an inquest being thereof made under the hands and seals of the said justices and jurors, shall be final and conclusive according to which the road shall be laid out certified and returned as a publick road by the respective commissioners through whose township precinct or district it shall extend, and the return thereof together with the said inquisition being filed in the office of the clerk of the said county and entered of record, the said road shall be deemed and esteemed a publick road or highway to all intents and purposes and be supported and maintained in the respective townships precincts or districts through which the same shall extend in the same manner as the other highways in such townships precincts or districts are directed and required to be maintained and supported by the said act and the charge and expence of such inquest shall be borne and paid out of the

moneys to be raised by the said act for the benefit of the township, precinct or district whose commissioners shall have created the same by refusing to lay out such road in the manner which by the said inquest shall be found best and most convenient

Provided always that if such road so altered or laid out shall run through any improved lands the proprietor thereof shall be satisfied and paid therefor as directed by the second section of the said act Owners of improved lands to be paid. And provided further that nothing in this act shall be construed to make void a bridge or any wise lessen the rights and privileges granted to the city of Albany by charter any thing contained in this act to the contrary thereof notwithstanding.

VI. *And be it further enacted by the authority aforesaid* That the Act for the better laying out regulating and keeping in repair the publick roads and highways in the city and county of Albany and county of Tryon passed the third day of April one thousand seven hundred and seventy five shall be and hereby is suspended during the continuance of this act Acts named suspended.

VII. *And be it enacted by the authority aforesaid* That this act shall continue in force untill the first day of April which will be in the year of our Lord one thousand seven hundred and eighty one and no longer. How long act to continue in force. And that the second clause of the act entitled "An act to amend and more effectually to carry into execution an act entitled an act for the better laying out regulating and keeping in repair all common and publick highways and private roads in the counties of Ulster, Orange Dutchess Charlotte and Westchester passed the first of October last is hereby repealed. Act named repealed.

CHAP. 61.

AN ACT for the payment of certain contingent expences of this State.

PASSED the 13th of March, 1780.

I. *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 the treasurer of this State shall out of the sum of one hundred thousand dollars directed to be raised and not appropriated by an act passed in this present session, entitled "An act for raising the sum of two million five hundred thousand dollars by tax within this State pay the following several sums of money to the following persons respectively — that is to say Appropriations.

To his excellency the governor, in discharge of the ballance due on his account for contingencies, the sum of two thousand three hundred and fourteen pounds nineteen shillings and seven pence half penny. Governor.

To his excellency the governor the further sum of one thousand pounds to defray such further contingent expences as may accrue in the administration of the government, before the next meeting of the legislature

To the several members of the senate and assembly for each and every day they shall severally have attended in senate and assembly during the present meeting of the legislature, each the sum of twenty four dollars; and for each and every day they shall be severally traveling from their respective places of abode, to the place of meeting of the legislature, and returning, each the sum of thirty six dollars, agreeable Senators and members of assembly.

to such accounts thereof as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may be; the account of the president of the senate, to be certified by the clerk of the senate, and the account of the speaker of the assembly, to be certified by the clerk of the assembly.

Clerk of
senate.

To Robert Benson Esquire clerk of the senate, for his services in that station, during the present meeting of the legislature, forty five dollars per day, agreeable to such account thereof as he shall produce certified by the president of the senate.

To the said Robert Benson, for sundry sums by him advanced for the use of the senate, the amount of such account thereof as he shall produce, certified by the president of the senate.

Clerk of
assembly.

To John McKesson Esquire clerk of the assembly for his services in that station, during the present meeting of the legislature, forty five dollars per day agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

To the said John McKesson for sundry sums by him advanced for the use of the assembly, the amount of such account thereof as he shall produce, certified by the speaker of the assembly.

Door-
keeper of
senate.

To Victor Bicker doorkeeper of the senate for his services in that station during the present meeting of the legislature, thirty five dollars per day; agreeable to such account thereof as he shall produce, certified by the president of the senate.

Door-
keeper of
assembly.

To Richard Ten Eyck doorkeeper to the assembly, for his services in that station, during the present meeting of the legislature, thirty five dollars per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

Printers.

And that the said treasurer shall advance to John Holt printer the sum of one thousand pounds on account.

And that the said treasurer shall advance to Samuel Loudon printer the sum of six thousand pounds on account.

Mary
Rother.

To Mary Rother or her order the sum of one hundred and twenty two pounds for her account of attendance and administering to several persons belonging to the militia of Tryon county, wounded while under the command of General Herkeimer in the battle with the enemy at Orisco; and that the treasurer charge the said sum, as so much advanced, to the account of the United States.

Contingent
expenses
of the
militia.

And be it further enacted by the authority aforesaid, That the treasurer shall out of the monies which shall come into the treasury in consequence of the Act for raising the sum of five million of dollars by tax within this State; passed at this present meeting of the legislature, pay to the person administering the government of this State for the time being such sum or sums as he shall from time to time require not exceeding in the whole two hundred thousand dollars for paying subsisting and defraying the contingent expences of such of the militia as have been or may be called into service.

LAWS PASSED AT KINGSTON IN THE LAST SITTING OF
THE THIRD SESSION OF THE LEGISLATURE.

CHAP. 62.

AN ACT to revive the laws appointing commissioners for detecting and defeating conspiracies.

PASSED the 14th of June, 1780.

WHEREAS the act "for appointing commissioners for detecting and defeating conspiracies and declaring their powers" passed the fifth day of February one thousand seven hundred and seventy eight, and the act "for encreasing the number of commissioners for detecting and defeating conspiracies within this State" passed the third day of April one thousand seven hundred and seventy eight, are expired. Preamble.

And whereas there is great reason to apprehend that emissaries from the enemy are lurking in different parts of the State, and that the disaffected inhabitants are conspiring against the public peace and safety: by reason whereof it hath become necessary to revive the powers of the said commissioners.

Be it therefore 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 the said two acts and the powers and authorities by them or either of them granted to the commissioners appointed or to be appointed by virtue of the said acts, or any and every three of them shall be and are hereby revived and shall continue and be in full force during the continuance of the present war with Great Britain. That each commissioner shall be allowed for each day he shall be actually employed in the execution of the said office the sum of fourteen shillings of the money to be issued agreeable to the resolutions of congress of the eighteenth day of March last; and that the treasurer of this State shall out of any monies which may be in the treasury advance to the said commissioners or any three of them such sum or sums as they shall from time to time require to defray the expence of the business hereby committed to them not exceeding in the whole the sum of two thousand pounds of like money aforesaid. Acts named in preamble revised.
Allowance to commissioners.

CHAP. 63.

AN ACT granting a further reprieve to Jonah Wood, convicted of murder.

PASSED the 14th of June, 1780.

WHEREAS the legislature at their two several last meetings, did by act from time to time suspend the execution of Jonah Wood, convicted of murder. Preamble.

And whereas the time for which the execution of the said Jonah Wood was last suspended will soon expire.

And whereas it is deemed proper further to suspend the execution of the said Jonah Wood. Therefore —

Execution suspended.

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 the execution of the said Jonah Wood for the murder aforesaid, shall be and is hereby further suspended, and a further reprieve is hereby accordingly granted to the said Jonah Wood, until thirty days after the rising of the legislature at their next meeting.

CHAP. 64.

AN ACT approving of the act of congress of the eighteenth day of March, seventeen hundred and eighty, relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress.

PASSED the 15th June, 1780.

Preamble.

WHEREAS the congress of the United States of North America, did on the eighteenth day of March last, pass a certain act in the words following, viz':

IN CONGRESS, *March 18th, 1780.*

Act of congress relative to the finances of the United States.

“ These United States having been driven into this just and necessary war, at a time when no regular civil governments were established of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue; and before the powers of Europe were sufficiently convinced of the justice of their cause, or of the probable event of the controversy, to afford them aid or credit—in consequence of which their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting at the same time specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same; insomuch that they are now passed by common consent in most parts of these United States, at least thirty nine fortieths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injustice the public finance are deranged, and the necessary dispositions for the defence of the country are much impeded and perplexed and as effectually to remedy these evils, for which purpose these United States are now become competent, their independence being well assured, their civil governments established and vigorous, and the spirit of their citizens ardent for exertion, it is necessary speedily to reduce the quantity of the paper medium in circulation, and to establish and appropriate funds that shall ensure the punctual redemption of the bills. Therefore,

Resolution.

“ Resolved, That the several States continue to bring into the Continental treasury, by taxes or otherwise, their full quotas of fifteen million dollars monthly as assigned them by the resolution of the seventh of October seventeen hundred and seventy nine, a clause in the resolve of the twenty third of February last, for relinquishing two thirds of the said quota's, to the contrary notwithstanding and that the States be further called on to make provision for continuing to bring into the said treasury, their like quotas monthly, to the month of April seventeen hundred and eighty one inclusive. That silver and gold be receivable in payment of the said quota's, at the rate of one

“ Spanish milled dollar in lieu of forty dollars of the bills now in circu-
 “ lation—That the said bills as paid in, except for the months of Janu-
 “ ary and February past, which may be necessary for the discharge of
 “ past contracts, be not re-issued, but destroyed—That as fast as the
 “ said bills shall be brought in to be destroyed, and funds shall be
 “ established as hereafter mentioned for other bills, other bills be issued,
 “ not to exceed on any account one twentieth part of the nominal sum
 “ of the bills brought in to be destroyed—That the bills which shall be
 “ issued be redeemable in specie, within six years after the present, and
 “ bear an interest at the rate of five per centum per annum, to be paid
 “ also in specie, at the redemption of the bills, or at the election of the
 “ holder, annually at the respective Continental loan offices in sterling
 “ bills of exchange, drawn by the United States on their commissioners
 “ in Europe, at four shillings and six pence sterling per dollar—That
 “ the said new bills issue on the funds of individual States for that
 “ purpose established, and to be signed by persons appointed by them,
 “ and that the faith of the United States be also pledged for the pay-
 “ ment of the said bills, in case any State on whose funds they shall
 “ be emitted, should by the events of war, be rendered incapable to
 “ redeem them which undertaking of the United States and that of
 “ drawing bills of exchange for payment of interest as aforesaid, shall
 “ be endorsed on the bills to be emitted, and signed by a commissioner
 “ to be appointed by Congress for that purpose—That the face of the
 “ bills to be emitted read as follows, viz^t.: The possessor of this bill shall
 “ be paid Spanish milled dollars by the thirty first day of Decem-
 “ ber seventeen hundred and eighty six, with an interest in like money
 “ at the rate of five per cent per annum by the State of according
 “ to an act of the legislature of the said State of the day of
 “ seventeen hundred and eighty—And the indorsement shall be as fol-
 “ lows, viz^t.: The United States ensure the payment of the within bill,
 “ and will draw bills of exchange for the interest annually if demanded,
 “ according to a resolution of Congress of the eighteenth day of March
 “ seventeen hundred and eighty—That the said new bills shall be struck
 “ under the direction of the board of treasury, in due proportion for
 “ each State, according to their said monthly quota’s and lodged in the
 “ Continental loan offices in the respective States, where the commis-
 “ sioner to be appointed by congress, in conjunction with such persons
 “ as the respective States appoint, shall attend the signing of the said
 “ bills, which shall be compleated no faster than in the aforesaid propor-
 “ tion of one to twenty of the other bills brought in to be destroyed,
 “ and which shall be lodged for that purpose in the said loan offices—
 “ That as the said new bills are signed and compleated, the States re- Ibid.
 “ spectively on whose funds they issue, receive six tenths of them, and
 “ that the remainder be subject to the orders of the United States, and
 “ credited to the States on whose funds they are issued, the accounts
 “ whereof shall be adjusted agreeably to the resolution of the sixth of
 “ October seventeen hundred and seventy nine. That the said new
 “ bills be receivable in payment of the said monthly quotas, at the same
 “ rate as aforesaid of specie, the interest thereon to be computed to the
 “ respective States, to the day the payment becomes due—That the
 “ respective States be charged with such parts of the interest on their
 “ said bills as shall be paid by the United States in bills of exchange,
 “ and the accounts thereof shall be adjusted agreeably to the resolution
 “ aforesaid on the sixth of October seventeen hundred and seventy nine—
 “ That whenever interest on the bills to be emitted, shall be paid prior
 “ to the redemption, such bills shall be thereupon exchanged for others

“of the like tenor, to bear date from the expiration of the year for which such interest is paid — That the several States be called on to provide funds for their quota’s of the said new bills, to be so productive as to sink or redeem one sixth part of them annually, after the first day of January next — That nothing in the foregoing resolutions shall be construed to ascertain the proportions of the expence incurred by the war, which each State on a final adjustment ought to be charged with; or to exclude the claims of any State to have the prices at which different States have furnished supplies for the army, hereafter taken into consideration, and equitably adjusted. That the foregoing resolutions with a letter from the president be dispatched to the executive of the several States, and that they be requested to call their assemblies, if not already convened, as speedily as possible to take them into immediate consideration; to establish ample and certain funds for the purposes therein mentioned, and to take every other measure necessary to carry the same into full and vigorous effect; and that they transmit their acts for that purpose to congress without delay.”

And whereas the legislature of this State have approved of the said act of congress, and of the measures thereby proposed, for the better establishment of the finances of the United States: In order therefore effectually to carry the said act into execution;

Tax.

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 there shall be raised by tax and paid into the treasury of this State, the sum of two million five hundred thousand dollars between the first day of July and the first day of October next; the further sum of two million five hundred thousand dollars between the first day of October, and the first day of January next; and the further sum of two million five hundred thousand dollars between the first day of January and the first day of April next, in like manner and under the same pains and penalties as the sum of three million of dollars is directed to be raised and paid by the act entitled “An act for raising the sum of five million of dollars by tax within this State, and for other purposes therein mentioned,” passed the sixth day of March last — That the quota’s of the several counties of each of the said taxes shall be as follows, to wit: — The city and county of Albany, one million eighty one thousand and forty dollars, the county of Dutchess six hundred and forty four thousand five hundred and seventy three dollars; the county of Ulster three hundred and forty six thousand three hundred and thirty eight dollars; the county of Orange two hundred and eighty four thousand three hundred and sixty five dollars; the county of West Chester thirty three thousand six hundred and three dollars; the county of Tryon, one hundred thousand dollars; and the county of Charlotte ten thousand and eighty one dollars — That the supervisors in the several counties shall meet to apportion the quotas of the several wards, towns, manors, districts and precincts, of the first tax, on the second Tuesday in July next, of the second tax on the second Tuesday in October next, and of the third tax to be raised by virtue of this act on the second Tuesday in January next. That the assessment rolls and tax lists for raising the said first tax, shall be completed, and the tax lists delivered to the several collectors, on or before the third Tuesday in August next; for raising the said second tax, on or before the third Tuesday in November next; and for raising the said third tax, on or before the third Tuesday in February next: Provided nevertheless, that if by reason of any accident the supervisors in any county should be prevented from meeting for the purpose of apportioning the quotas of the several wards, towns, manors,

How to be raised.

Quota of the several counties.

Supervisors to meet and apportion quotas to towns, etc.

Assessment rolls and tax list when to be completed, etc.

districts and precincts, on any or either of the days for the said purpose above particularly directed, it shall be lawful for them to meet as soon as conveniently may be thereafter, and the clerks of the respective counties are hereby required and authorized in case of such accident, to convene by circular letters the supervisors accordingly.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall pay such of the monies to be raised by virtue of the said act above mentioned, and by virtue of this act, as shall consist in Continental currency emitted before the day of the passing of the aforesaid act of congress, as the same shall from time to time come into the treasury, to the commissioner of the loan office of the United States within this State, never retaining in the treasury, of the said monies, a sum exceeding the sum of five hundred thousand dollars, and shall receive from the commissioner of the said loan office or other person to be appointed to pay out the same, the new bills to be issued in pursuance of the said act of congress, and deposit the same in the treasury, to be paid out as the legislature shall from time to time direct, any thing in the said act of the legislature of this State for raising the said sum of five million of dollars, to the contrary notwithstanding—

Treasurer to pay monies, consisting of Continental currency, to commissioner of loan office and receive new bills.

And further that as soon as the said new bills shall be signed and ready to be issued out of the said loan office it shall be lawful for the treasurer to pay as part of the quotas of the tax to be raised within this State, and to be paid into the said loan office besides the monies above mentioned, all other monies which may then be in, or thereafter come into the treasury and consisting in bills emitted by the authority of congress and in circulation at the time of passing of the aforesaid act of congress into the said loan office and receive for the same from the commissioner of the said loan office or other person to be appointed to pay out the same, new bills to be emitted in pursuance of the said act of congress. Provided that five sixths of the amount of the said new bills to be received by the treasurer for the monies which may come into the treasury from the sales of forfeited lands shall be subject to a like disposition as the said monies would have been had the same not been exchanged for the said new bills. And provided farther that the treasurer shall not of the monies which shall come into the treasury by taxes, or sales of forfeited lands, or otherwise, pay into the said loan office a sum exceeding in the whole amount the sum of ten million five hundred thousand dollars of the said bills so in circulation as aforesaid.

Other monies, when to be paid

Proviso as to part of amount from forfeited land sales.

And be it further enacted by the authority aforesaid, That silver and gold and the new bills to be emitted in pursuance of the said act of congress upon the credit of this State shall be receivable from and after the passing of this act in payment for taxes within this State at the rate of one Spanish milled dollar, and other coins in like proportion and at the rate of one dollar of the said new bills in lieu of forty dollars of Continental currency emitted before the day of the passing of the said act of congress, or in lieu of forty dollars, or three hundred and twenty shillings, or sixteen pounds of the bills of credit emitted by the authority of the legislature of the late colony of New York, or by the authority of any provincial congress of the said late colony, or by the authority of the convention of this State.

Silver, etc., to be received in payment of taxes.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to appoint during the pleasure of the said council, and commission under the great seal of this State, five commissioners to sign the said new bills, in conjunction with the commissioner to be

Five commissioners to sign bills to be appointed.

appointed by congress for that purpose; and that any two of the said commissioners so to be appointed on behalf of this State, are hereby authorized to sign the said new bills accordingly: And each of the said commissioners so to be appointed on behalf of this State shall be allowed and paid for his services in signing the said new bills, at, and after the rate of one quarter of a dollar, of the said new bills, for each hundred of the said new bills which he shall sign: And the treasurer is hereby authorized and required from time to time to pay the said commissioners for their respective services, out of the monies consisting in the said new bills, as he shall so from time to time receive the same.

And in order to establish funds for the redemption of the said new bills and effectually to secure their credit.

Be it further enacted by the authority aforesaid, That the following lands forfeited to the people of this State, that is to say, all lands forfeited by the attainder of Sir John Johnson late of the county of Tryon knight and baronet, and lying in the county of Tryon on the north side of the Mohawk river; all lands forfeited by the attainder of John Butler late of the said county Esquire, situate aforesaid; all lands forfeited by the respective attainders of Philip Skeene late of the county of Charlotte Esquire, and Andrew P. Skeene (son of the said Philip Skeene) lying in the said county of Charlotte; all lands forfeited by the respective attainders of Frederick Philipse now or late of the county of West-chester Esquire, and Frederick Philipse (son of Frederick) now or late of the said county Gentleman, lying in the said county of West-chester; all lands forfeited by the respective attainders of William Bayard and James De Lancey now or late of the city of New York Esquires lying in the city of New York, or in the county of Orange, and all lands forfeited by the attainder of Oliver De Lancey Esquire now or late of the city of New York lying within this State, shall be and are hereby mortgaged and bound for the redemption and security of the said new bills; and the public faith of this State, is hereby pledged, that the monies to arise from the sales of the said forfeited lands so mortgaged and bound as aforesaid, shall not until the quota of this State, of the new bills are redeemed and paid off, or until a competent sum in gold or silver shall be actually raised by the sales of confiscated lands taxes or otherwise, and deposited in the treasury for the purpose, be appropriated or applied to any purpose, other than to redeem and discharge the quota of this State, of the said new bills, and that the legislature will at their first meeting after the first day of April next, and at their first meeting after the first day of April in every year, for five years thereafter, by special acts to be passed, direct the raising of taxes for the sole purpose of redeeming the proportion of this State, of the said new bills, to be redeemed in each respective year, and that gold and silver, and the said new bills only, and no other species of money, shall be receivable in payment for the said taxes, and that any deficiencies in the said taxes shall be supplied by the immediate sale of confiscated lands, in any part of this State, for gold, silver or the said new bills only; and that the legislature will make seasonable provision for redeeming a proportional part of the quotas of the said new bills of such other States, as may by the events of war be rendered incapable to redeem their respective quotas. And the commissioners of forfeitures are hereby prohibited from selling any of the aforesaid lands, until the further order of the legislature, any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That a certain act of the legislature of this State entitled, "An act making it felony without benefit of clergy, to counterfeit, or to pass knowing the same to

Compensation.

Lands forfeited.

Pledged to redemption of new bills.

Sales prohibited.

Act named extended to cases of counterfeit.

be counterfeit, any bills of credit emitted by the authority of the congress of the United States, or by the authority of this, or any other of the United States," passed the eighth of March one thousand seven hundred and seventy nine, shall be extended and is hereby declared to extend to the cases of counterfeiting and altering, and to the cases of passing or bringing from any part of this State within the power of the enemy, knowing the same to be counterfeit or altered, any of the bills of credit to be emitted in consequence of the said act of congress, passed the eighteenth day of March last. And that although such counterfeiting altering, or knowingly passing counterfeit or altered bills shall be done out of this State, yet any grand jury within this State is hereby empowered to present the same and to set forth in the indictment the place where by the evidence it appeared that the fact was committed: which indictment is hereby declared to be good, notwithstanding that the place where the felony is alledged to be committed be out of this State, and the petit juries on the trials of all such issues, shall be returned from the body of the city or county where such indictment shall be found any law usage or custom to the contrary notwithstanding, and the defendants in such indictments shall on conviction be guilty of felony without benefit of clergy.

feeling bills emitted under act of congress herein referred to.

CHAP. 65.

AN ACT to enable the inhabitants of Schenectady to erect a fortress therein.

PASSED the 23d of June, 1780.

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 be lawful for the field officers of the militia and justices of the peace residing within half a mile of the Dutch church in the township of Schenectady, or a majority of them, to cause works of defence and security to be erected in the said township, in such manner and form as the person administering the government of this State for the time being, shall direct.—That the inhabitants of the said township, residing as aforesaid, shall be liable to contribute towards erecting such works, according to their respective circumstances and abilities.—That it shall be lawful for the said field officers and justices of the peace, or a majority of them, from time to time to convene the assessors of the said township, so residing as aforesaid, and to lay before the said assessors, an estimate of the labour and materials necessary to the erecting of the said works; and that the said assessors when so convened, shall assess on each inhabitant so residing as aforesaid, the proportion of labour to be performed, and materials to be furnished by each inhabitant, towards erecting the said works. That if any inhabitant so assessed, shall neglect or refuse to labour, or furnish materials agreeable to such assessment, upon being duly notified thereof, it shall be lawful for the said field officers and justices of the peace, to enquire in a summary way into the cause of such neglect, or refusal, and if upon such enquiry, the same shall appear to be wilful, to inflict a fine upon such delinquent inhabitant, equal to double the value of the labour neglected or refused to be performed, or materials neglected or refused to be furnished as the case may be, and to cause the same to be levied by distress and sale of the

Officers named may cause works of defence to be erected.

Inhabitants liable to contribute — assessment to be made

In case of neglect officers may inquire summarily and impose fine — collection of.

Voluntary
contribution
to entitle
contributors
to protection.

goods and chattles of such delinquent inhabitant, by warrant under their hands, to be directed to any constable of the district; and the said fine when so levied, shall be paid by the constable to the said field officers and justices of the peace, to be by them, after paying thereout a reasonable sum to the constable for his services in executing the said warrant, expended in erecting the said works.—That if any of the inhabitants of the said township, who shall reside at a greater distance from the said Dutch church than as above mentioned, shall voluntarily contribute towards erecting the said works, in such manner as the said field officers and justices of the peace, or the majority of them, shall deem reasonable and adequate, such inhabitants shall at all times be entitled to an equal protection in the said works, for themselves, their families and effects, with the other inhabitants residing within half a mile of the said Dutch church, as aforesaid.

CHAP. 66.

A supplementary act to the act entitled, “An act to provide the troops of this State in the service of the United States, with clothing and other necessaries.”

PASSED the 23d of June, 1780.

Commissioners
to purchase
and cause
8,000 shirts
to be made

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 Peter T. Curtenius Esquire, commissary to purchase clothing for this State, shall be, and is hereby required, in addition to the articles which he is directed to purchase by the above mentioned act, passed the eleventh day of March last, to purchase, and cause to be made up, three thousand six hundred shirts, for the use of the non commissioned officers and privates, in the said troops.

CHAP. 67.

AN ACT authorizing the person administering the government of this State, to grant warrants of impress.

PASSED the 23d of June, 1780.

Preamble.

WHEREAS it is highly probable that there will be during the ensuing campaign, on the part of the United States and their allies, great operations as well offensive as defensive, against the enemy, and many emergencies and cases may arise which cannot be defined, when it may be necessary in order to render these operations successful, to draw forth all the strength and resources of the State.

Warrants
of impress
to be
granted in
case of
emergency
— property
that may
be taken.

Be it therefore 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 to and for the person administering the government of this State for the time being, from time to time, and whenever he shall deem the emergency and occasion to require the same, to grant warrants of impress, under his hand, to any officers and persons, for impressing teams, carriages, horses, oxen and drivers, boats, vessels, materials, provisions and other necessaries for the use and service of the army, in such manner as he shall deem expedient and necessary, which

officer or person by virtue of such warrant is hereby authorized and impowered to break and enter any house, store house, mill or barn in which he shall have reason to suspect any of the articles or matters directed by the said warrant to be impressed are secreted, unless the owner of such house, store house, mill or barn or his agent or representative then present shall immediately when required open the same. That the officer or person making such impress shall give to the person from whom any of the matters or articles aforesaid shall be impressed, a certificate thereof. And that each and every person from whom any of the matters or articles aforesaid, shall be impressed, shall be entitled to receive from the public officer authorized to pay the same, the current price for the articles or matters impressed, or for the use or hire thereof, as the case may be: And that this act shall be and continue in force until the rising of the legislature at their next meeting and no longer.

Payments to be made for same.

CHAP. 68.

AN ACT for defraying the contingent charges and maintaining the poor in the counties of Ulster, Orange, Westchester Tryon and Charlotte.

PASSED the 23d of June, 1780.

Be it enacted by the People of the State of New York represented in the Senate and Assembly and it is hereby enacted by the authority of the same That the overseers of the poor in the several towns manors districts and precincts within the counties of Ulster Orange Westchester Tryon and Charlotte respectively shall make returns to the supervisors at their annual meetings, of the number of poor persons in their respective towns manors districts and precincts. That the said supervisors shall assign to the said several towns manors districts and precincts the sum to be raised by them respectively for the support of the said poor and also the sum for defraying such contingent charges and expences as their respective supervisors shall adjudge and determine the county to be justly chargeable with. That the supervisor's clerk in the said counties respectively shall immediately after such meeting cause the several supervisors who shall not be present at such meeting to be notified of the sums so assigned to their respective towns manors districts and precincts for the purposes aforesaid. That the several supervisors shall as soon as conveniently may be thereafter make out a tax list for levying the amount of such sums together with the poundage hereafter specified agreeable to the last assessment roll which shall then have been made in the town manor district or precinct in consequence of any law of this State and that the sums to be inserted in the tax lists as and for the tax to be paid by each respective person shall bear such proportion to the sum at which such person shall have been assessed, as the whole amount of the said monies to be raised within the town manor district or precinct, doth bear to the whole amount of the assessments. That the supervisors shall respectively make out warrants to the several collectors for collecting the said taxes. That the several collectors shall by virtue of such warrants be respectively vested with the like powers and authorities as in collecting the general taxes of the State. That the said warrants shall particularly specify the sum to be paid to the overseers of the poor for the support of the poor, and the sum to be paid to the treasurer of the county for defraying the contin-

Owners of have to make returns.

Supervisors to assign sums to towns, etc.

Clerk to notify absent supervisors.

Tax list.

Tax warrants. Collectors' powers.

What warrants to specify.

Super-
visor's
clerk may
call special
meeting.

Overseers
of the
poor, elec-
tion of.

Annual re-
port.

gent charges thereof, and the poundage of one shilling in the pound to be by the respective collectors retained in their hands for collecting the said tax and that the respective treasurers shall retain in their hands of the monies they shall receive and pay six pence in the pound. That it shall be lawful for the supervisor's clerk in such of the said counties where no provision has been made for the support of the poor in the present year or where the contingent charges remain unprovided for or in arrear, upon the application of any two supervisors to call a special meeting of the supervisors who are hereby authorized agreeable to the directions of this act to make provision for the support of the poor until their next annual meeting and for defraying the contingent expences of the county so in arrear in like manner as they are authorized to do at their annual meeting. That the freeholders and inhabitants of each respective town manor district and precinct, not already impowered by law to elect overseers of the poor, shall or may at their annual meetings for electing of officers, elect by plurality of voices not less than two nor more than three freeholders to be overseers of the poor. And that the respective overseers of the poor in the several towns manors districts and precincts shall within ten days before the annual meeting of the supervisors in every year render a just and true account, to two neighboring justices of the peace in their respective counties, of the monies by them received and expended from whom and to whom which said accounts the said justices shall audit, and if there shall be a surplus in the hands of the said overseers or either of them, it shall be paid to their successors in office to be applied and accounted for by them in the course of the next year in manner above directed. Provided always that nothing in this act contained, so far as relates to the making provision for the poor, shall extend to the manor of Cortlandt, in the county of Westchester.

CHAP. 69.

AN ACT to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State and more effectually to prevent supplies of cattle to the enemy.

PASSED the 24th of June, 1780.

Preamble
as to sup-
plies for
the army.

WHEREAS Congress, by act of the twenty fifth day of February last, hath made a requisition on the several States for supplies for the use of the army; and hath required of this State, as its quota of the said supplies, eleven thousand and two hundred hundred weight of beef, thirteen thousand and nine hundred and sixty nine barrels of flour, five hundred tons of hay, and thirty thousand bushels of Indian corn, or other short forage equivalent; and did in and by the said act, among other things, declare, that pork should be received from any State in lieu of beef in quantities proportioned assigned to each, and that the respective States be credited for all such commodities, being of good and sufficient quality, as shall be received for the United States by persons appointed to receive the same at the following prices, viz' Merchantable flour, per hundred weight gross, four and an half dollars, best grass fed beef, which shall be delivered between the first of July and the first of December, five and an half dollars pet net hundred weight; beef best stall fed, which shall be delivered in the month of December, six and an half dollars per net hundred weight, and for all that shall be delivered

after the first day of January and before the first day of July, eight dollars per net hundred weight, fresh pork well fattened with corn, seven dollars per net hundred weight, salted pork per barrel, well fattened as aforesaid, containing two hundred and twenty pounds net, twenty two dollars; salted beef per barrel containing two hundred and forty pounds net weight seventeen and an half dollars, clean well dried Indian corn per bushel three fourth's of a dollar, oats well cleaned, half a dollar per bushel, rye well cleaned per bushel one dollar, white beans and peas per bushel one dollar and an half, wheat weighing sixty pounds one dollar and an half per bushel, buckwheat per bushel, three fifth's of a dollar, best upland first crop of hay per ton fifteen dollars.

And whereas congress did, in and by the said act, further declare, that the provisions furnished by the authority of any State for the use of the army, since the first day of December last, may be credited, as part of the quota of supplies assigned to such State, at the prices aforesaid, and also that all the accounts between the States relating to their quota of the supplies aforesaid shall be kept and finally settled in Spanish milled dollars, and the ballance finally paid in Spanish milled dollars.

And whereas altho' considerable supplies have been furnished by the authority of this State for the use of the army, since the first day of December last, yet, inasmuch as the quantity cannot now be ascertained; and also inasmuch as congress have, in and by the said act, declared, that if it shall appear, on an adjustment of the quotas of the several States, that any State has supplied more than its due proportion in value, every such State shall be paid the value of the surplus, at the rates aforesaid in specie, with interest at six per centum per annum from the time such surplus shall have been deposited, as directed by the said act, and every State, which shall have failed to supply its due proportion shall be charged with its deficiency at the rates aforesaid, and the like interest thereon from the time when the same ought to have been deposited: and least there should be a failure in the supplies for the army; and from a desire to contribute all in their power to forward the military operations, the legislature have therefore determined to provide the whole quantity of supplies so assigned as aforesaid; and have also, in order that any further supplies to be procured within this State beyond the said quota, may be obtained with the greater ease, authorized the agent to procure the said quota of supplies upon the credit and at the expence of this State, also to procure such further supplies upon the account and at the expence of the United States and have become responsible to the United States for the conduct of the said agent as to the expenditure of monies which he may receive from the United States.

And whereas it is intended that the said several articles, to be procured within this State, should be paid for to the several persons, furnishing the same respectively, in the new bills to be emitted, on the credit of this State, pursuant to the act of congress of the eighteenth day of March last, at their nominal value, and the dollars, mentioned in the several prices above particularly enumerated, are hereby declared to be dollars of the new emission aforesaid.

And whereas part of certain of the articles aforesaid will be wanted immediately after the ensuing harvest, it is therefore conceived necessary and most expedient to procure the same by assessment

I. *Be it therefore 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 the quotas, of the several counties, of the said several articles, shall be as follows that is to say; the quota of the county of

Quotas of
several
counties.

Albany, five thousand four hundred barrels of flour, or twenty seven thousand bushels of wheat, and eleven thousand five hundred bushels of Indian corn, buckwheat, rye, peas or oats. The quota of the county of Dutchess, four thousand six hundred and sixty nine barrels of flour, or twenty three thousand three hundred and forty five bushels of wheat, and nine thousand five hundred bushels of short forage as aforesaid. The quota of the county of Ulster, two thousand six hundred, barrels of flour, or thirteen thousand bushels of wheat, and five thousand bushels of short forage as aforesaid. The quota of the county of Orange, seven hundred barrels of flour, or three thousand five hundred bushels of wheat, and two thousand bushels of short forage as aforesaid; and the quota of the county of Tryon, six hundred barrels of flour, or three thousand bushels of wheat and two thousand bushels of short forage as aforesaid. That the quotas, hereby assigned to the several counties, shall, by the supervisors of the respective counties, be apportioned, to and among the several towns, manors, districts, and precincts, within such counties respectively, according to what may be deemed the quantity of the said articles respectively raised within each town, manor, precinct and district. That the supervisor's clerk, in each county, shall, forthwith after the passing of this act, by circular letters to be dispatched by special messengers, call a meeting of the supervisors for the purpose aforesaid. That the supervisor's clerk in each county, (and who is hereby required to attend such meeting) shall, forthwith after such apportionment shall be made, cause, by special messengers, the several supervisors, who shall not be present at such meeting, to be served with a notice, in writing, of the quotas of their respective towns, manors, districts, and precincts. That in case of the death or absence of the supervisor such notice shall be served upon either of the assessors. That the several supervisors shall, forthwith after such apportionment shall be made, or in case such notice as aforesaid shall be served upon an assessor, then such assessor, shall convene the assessors of the town, manor, district, or precinct. That the assessors, when so convened, shall assess upon such of the inhabitants, within the town, manor, district, or precinct, the proportion of the quota thereof, to be furnished by the inhabitants respectively, according to what, in the judgment of the assessors, such inhabitant may be deemed able to spare. That the respective assessors shall have certified copies of the respective assessments ready to be delivered to the agent herein after mentioned, or one of his assistants, on or before the first day of August next. That the said agent, or any of his assistants, shall as soon after the first day of August next, as he shall deem it necessary, notify the several inhabitants of the respective quantities of the several articles they shall be respectively assessed to furnish and of the place, not exceeding sixteen miles from their respective habitations, where the same shall be delivered. That the said inhabitants shall respectively deliver, one moiety of the flour or wheat they shall have been assessed to furnish, within ten days, and the other moiety, within thirty days, after the same shall be required by the said agent or one of his assistants. That one moiety of the rye, oats and peas shall, if required as aforesaid, be delivered on or before the first day of September next and the other moiety thereof on or before the first day of October next and that the whole of the Indian corn and buckwheat, if required as aforesaid, shall be delivered on or before the first day of November next.

Meeting of supervisors to be called and apportionment made, etc.

Assessors to be convened and make assessment.

Certified copies to be delivered to agent.

Inhabitants to be notified and to make delivery.

Expenses allowed as contingent charges.

II. *And be it further enacted by the authority aforesaid* That the expense of convening the supervisors and assessors shall be paid and allowed as the contingent charges of the county, and the supervisors and assessors shall be allowed severally, for their services and expenses,

for each day they shall be actually employed in the execution of this act, the sum of six shillings of the new emission aforesaid, to be allowed and paid in like manner.

III. *And be it further enacted by the authority aforesaid* That if any person, so assessed and notified as aforesaid, shall refuse or neglect to deliver, the respective quantities of the several articles which he or she shall be so assessed to furnish, in the manner and within the time above limited, it shall and may be lawful for a justice of the peace of the county, upon the application of the said agent or either of his assistants, to enquire, in a summary way, into such neglect or refusal, and if upon such enquiry it shall appear to him that such neglect or refusal was wilful he shall, in such case, issue his warrant to any person or persons, who will voluntarily execute the same and to be approved of by the said justice, authorizing the said person or persons to take and seize, of and from the person so refusing or neglecting, the quantity of the articles aforesaid which the said person did so neglect or refuse to deliver; and the person or persons, to whom such warrant shall issue, shall be authorized to make such seizure, and to break and enter into the barn, or other place, where the article, or articles so neglected or refused to be delivered, may be deposited and to use such barn or other place, together with the flails or other implements therein for threshing and cleaning such of the said articles as may be in the straw, and shall transport the said articles, so seized, to the place where the same ought to be delivered. That the said agent, or the assistant, upon whose application such proceedings shall be had, shall pay the expence thereof, and of the service of the said warrant, and other expences which shall accrue in or about such seizure, and the same shall be allowed as contingent expences in the execution of his office; and the article or articles, so seized are hereby declared to be forfeited to the people of this State, and shall be delivered in like manner with the other supplies to be procured in pursuance of this act, for the use of the army of the United States, and receipts taken for the same accordingly. Provided that such enquiry as aforesaid shall not be had, unless the person charged with such neglect or refusal shall be previously summoned to answer to such charge and due proof made of the service of such summons; And provided further that such summons shall not be granted, unless due proof shall be previously made that the person, against whom such summons is required, was duly notified of the assessment.

Proceedings in case any person refuses to deliver articles assessed.

And whereas the emitting of the said new bills may be delayed, and consequently the agent to be appointed to procure the said supplies be unprovided with cash to pay for the same, beyond the time when the said supplies, or a considerable part thereof, will become necessary for the support of the army, and to forward the operations on the part of the United States during the present campaign.

Proviso in case agent is unprovided with cash.

Be it therefore further enacted by the authority aforesaid That the said agent, or his assistants, may require of the several inhabitants to deliver the several articles, which they shall be respectively assessed to furnish, upon giving to them certificates for the same, to be signed by the said agent, containing the quantity of the articles delivered, and the sum due for the same, and if the same shall be transported, then also the sum due for transportation; and which certificates shall bear an interest, for the amount of the sum or sums therein specified, at the rate of six per centum per annum from their respective dates. That the said certificates shall be receivable in payment for taxes, only from the respective persons to whom they shall be given, at the same rate with

Certificates to be given.

Receivable in payment of taxes.

the bills of the said new emission; and if the sum expressed in a certificate with the interest thereof, shall exceed the amount of the tax to be paid by the person possessing the same, it shall be lawful for the collector, if he shall have in hand monies, received for taxes sufficient for the purpose, to pay to such person, out of such monies, in exchange, the amount of such excess. That whenever any certificate shall be so paid in for taxes, the person, paying the same, shall endorse thereon the day when the same was paid, and the interest on such certificate shall be deemed to cease from such day. That the said agent shall cause a competent number of certificates, for the purpose aforesaid, to be printed, of such form and in such manner as he, with the treasurer of this State for the time being, shall deem most proper for preventing frauds and counterfeits. That the treasurer shall charge the said agent, signing the said certificates, with the amount thereof as they shall from time to time come into the treasury.

Endorsement to be made.

Where rents are reserved in wheat payment to landlord

And be it further enacted by the authority aforesaid That where rents are reserved in wheat and to become due after the first day of August next, it shall be lawful in such cases for the tenant, having been assessed and furnished a quantity of wheat in pursuance of this act, to pay, to the land-lord one eighth part of such rent, in money, according to the price of wheat as herein before specified.

Agent, appointment of.

And be it further enacted by the authority aforesaid That, as soon as conveniently may be, after the passing of this act, it shall be lawful, for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to appoint, during the pleasure of the said council, by warrant under his hand and the privy seal of this State, an agent to procure the said supplies to be procured, in pursuance of this act, on the account and credit of this State for the use of the United States. That the said agent shall, immediately after his appointment, and acceptance of office, enter upon the business of procuring the said supplies. That the said agent shall not be authorized to pay, for any articles, which may be necessary to make up the deficiencies in the assessment aforesaid, and shall not be authorized to pay for cattle, beef, pork, or hay to be purchased on the account of this State, any prices greater than the prices allowed by congress as above recited.

Assistants may be employed.

VII. *And be it further enacted by the authority aforesaid* That the said agent may employ such and so many assistants, in the different parts of this State as the person administering the government of this State for the time being shall approve. That the said agent shall be responsible for the conduct of his assistants as to the expenditure of monies.

Duties of agent as to returns, orders of commissary-general of army, etc.

That the said agent shall make and transmit duplicate and monthly returns, the one to the person administering the government of this State for the time being, and the other to the board of war of the United States, specifying the quantities issued in each preceding month. That the said agent shall correspond with, and take directions, from the commissary general of the army of the United States in furnishing such parts of the beef cattle, to be supplied by this State, as the said commissary general shall, from time to time, have occasion for, in order to supply the army with fresh beef throughout the different seasons of the year; and that the said agent be authorized to agree with the said commissary general, or his deputies or assistants authorized to receive the same, respecting the mode of ascertaining the weight of all such cattle as shall be furnished by this State for the use aforesaid. That the said agent shall cause the said supplies to be transported to and delivered at such places, within this State, as the commander in chief of

the army of the United States shall from time to time direct. That it shall and may be lawful for the person administering the government of this State, for the time being to grant warrants, upon the treasury of this State, in favor of the said agent for such sum and sums of money as the said person administering the government shall judge necessary; and the treasurer is hereby authorized and required to pay the same out of such new bills, to be emitted in pursuance of the act of congress of the eighteenth day of March last, as may from time to time be in the treasury.

VIII. *And be it further enacted by the authority aforesaid* That it shall not be lawful, after the first day of August next, for any person, except the agent above mentioned and his assistants, to purchase any provisions or forage within this State for the use of the army, and every person who shall so purchase shall be punished by fine or imprisonment, in the discretion of the court before whom the conviction shall be had; and the courts of quarter and general sessions of the peace shall have cognizance of the said offence:

Unlawful for other persons to purchase forage for use of army.

Provided nevertheless that nothing herein contained, shall be construed to prohibit the said agent or his assistants from purchasing on the account and at the expence of the United States.

And provided that nothing in this clause contained shall be construed to prohibit such person or persons, as the person administering the government of this State for the time being shall by writing under his hand, and upon such emergencies and occasions as he shall deem proper, be authorized for the purpose, from purchasing provisions or forage within this State for the use of the army.

IX. *And be it further enacted by the authority aforesaid* That the said agent shall, once in every six months, account with the auditor general of this State for the monies he shall have received from the treasury of this State; and if the said agent shall refuse or neglect so to account, that it shall then be lawful for the said auditor general, to cause a suit in assumpsit for monies received to the use of the plaintiff, to be commenced in the supreme court of this State, in the name of the treasurer of this State, against the said agent; and it shall be lawful for the said court in every such suit to order the same to be referred, agreeable to the directions of the act "for the better determination of personal actions depending upon accounts," and the sum, to be found by the report of the referees for the plaintiff shall, upon being received by the treasurer, be credited to the account of the said agent; and if the referees shall report that there is nothing due from the defendant, the treasurer shall, in such case, out of any monies which may then be in the treasury, pay to the defendant his costs to be taxed.

Agent to account every six months with auditor general.

X. *And be it further enacted by the authority aforesaid,* That the said agent shall be allowed and paid, quarterly, for his services, in procuring the said quota of supplies, to be procured in pursuance of this act, and all such other supplies as he may procure on the account or credit of this State, exclusive of the pay and wages of assistants, clerks and messengers and exclusive of travelling expenses when on public business, and paper and other incidental charges, in lieu of every other salary, commission or emolument whatsoever, at and after the rate of eight hundred pounds per annum, payable in the said new bills.

Compensation of agent.

XI. *And be it further enacted by the authority aforesaid,* That this State shall be responsible, to the United States, for the conduct of the said agent, when employed to purchase upon the account or credit of the United States as to the expenditure of monies which he may receive from the treasury, or upon the account, of the United States.

State responsible to United States.

Bran to be delivered as short forage.

XII. *And be it further enacted by the authority aforesaid,* That the said agent shall cause the bran, of the wheat to be procured on the account of this State and manufactured into flour, to be delivered as part of the aforesaid quota of short forage, and the same shall be charged to the United States at the rate of one quarter of a dollar, of the said new bills, per bushel.

Hides of cattle to be reserved for State.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said agent, from time to time, whenever the same can conveniently be done, to reserve, for the use of this State, the hides of such cattle as he shall from time to time procure upon the account of this State, and cause the same to be collected, and delivered to Peter T. Curtenius Esquire, commissary to purchase clothing for this State, to be by him exchanged for, or manufactured into, leather or shoes, or otherwise disposed of, as he shall deem most advantageous for the State, and best calculated to answer the purpose of providing the troops of this State, in the service of the United States, with shoes.

And whereas it is probable that certain cases may arise which cannot be foreseen, and consequently for which no particular provision can be made.

Agent in special cases to obey orders of governor.

XIV. *Be it therefore further enacted by the authority aforesaid,* That it shall be lawful, for the said agent, in the execution of his office, in such cases where no special provision is made by this act, to obey the orders of the person administering the government of this State for the time being.

To possess some powers as quartermaster general.

XV. *And be it further enacted by the authority aforesaid,* That the said agent, and his assistants, shall be, and are hereby, vested with the like powers, for impressing teams, carriages, horses, and other draft cattle, as the quartermaster general of the army of the United States, or any of his deputies, or assistants, are, or were, vested with by any law of this State, which was in force on the first day of this instant month of June.

And in order to prevent a monopoly of neat cattle or beef, within this State, and more effectually to prevent the enemy from receiving supplies thereof:

Unlawful to purchase neat cattle to sell again.

XVI. *Be it further enacted by the authority aforesaid,* That if any person shall, after the expiration of eight days from the passing of this act, purchase any neat cattle of the age of two years or upwards, or beef, (except such persons as are herein after authorized to purchase) with intent to sell the same again, such person shall be deemed, and hereby is declared, to have committed an offence against the people of this State, and shall be indicted and tried for the same, at any supreme court of judicature, or court of oyer and terminer and general gaol delivery, or court of general or quarter sessions of the peace, to be held in the county where the offence shall arise, and shall upon conviction forfeit the sum of twenty pounds for each bull, ox, cow, steer, or heifer, and five pounds for every hundred weight of beef, bought with intent to be sold again. And farther, that it shall be lawful for any person, or persons to take, seize, and convert to his, her, or their own use, any neat cattle or beef as aforesaid; and in any suit which may be brought, against such person, or persons, by reason of such seizing, taking, and converting to his, her, or their own use, it shall be lawful for the defendant, or defendants, to plead the general issue, and upon the trial to give in evidence that the neat cattle, or beef, so seized, and taken, was, by the person, to whom the same belonged at the time of the seizing and taking thereof, bought, after eight days from the passing of this act, with intent to be sold again, and if such special matter shall be proved, to the satisfaction of the jury, they shall find a verdict for the defendant, or de-

fendants, and who shall in such case recover costs to be taxed. Provided that nothing, in this clause contained, shall be construed to extend to, or affect, the agent to be appointed in pursuance of this act, or any of his assistants licenced by him, or any person or persons, authorized by the person administering the government of this State for the time, being by writing under his hand, to purchase provisions for public uses, or to any butcher, licensed by any three justices of the peace, within this State, by writing under their hands, or to any persons who, having sufficient pasturage, hay, or grain for improving or fattening cattle, shall have a licence under the hands of three justices of the peace of the county, where such persons shall reside, authorizing such persons respectively to purchase cattle to be improved and fattened, or to such persons as may be licensed by the corporation of the city of Albany to supply their fairs and markets during the month of November.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be lawful, for the person administering the government of this State for the time being, from time to time by proclamation, to assign a line, or lines, in the counties of Westchester, and Orange, to the southward of which no neat cattle or beef shall be driven or removed, unless such cattle or beef are intended for the use of troops in the service of the United States or of this State, or unless such cattle, being draft cattle, shall be actually employed in public service; and if any person shall, after eight days from the date of such proclamation, drive or remove, or cause or procure to be driven or removed, any such cattle or beef from any place, within this State to the northward, to any place within this State to the southward, of the line or lines to be assigned in such proclamation, unless such neat cattle or beef shall be intended for such use as aforesaid, or shall be employed as aforesaid, such person shall be deemed, and hereby is declared, to have committed an offence against the people of this State, and shall be indicted and tried for the same, and shall upon conviction, suffer the same penalties, and all such neat cattle and beef shall be liable to seizure, in like manner as is above prescribed in cases of purchasing neat cattle and beef with intent to be sold again; and it shall in like manner be lawful for the defendant or defendants, in any suit which may be brought by reason of such seizing as last aforesaid, to plead the general issue and give in evidence, that the neat cattle or beef, so seized, was after the time above limited, driven or removed to the southward of such line or lines as aforesaid; and if such special matter shall be proved to the satisfaction of the jury, and if the plaintiff or plaintiffs shall not thereupon prove that the said neat cattle or beef were intended for the use of troops in the service of the United States or, of this State, or that the said cattle, being draft cattle, were so employed as aforesaid, the jury shall find a verdict for the defendant or defendants, who shall also recover costs as aforesaid; And further that collusive seizures in either of the cases aforesaid shall be void, and which may also be given in evidence on the general issue.

Governor by proclamation to establish lines, etc.

And whereas a requisition hath been made upon this State, by a committee of congress, for a quantity of provisions to be delivered at the city of Albany, monthly, for the space of five months from the first day of July next, and, in order to procure the said provisions, assessments of wheat or flour and neat cattle have been made throughout the State; the flour or wheat to be delivered immediately after the twenty fifth day of this instant month of June, and one fifth part of the said cattle to be delivered on the same day, and a like fifth part to be delivered on the twenty fifth day of every month thereafter, for the space of four months.

Proviso as to regulation by committee of congress.

Assess-
ments con-
firmed —
agent to
collect
provisions,
etc.

XVIII. *Be it therefore further enacted by the authority aforesaid,* That the said assessments shall be, and are, hereby confirmed and declared legal. That the said agent, or any of his assistants, shall be authorized to collect and receive the said quantities of provisions last mentioned, and deliver the same over to the person, properly authorized to receive the same on behalf of the United States, and that if any person shall refuse or neglect to deliver the quantity of flour or wheat so assessed upon such persons, when thereunto required, at any time after the twenty fifth day of this instant month of June, by the said agent or either of his assistants, the delivery thereof shall be compelled in like manner and under the same penalties as is herein before directed with respect to the several matters concerning the other supplies to be furnished in pursuance of this act. That if any person, assessed to furnish neat cattle, shall refuse or neglect to deliver the same, when thereunto required by the said agent or either of his assistants, at any time after the respective times when such neat cattle ought in pursuance of such assessments to be delivered, the delivery thereof shall be compelled, and the same shall be subject to seizure, and forfeited to the people of this State, in like manner as is herein before directed with respect to flour or wheat. That the supply of provisions, last mentioned, shall be paid for in like manner, and at the same prices as is herein before directed with respect to the other supplies to be furnished in pursuance of this act. That the incidental expences of making the said assessments, and notifying the several persons of the quantity of provisions assessed upon them respectively, (except the wages of the supervisors and assessors, which shall be paid as the contingent charges of the county, in like manner as is herein before directed), shall be paid by the said agent or either of his assistants; which shall be allowed as contingent expences in the execution of his office. That the said supply of provisions last mentioned, shall be considered as a part of the quota of provisions required of this State by congress as aforesaid; and that if the said supply of flour or wheat, last mentioned, shall be sufficient to make up the deficiencies in the assessments first herein before mentioned, it shall not be lawful, for the said agent or either of his assistants to make any farther purchases or flour or wheat upon the account or credit of this State.

Penalty for
refusal to
deliver
cattle.

Proviso as
to regula-
tion for
draft
horses.

And whereas a requisition hath been made upon this State, by the committee of congress aforesaid, for six hundred draft horses, and in consequence thereof agents have been employed in the different parts of the State to purchase horses upon the credit of this State, upon prices to be ascertained agreeable to the value of the said new bills; and the said agents have been respectively furnished with certificates signed by the treasurer of this State, with blanks as to the names of the persons to whom they shall be given, and as to the sums and dates by the tenor of which certificates the said several persons to whom they shall be given or their assigns, will be intitled to receive, from the treasury of this State after the expiration of six months from the respective dates of the said certificates, with interest at the rate of six per centum per annum, the sums therein expressed, in gold or silver, or the said new bills and, at any time until paid, in gold or silver, or the said new bills and, at the same rate with the said new bills.

Purchase,
etc., by
agents
legalized.

XIX. *Be it therefore enacted by the authority aforesaid,* That the purchases of horses by the said several agents upon the credit and account of this State, the signing of the said certificates by the treasurer, and the completing thereof by filling up the said blanks by the said agents respectively, are hereby confirmed and declared legal. That it shall be

lawful for any collector, within this State, to receive in payment for taxes any certificate, of the tenor aforesaid, signed by the treasurer, at the same rate with the said new bills, in like manner as is herein before directed with respect to certificates from the agent, to be appointed in pursuance of this act to procure supplies. That the said several agents shall from time to time deliver, or cause to be delivered, the horses to be by them respectively purchased to the deputy quarter master general of the army of the United States, within this State, or to such person as shall be properly authorized to receive the same in behalf of the United States. That the said several agents shall be allowed, besides their respective actual expences, and the incidental charges of, purchasing and collecting the said horses, and keeping and subsisting them until they shall be delivered, for their respective services, in purchasing the said horses, at the rate of three dollars of the said new bills for each horse they shall respectively purchase. That the said several agents shall make return, to the treasurer of this State, of their respective purchases, to contain the names of the several persons to whom such certificates shall be given, and the sum expressed in each certificate. That the said several persons shall be intitled to receive from the treasury, and the treasurer is hereby authorized and required to pay the same, out of any monies which may then be in the treasury, the amount of their accounts of expences and services, upon their being respectively audited by the auditor general of this State, who is hereby required to charge the same together, with the amount of the said purchases, to the account of the United States.

CHAP. 70.

AN ACT for raising levies to reinforce the army of the United States.

PASSED the 24th of June, 1780.

WHEREAS a requisition hath been made upon this State for a number of men to reinforce the army of the United States. Preamble.

Be it therefore 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 levies for the purpose aforesaid, shall forthwith after the passing of this act be raised within this State, in like manner, and under the same pains and penalties as the troops raised for the defence of the frontiers, are directed to be raised, in and by the act passed for that purpose on the eleventh day of March last. Provided that the classes to be formed in pursuance of this act, shall consist of fifteen persons. And provided that each class shall after the expiration of eight days from the delivery of the list thereof, deliver the man to be furnished by such class properly armed and accoutred, any thing in the said act to the contrary notwithstanding. That the levies to be raised in pursuance of this act, shall be arranged into corps, officered, paid and subsisted and be subject to the articles of war in like manner as is directed by the said act. Provided that in cases where appointments shall not be made by the council of appointment, it shall be lawful for the person administering the government of this State for the time being to require of any person being an officer in the militia, to accept a command in the said levies, in an equal or superior rank, to the rank which such person doth hold in the militia; and if such militia officer shall refuse to accept such

Levies of troops how to be raised.

To be arranged in corps — command of, etc.

command, he shall be deemed guilty of a disobedience of orders; and that any person who shall be appointed an officer in the said levies, and shall accept of the commission to which he shall be so appointed, and any militia officer who shall be required to accept a command in the said levies, and shall accept thereof, and who shall be classed and actually paid money for a recruit in the said levies, such persons shall respectively be entitled to receive, and be reimbursed from the treasury of this State the sums so by them respectively paid, upon their respectively producing an account thereof to the treasurer, sworn to before any justice of the peace within this State, and the treasurer is hereby required to pay such accounts, out of any monies which may be in the treasury.

Term of service.

That the said levies shall continue in service for the term of three months from the time of their appearing at the respective places of rendezvous, unless sooner discharged. That the contingent expences of

Contingent expenses.

collecting the said levies and marching them to the place of rendezvous shall be paid agreeable to such accounts thereof, as shall be allowed by the auditor general of this State, and that the orders of the person administering the government of this State, in consequence of which such expence shall accrue, shall be sufficient vouchers to the auditor general, to allow such accounts. That if the commission officers in the said levies

Pay and subsistence.

shall not be allowed by the United States, pay and subsistence equal to the pay and subsistence allowed to the officers of the continental battalions, such deficiency shall be paid by the State, And the auditor general is hereby authorized to allow the accounts thereof. That it shall be lawful for courts martial, before whom any private, belonging, to the levies raised by virtue of the act above mentioned, or, to the levies to be

Deserters may be adjudged to serve in U. S. army.

raised by virtue of this act shall be tried for desertion, and shall be convicted thereof, to adjudge, in their discretion such deserter to serve in the continental battalions, raised under the direction of this State, for such time as such court martial shall judge proper, and such person shall from and after the expiration of the time of his service in the said levies respectively, be deemed as belonging to the said battalions, and shall serve therein for the time so to be adjudged. That if any person shall desert from the levies raised in pursuance of the said act above mentioned, or of this act, such person shall and may be apprehended, tried and punished for desertion, notwithstanding the time for which he engaged to serve may have expired. That if any private belonging to the said levies shall during the time of his service therein, enlist in either of the continental battalions raised under the direction of this State, to serve during the war, such private shall immediately thereupon be dismissed from serving in the said levies, and shall be entitled to receive from the treasury of this State, exclusive of any other emolument or encouragement which may be given by congress, or this State, twenty dollars of the bills of the new emission, upon the certificate of the commanding officer of the battalion in which he shall so enlist.

Proviso as to intent of law.

And whereas the intent and design of this law is not to call for the actual services of each or any of the persons named in the respective classes to be formed under the same, but will operate as a mode in ease of the treasury of this State, to raise a sufficient bounty to procure the said levies, to which bounty all persons subject to tax in this State ought to contribute.

Tax on Quakers.

Be it therefore further enacted by the authority aforesaid, That the supervisor of each town manor district or precinct shall forthwith after the passing of this act make out a warrant under his hand and seal to the collector of the town manor district or precinct, requiring him to levy by distress and sale of goods and chattels the sum of four hundred dol-

lars from each male inhabitant of the people called Quakers of the age of sixteen years and upwards, resident within the town manor district or precinct, being a freeholder, and the sum of one hundred and fifty dollars from each of the said inhabitants, not being a freeholder, and to pay the same when collected, after retaining thereout, a poundage of one shilling in the pound for his services in collecting the said tax, into the hands of the said supervisor, to be by him paid to the order of the person administering the government of this State for the time being. That it shall be lawful for the said person administering the government to appoint recruiting officers to receive the said monies, and with the same to raise recruits for the said levies, agreeable to the orders of the person said administering the government of the State for the time being, and that the said recruiting officers shall account for the expenditure of the said monies by them respectively received, to the auditor general of this State, or to such other person as the person administering the government of this State for the time being shall occasionally authorize for the purpose, or in default thereof shall be deemed guilty of a disobedience of orders, and subject at any time to be tried for the same by a court martial to be appointed for the purpose. That the captains of the respective beats shall return to the collector of the town manor district or precinct the names of all such male inhabitants of the people called Quakers exempted from being classed, and resident within the respective beats, distinguishing according to such knowledge as the said captains shall respectively have thereof, between such of the said inhabitants as are freeholders, and such as are not, and the collector shall levy the said tax, agreeable to, and within ten days after the receipt of such return. That if any of the said inhabitants, under the age of twenty one years shall be resident with his father or mother, or master or mistress, that it shall be lawful for the collector in such case to distrain the goods and chattels of the father or mother, master or mistress, as the case may be; and that the collectors may receive from each person subject to pay the same, gold or silver, in lieu of the sum to be levied from such person, at the rate of one Spanish milled dollar for forty dollars of paper currency.

Recruiting
officer to
receive tax

Captains
to return
names of
Quakers to
collectors.

CHAP. 71.

AN ACT granting to Henry Guest the exclusive right of manufacturing and vending a certain species of blubber and oyl within this State.

PASSED the 30th of June, 1780.

WHEREAS Henry Guest of New Brunswick in the State of New Jersey by his petition presented to the legislature of this State set forth, that he hath by much expence and labour discovered ingredients for making a certain species of blubber and oyl proper for currying and dressing of leather, and that this State abounds with the said ingredients and prayed that he might have the benefit of such discovery, by having a grant of the exclusive right of making and vending the said blubber and oyl within this State, for the space of five years. The legislature of this State having taken the said petition into their consideration, and being willing to give all due encouragement to useful discoveries have determined to grant the prayer of the said petition.

Preamble.

Exclusive right to make and vend blubber and oil for dressing leather granted to Henry Guest.

Be it therefore 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 there shall be and is hereby granted to the said Henry Guest and his assigns the sole and exclusive right of making and vending within this State, for the space of five years from the day of the passing of this act, such blubber and oyl, or a substitute for blubber and oyl fit and proper for the currying and dressing of leather, to be made out of the materials so discovered by the said Henry Guest. And if any person or persons shall presume to make or vend any such blubber or oyl, or a substitute for blubber or oyl, of the ingredients aforesaid, within this State for the term aforesaid, without the consent of the said Henry Guest or his assigns, such person or persons shall forfeit treble the value of such blubber or oyl or substitute for blubber or oyl, so made or vended without the consent of the said Henry Guest or his assigns, to the said Henry Guest or his assigns, to be recovered by him or them respectively, in an action of debt with costs of suit, to be commenced in his or their names respectively, in any court of record within this State.

Proviso as to descriptions, etc., to be filed in secretary's office.

Provided nevertheless that the grant hereby made shall not take effect until the said Henry Guest shall have filed in the secretary's office in this State, a writing containing the names and descriptions of the materials aforesaid, and the method and process of making such blubber and oyl, or a substitute for blubber and oyl; nor until the said Henry Guest shall have a manufactory erected for the purpose, and shall have made such blubber or oyl, or a substitute for blubber or oyl, of the materials aforesaid, within this State.

CHAP. 72.

A SUPPLEMENTARY ACT to the act entitled "An act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said acts of congress."

PASSED the 30th of June, 1780.

Treasurer to receive bills of credit named and pay same as part of quota of tax, etc.

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 be lawful for the treasurer, of this State, to receive from any person, who will voluntarily deposit the same into the treasury for the purpose, at any time before the first day of September next, any sum or sums, consisting in bills of credit emitted by the authority of congress, and in circulation on the eighteenth day of March last, and to pay the same, as part of the quota of the tax of this State, into the loan office, of the United States, within this State, and receive new bills for the same, in like manner as is directed in the said act with respect to monies to be paid into the treasury arising from taxes, and to repay to the person so depositing monies, the amount of the sum deposited in the said new bills, at the rate of one dollar of the said new bills for forty dollars of the bills deposited. And further that it shall be lawful for the treasurer, from time to time, at any time before the first day of September next, whenever any such new bills shall be in the treasury, to exchange the same for bills, so in circulation as aforesaid, and

at the rate aforesaid, with any person who shall apply for the purpose, and to pay the said bills, so to be received into the treasury in exchange, into the said loan office, as part of the quota of the tax of this State, and receive new bills for the same in manner aforesaid; so as the interest accrued on such new bills at the time when they shall be exchanged, shall be computed thereon. And provided further that nothing herein contained shall be construed to authorize the treasurer to pay into the said loan office a sum to exceed in the whole the amount of ten million five hundred thousand dollars, or to receive any monies into the treasury as deposits, or to exchange any bills, in manner as aforesaid, after he has paid into the said loan office to the amount of the said sum of ten million five hundred thousand dollars. And provided further that nothing herein contained shall be construed to appropriate the amount of the monies to arise from the sales of forfeited lands, to any other use or purpose, than the same are appropriated to by the said act.

And be it further enacted by the authority aforesaid, That the said new bills shall be and hereby are declared to be a legal tender in all cases whatsoever, at the rate of eight shillings lawful money of this State for each dollar expressed on the face of the said bills respectively, and that in all cases where such new bills shall be lawfully tendered, and upon such tender shall be refused, such tender shall be deemed a payment, and in all suits at law may be given in evidence upon a plea of payment.

New bills a legal tender.

And whereas the most ample funds are provided for redeeming the said new bills, and therefore there is no reason to doubt that they would preserve their credit, unless it should be injured by undue means. *And whereas* it is probable that the enemy will attempt to depreciate the said new bills, and will particularly for that purpose employ emissaries to purchase gold or silver with the said new bills, and to give a greater nominal sum in the said new bills, for a less nominal sum in gold, or silver, or to purchase the said new bills with gold or silver, and give a greater nominal sum in the said new bills for a less nominal sum in gold or silver; or to purchase merchandise or produce, and give a greater price for the same in the said new bills, than the current price in gold or silver, for the prevention whereof

Proviso as to attempts to depreciate new bills.

Be it further enacted by the authority aforesaid, That if any person shall offer, give, pay, or take a less nominal sum in gold or silver, according to the rates at which gold or silver usually pass within this State, for a greater nominal sum in the said new bills, or shall receive in payment for any merchandise, produce, or other matter or thing sold, a greater nominal price in the said new bills than the current price in gold or silver, the person so offending, shall for each offence forfeit double the value of the sum so offered, given or taken, or double the value of the merchandise, produce or other matter or thing sold as the case may be, the one moiety to the prosecutor and the other to the people of this State, to be recovered with costs, if under the value of five pounds, of the said new bills, in a summary way, before any justice of the peace of the county where the offence may happen, and if exceeding five pounds as aforesaid, in any court of record within this State, by any person who will sue for the same, and shall moreover be deemed to have committed an offence against the people of this State, and shall be punished for the same by fine and imprisonment, in the direction of the court before whom the conviction shall be had; and the courts of general or quarter sessions of the peace shall have cognizance of the said offence. And further, that where any prices are ascertained or allowed by law, such prices shall be deemed the current prices in gold and silver.

Unlawful to offer, give, pay, etc., a less nominal sum in gold or silver, for said new bills.

CHAP. 73.

AN ACT to provide for the payment of certain monies taken on loan by this State.

PASSED the 30th of June, 1780.

Preamble.

WHEREAS congress by act of the nineteenth day of May last, did make a requisition upon this State for monies; and in order to raise the same subscriptions have been opened in several parts of the State.

Treasurer to receive moneys and pay same to treasurer of United States.

Be it therefore 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 be lawful for the treasurer to receive in the treasury of this State the monies so subscribed as aforesaid, and to pay to the treasurer of the United States, or his order, of the said monies a sum not exceeding the sum of five hundred and eighty five thousand nine hundred and fifty dollars. That the treasurer shall as soon as conveniently may be cause a competent number of certificates to be printed of the form following that is to say — State of New York, ss. This certificate will entitle or assign^s to receive from the treasury of this State after the expiration of six months from the date hereof a sum equal to the present actual value of Continental dollars, with the interest at the rate of six per cent per annum, and this certificate shall at any time until paid be receivable from the said in payment upon the purchases of forfeited lands for the amount of the above mentioned sum with the interest thereof. Dated the fifth day of June, one thousand seven hundred and eighty.

Form of certificate to be issued to subscribers.

That the said certificates shall be printed in such manner, and with such devices as the treasurer shall deem most proper to prevent counterfeits,—that the treasurer having subscribed the said certificates and compleated the same, by inserting therein respectively the respective sums which from the subscription rolls shall appear to have been subscribed by, and the names of the several subscribers, shall forthwith thereafter cause the several persons who conducted the said subscription, to be furnished with the certificates for the several subscribers and the treasurer shall receive from the several persons to whom the same shall be given, the said certificates in the treasury for the amount of the principal and interest thereof, in payment upon the sales of forfeited lands.

Payment of certificates.

And be it further enacted by the authority aforesaid, That the treasurer, until the legislature shall make other provision for the payment of the said certificates, shall out of any monies which shall then be in the treasury, whether arising from the sales of confiscated lands or taxes, pay such of the said certificates as shall become due, and payment whereof shall be required.

Ibid. of expences.

And be it further enacted by the authority aforesaid, That the treasurer shall out of any monies which may be in the treasury, pay to the several persons who have conducted the said subscription, their respective expences in the execution of the said business, agreeable to such accounts as they shall respectively produce, sworn to before any justice of the peace within this State.

CHAP. 74.

AN ACT to provide pasturage for the use of the army.

PASSED the 30th of June, 1780.

WHEREAS great abuses have been committed in procuring pasturage for the use of the army, and in order that the same may in future be more effectually provided, and in a way least oppressive to the subjects of this State. Preamble.

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 upon application of the quarter master general, or either of his deputies to any justice of the peace, or in case there shall be no justice, the supervisor, residing in any town manor district or precinct within this State for pasture for the purpose aforesaid, and at the same time acquainting him with the number of horses, or cattle for which pasture is required, the time when and how long the same will be wanted, it shall and may be lawful for such justice, or supervisor, as the case may be, and he is hereby authorized and required, forthwith to issue his warrant, or warrants, to any two reputable freeholders residing in such town, manor, precinct, or district, to impress within the same, as many pastures, as they may judge sufficient, of and from such of its inhabitants, who in their judgment can or may with the least damage spare the same, and at the same time appraise the value of the use of the said pastures respectively, for the time that the same shall be impressed. Proceedings to impress pastures for use of the army.

And be it further enacted by the authority aforesaid, That the freeholders so to be appointe are hereby authorized and required to make such impress and appraisement, and shall deliver to the owner of the said pasture or leave at his or her usual place of abode an account in writing specifying the same, and immediately thereafter return to such justice or supervisor as the case may be the number of pastures by them impressed, their situation, appraisement name of the owner, and the number of horses, or cattle, which they may severally pasture, which return shall be ready to be delivered by such justice, or supervisor, to the quarter master general, his deputy or assistant, when called for, and the said quarter master general, or his deputy shall pay to the respective owners of such pastures the sum at which the same shall have been appraised, and the said quarter master general or his deputy shall likewise pay such damages as may be sustained by any person or persons whatsoever, upon the account of the said horses and cattle breaking out of the said pastures into their inclosures, to be appraised by two reputable freeholders for that purpose appointed by a justice of the peace or the supervisor of the place, as the case may be, and the said quarter master general or his deputy, shall pay to the persons making the impress and appraisement as above directed, and likewise to the persons making appraisement of damages, a reasonable reward for their services, and shall likewise pay to the justice or supervisor, as the case may be, for each warrant to be issued by virtue of this act, and the other necessary service attending the same, the sum of six shillings in bills of the new emission, or thirty dollars in continental currency, and if any person to whom such warrant shall be directed shall neglect or refuse to execute the same, they or either of them shall for each offence forfeit the sum of ten pounds to be recovered in a summary way before any justice of the peace of the county where the same shall happen, the one-half to the poor of the place where the same shall happen, and the other to the quarter master general, or deputy prosecuting for the same. Impress to be made by freeholders, etc.
Payment to be made.
Allowance to justices, etc.

CHAP. 75.

AN ACT subjecting all persons who shall come out from the enemy and secretly lurk in any part of this State to tryals by courts martial as spies.

PASSED the 30th of June, 1780.

Persons to be deemed spies and to be tried by courts martial.

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 every person who having adhered to the enemy, shall come out from the enemy, and secretly lurk in any part of this State, shall be deemed a spy, and as such shall, upon being apprehended, be tried by a court martial according to the rules and articles of war, and shall upon conviction, suffer death, or such other punishment, as a court-martial shall adjudge. That where any such person shall be tried and convicted by a court martial, consisting of officers of the militia of this State, not actually in service, in the field, and shall be sentenced to death, or other corporal punishment, the sheriff of the county where such court martial shall be held, shall have the custody of such person, from or after his or her conviction; and shall cause the sentence of such court-martial to be executed, by virtue of a warrant to him for the purpose, from the person administering the government of this State for the time being.

CHAP. 76.

AN ACT for the removal of the families of persons who have joined the enemy.

PASSED the 1st of July, 1780.

Preamble.

WHEREAS many and great mischiefs do arise by permitting the families of persons who have joined the enemy, to remain at their respective habitations, inasmuch as such persons frequently come out in a private manner, to gain intelligence, commit robberies, thefts and murders, upon the good people of this State, and are concealed and comforted by their respective families

Wives of persons who have joined the enemy warned to depart.

Be it therefore 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 the justices of the peace resident in each ward, town, manor, precinct and district, within this State, shall notify the wives of all such persons as aforesaid, that they depart this State within twenty days after such notice, or repair to such parts of it as are within the power of the enemy; and at their discretion to take with them all or any of their children not above the age of twelve years. That for want of a justice of the peace in any ward, town, manor, precinct or district, the supervisor, and for want of a supervisor, the commissioners for detecting and defeating conspiracies, shall cause such notice to be given as aforesaid.

After twenty days to be without protection, etc.

And be it further enacted by the authority aforesaid, That in case any of the persons aforesaid, shall after the space of twenty days after such notice, be found in any part of this State, they shall and are hereby declared to be out of the protection of the laws of this State; and shall be liable to be proceeded against as enemies of this and the United States.

Provided nevertheless that this law shall not extend to affect such of the said persons as shall procure permits to remain at their respective habitations, from under the hands and seals of any three of the commissioners for detecting and defeating conspiracies, within this State. Proviso as to persons procuring permits.

And be it further enacted by the authority aforesaid, That the several justices of the peace, or supervisor, as aforesaid shall immediately after notice shall be given to the several persons aforesaid, to depart this State give information to some one board of commissioners as aforesaid, of all such persons as aforesaid, together with the characters of the said persons respectively; and the said commissioners are hereby authorized to give permits as aforesaid to any of the said persons, which they may esteem to be of good character, and not dangerous to the liberties and independence of this and the United States. Information to be given to board of commissioners.

CHAP. 77.

AN ACT to revive and amend an act entitled An act more effectually to prevent robberies within this State.

PASSED the 1st of July, 1780.

WHEREAS the act entitled "An act more effectually to prevent robberies within this State" hath expired by its own limitation; and it is conceived necessary to revive the same. Preamble.

Be it therefore 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 the said act entitled An act more effectually to prevent robberies within this State, passed the fifteenth day of October, one thousand seven hundred and seventy-nine, is hereby revived and continued, and the same and every matter therein contained is declared to be in full force. Act named revived.

And whereas doubts have arisen, whether the aforesaid act could be construed to extend to the crime of horse stealing

Be it further enacted by the authority aforesaid, That the taking away, or stealing of any horse mare or gelding, or neat cattle, either in the night or in the day, is hereby declared to be within the meaning of the first paragraph or clause in the said act. Act to extend to horse stealing.

And be it further enacted by the authority aforesaid, That the justices supervisor and assessors, or the major part of them, instead of making, "a list of the names of all the persons in the town, manor, precinct or district who have not manifested themselves attached to the liberty and independence of America," as is directed in and by the second clause or section of the aforesaid act, shall make a list of the names of the persons in the said town manor precinct or district, who in the judgment of the said justices, supervisor and assessors, founded on the conduct and character of such persons are disaffected to the liberty and independence of America, and especially of all such disaffected persons whose son or sons have gone to or joined the enemy. List of persons who are disaffected, etc., to be made

CHAP. 78.

AN ACT to compleat the continental battalions, raised under the direction of this State.

PASSED the 1st of July, 1780.

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 be lawful for any private belonging to the levies raised in pursuance of the act for raising levies for the defence of the frontiers, passed the 11th day of March last, or to the levies raised in pursuance of the act for raising levies to reinforce the army of the United States, passed the twenty-fourth day of June instant, to inlist in either of the Continental battalions raised under the direction of this State, and to serve until the fifteenth day of December next, and that the privates so inlisting shall exclusive of their pay and rations be entitled to the following bounties in wheat, that is to say, such private who shall so inlist on or before the first day of August next ten bushels of wheat — and each private who shall so inlist after the first day of August at the rate of one bushel and an half of wheat — for each month he shall serve in the said battalions —

And in order that this said bounty may be punctually paid —

Be it further enacted by the authority aforesaid, That the private so inlisting shall produce and deliver a certificate to any justice of the peace from the commanding officer of the battalion in which such private shall have served, purporting that such person did inlist from the said levies and specifying the time when he did inlist, and that he served in the said battalion until the expiration of the term aforesaid — That such certificate shall be transmitted by such justice to the person administering the government of this State for the time being, who shall thereupon grant a warrant of impress to the said person authorizing him to impress the quantity of wheat to which he shall be entitled from any person whom the said justice shall deem can conveniently spare the same and whose name shall be endorsed on the warrant by the said justice — That the person from whom such wheat shall be impressed, shall upon producing such warrant, with a receipt thereon, endorsed for the quantity of wheat therein mentioned, be intitled to receive from the collector of the town, manor, district or precinct or the treasurer of the county, at the rate of twelve shillings, in bills of the new emission for each bushel of wheat so impressed, and the collector or county-treasurer are hereby required to pay the same, out of any monies which they may then have in hands, collected or received for taxes.

And be it further enacted by the authority aforesaid, That all deficiencies which may arise in the said levies by reason of inlistments from the same or otherwise, shall from time to time be made up by drafts or detachments from the militia and from such regiments and companies and in such manner as the person administering the government for the time being, shall deem most expedient; and each person who shall be so drafted or detached from the militia shall be intitled to a bounty of one and an half bushels of wheat for each month he shall serve in the said levies, to be paid upon the certificate of the commanding officer of the regiment, in which he shall so serve, in like manner as is above directed; and shall moreover upon his inlisting in either of the said Continental battalions to serve until the said fifteenth day of December, be intitled to the bounty granted in such cases.

Lawful for privates named to enlist in Continental battalions; bounties to.

Certificate to be delivered to justice of the peace, etc.

Warrant of impress to be granted by governor.

Payment to be made.

Deficiencies in levies to be made up by drafts from militia.

And be it further enacted by the authority aforesaid, That if any person to inlist in the said battalions as aforesaid, shall before the said fifteenth day of December die while in service, the legal representative of such person shall be intitled to the said respective bounties, in like manner as the said person would have been, if he had not so died; and also that if any person so to inlist as aforesaid, shall before the said fifteenth day of December, be rendered incapable of service, he shall notwithstanding be intitled to the said respective bounties, in like manner as above directed.

Legal representatives of deceased soldier entitled to bounties.

And be it further enacted by the authority aforesaid, That the bounty of twenty dollars mentioned in the said act passed the twenty fourth of June last, for such person of the said levies who shall inlist in the said battalions during the war, shall be increased to fifty dollars.

Bounty increased to fifty dollars.

CHAP. 79.

AN ACT for the payment of the salaries of the several officers of government, and of certain debts due from this State.

PASSED the 1st of July, 1780.

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 there shall be allowed and paid to the several officers and persons, herein after mentioned, the several salaries and sums herein after specified, and the treasurer is hereby required to pay the same accordingly, that is to say—

Appropriations.

To his excellency the governor, for administering the government of this State from the first Monday in July last, to the first Monday in July then next, at and after the rate of two thousand pounds per annum—

To governor.

To the person administering the government of this State for the time being, to defray the incidental charges which may arise in and about administering the government such a sum or sums as he shall from time to time require, not to exceed in the whole the amount of one thousand pounds—

To the person, administering the government of this State for the time being, such sum or sums as he shall from time to time, by warrants under his hand and the privy seal of the State, draw from the treasury for the purpose of paying, subsisting, and defraying the contingent expences, of such of the militia, who have heretofore been in service and remain unpaid, and of such who shall hereafter be in service, and until the legislature shall make further provision; the pay and subsistence rolls, and the accounts of contingencies, audited by the auditor general of this State, to be annexed to each warrant; and the pay and subsistence to be allowed agreeable to the continental establishment at the time when service was or shall be performed.

To the honorable James Duane, Robert R. Livingston, and John Morin Scott, Esquires, delegates from this State in congress, each the sum of two hundred pounds on account, to be transmitted to Philadelphia by the treasurer, as soon as conveniently may be after the passing of this act, at the risque and expence of the State—and that one hundred pounds of the said sum of two hundred pounds, be paid and transmitted to each of the said delegates out of the monies lately taken on loan by this State, any thing in the act—for the payment of the said monies so taken on loan by the State, to the contrary notwithstanding,

Delegates in congress.

To the present delegates from this State in congress, severally, or their respective orders, on account, such sum or sums as they shall respectively require, not exceeding the amount of two hundred and fifty pounds to each delegate.

Chancellor To the honorable Robert R. Livingston Esquire, chancellor of this State, for his services in that station, from and to the respective times aforesaid, at and after the rate of four hundred pounds per annum.

Chief justice. To the honorable Richard Morris Esquire, chief justice of this State, for his services in that station from the day of his appointment to the said office, and until the first Monday in July then next, at and after the rate of four hundred pounds per annum—

Puisne justices. To the honorable Robert Yates, Esquires, one of the puisne justices of the supreme court of this State, for his services in that station from the first Monday in July last to the first Monday in July then next, at and after the rate of three hundred and fifty pounds per annum—

To the honorable John Sloss Hobart Esquire, one other of the puisne justices of the supreme court of this State, for his services in that station, from and to the respective times last aforesaid, at and after the rate of three hundred and fifty pounds per annum.—

To the said Richard Morris, Robert Yates, and John Sloss Hobart, Esquires, exclusive of the above salaries, for each and every day they have respectively attended or shall respectively attend, from and to the respective times aforesaid, on the execution of commissions of oyer and terminer and general gaol delivery in the several counties, and be travelling for that purpose, each the sum of twenty four shillings per day, agreeable to such accounts thereof as they shall produce audited as aforesaid—

Senators and members of assembly. To the several members of the senate and assembly, for each and every day they shall severally have attended in senate and assembly, during the present meeting of the legislature, each the sum of eight shillings; and for each and every day they shall be severally travelling from their respective places of abode, to the place of the meeting of the legislature, and returning, each the sum of twelve shillings, agreeable to such accounts thereof, as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may be; the account of the president of the senate, to be certified by the clerk of the senate; and the account of the speaker of the assembly, to be certified by the clerk of the assembly.—

Expenses of persons named to meet agents of other states. To the honorable John Sloss Hobart, Esquire, fifteen pounds twelve shillings, and to the honorable William Floyd and Israel L'Hommedieu Esquires, each, ten pounds sixteen shillings, for their respective expences in attending at Hartford to meet with agents from other States, pursuant to a joint resolution of both houses passed in October last.—

Secretary of state. To the honorable John Morin Scott Esquire, secretary of this State, for attending the session of the legislature for the purpose of receiving laws, and for attending the council of appointment from the first Monday in July last to the first Monday in July then next, at and after the rate of thirty pounds per annum.—

To the said John Morin Scott Esquire for his services in recording the laws, making copies thereof with marginal notes for the press, and making special copies by direction of the person administering the government of this State for the time being, or of the senate or assembly, and for engrossing the minutes of the council of appointment, from and to the respective times aforesaid, at the rate of one shilling and six pence per folio, each folio to consist of one hundred and forty four words, agreeable to such accounts thereof as he shall produce, audited as aforesaid.—

To Comfort Sands Esquire auditor general of this State, for his services in that station, from and to the respective times aforesaid, at and after the rate of three hundred pounds per annum.— Auditor general.

To the said Comfort Sands (exclusive of the above salary and until the legislature shall make further provision) his travelling expences while on the business of this State, the pay and wages of occasional clerks, the rent of an office, and the expence of paper and books of accounts, agreeable to such accounts thereof as he shall from time to time produce, audited by a joint committee of the senate and assembly to be appointed for the purpose.—

To Stephen Lush Esquire one of the aids de camp to his excellency the governor, the amount of continental pay and rations as a lieutenant colonel, from and to the respective times aforesaid, agreeable to such account thereof as he shall produce, audited by the auditor general of this State.— Aids de camp.

To Robert Benson Esquire the other aid de camp to his excellency the governor, the amount of continental pay and rations as a lieutenant colonel, from and to the respective times last aforesaid (and exclusive of the time he shall be employed as clerk to the senate) agreeable to such account thereof, as he shall produce, audited as last aforesaid.—

To Robert Benson Esquire, clerk of the senate, for his services in that station, during the present meeting of the legislature, twenty shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate.— Clerk of senate.

To the said Robert Benson, for sundry sums by him advanced for the use of the senate, the amount of such account thereof as he shall produce certified by the president of the senate.—

To John McKesson Esquire clerk of the assembly for his services in that station, during the present meeting of the legislature, twenty shillings per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.— Clerk of assembly.

To the said John McKesson for sundry sums by him advanced for the use of the assembly, the amount of such account thereof as he shall produce, certified by the speaker of the assembly.—

To Victor Bicker door keeper to the senate, for his services in that station during the present meeting of the legislature, twelve shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate.—And also the further sum of twenty pounds in full for his services in attending the council of appointment to the first Monday in July in this present year. Door-keeper of senate.

To Richard Ten Eyck door keeper to the assembly, for his services in that station, during the present meeting of the legislature, twelve shillings per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.— Door-keeper of assembly.

To Samuel Loudon, printer, the sum of two hundred pounds on account—To the said Samuel Loudon such sum or sums as from time to time shall be due to him from this State, agreeable to such accounts as he shall produce audited by the auditor general of this State.— Printers.

To John Holt, printer, such sum or sums as from time to time shall be due to him from this State agreeable to such account as he shall produce audited as last asoresaid—

To Sarah Smith as a reward for her benevolence and humanity in relieving the inhabitants of this State in captivity with the enemy, and until the legislature shall make provision further to reward the said Sarah Smith, widow of John Jacob Smith late of the city of New York, cabinet maker deceased, the sum of one hundred pounds— Sarah Smith.

Officers
and pri-
vates.

To such of the officers and privates of the levies, raised for the defence of the frontiers in consequence of the act passed for that purpose on the thirteenth day of March one thousand seven hundred and seventy nine, as shall not have been allowed the same by the United States, additional subsistence money agreeable to the resolution of congress of the eighteenth day of August one thousand seven hundred and seventy nine, from the said eighteenth day of August until they were discharged, according to such subsistence rolls as shall be produced, audited as last aforesaid; and to be paid to the respective commanding officers of the battalions of the said levies.—

Proviso as
to compen-
sation of
officers
named.

And whereas the respective salaries heretofore allowed to the State clothier for this State, and commissary of prisoners of this State, and the allowance heretofore made to the commissioners for forfeitures, having been found inadequate—

Clauses re-
pealed.

Be it therefore enacted by the authority aforesaid, That the clause in the act for the appointment of a State-clothier for this State, and the clause in the act for the appointment of a commissary of prisoners for this State granting to the said State clothier and the said commissary of prisoners their respective salaries, and that such part of the act for the immediate sale of part of the confiscated lands, as grants to the said commissioners thirty dollars per day for their respective services, shall be and hereby are severally repealed and that instead thereof there shall be allowed and paid to the said officers respectively, and the treasurer is hereby authorized and required to pay the same accordingly, as follows that is to say—

State
clothier.

To the State clothier for this State, for his services, in that station, from the day of his acceptance of the said office and until the legislature shall make further provision, at and after the rate of thirty dollars per month; and also his travelling expences while in the execution of his said office and other incidental charges, agreeable to such accounts as he shall produce of such monthly pay and of such travelling expences and incidental charges audited as last aforesaid.

Commis-
sary of pri-
soners.

To the commissary of prisoners of this State for his services in that station from the day of his acceptance of the said office, and until the legislature shall make further provision, at and after the rate of thirty dollars per month; and also his travelling expences while in the execution of his office, to accrue after the first Monday in July in this present year, agreeable to such accounts of such monthly pay and travelling expences as he shall produce audited as last aforesaid.—

To the said commissary of prisoners for his travelling expences from the time of his acceptance of the said office to the first Monday in July last aforesaid, sixteen pounds two shillings.—

Commis-
sioner of
forfeitures

Proviso as
to poor.

To the commissioners of forfeitures each twelve shillings per day for their respective services from the tenth day of March last.—

And whereas the poor removed from the city of New York to the several counties have hitherto been under the care of Samuel Dodge of the county of Dutchess Esq., Abraham Bevier of the county of Ulster Esq. and Ebenezer Purdy of the county of Westchester Esq. severally:

And whereas it is conceived that the said poor could be more conveniently subsisted if they were collected in one place, and put under the direction of one person.—

Care of
poor.

Be it therefore further enacted by the authority aforesaid, That the said Samuel Dodge shall continue to have the care of such of the said poor as were heretofore under his care, and that he shall hereafter have the care of such of the said poor as are now under the care of the said

Abraham Bevier and Ebenezer Purdy—and that the said Abraham Bevier and Ebenezer Purdy severally cause such of the said poor as are under their care respectively to be removed to the county of Dutchess, there to be delivered over to the said Samuel Dodge.

And whereas the said Samuel Dodge is frequently obliged, before other places or provisions can be procured for the said poor, to have them in the same house and subsisted with his family, and inasmuch as it is exceedingly difficult for the said Samuel Dodge to keep a separate account of the provisions thus furnished to the said poor, and inasmuch as when the number of poor to be under his care is increased it is therefore probable that he will almost constantly have some of them in his family, as aforesaid.

Proviso as to provisions for.

Be it therefore further enacted by the authority aforesaid, That it shall hereafter be lawful for the said Samuel Dodge to take, of the provisions and fuel by him from time to time to be purchased for the said poor, and apply, so much as will be necessary, to the support of his own family: And also that the said Samuel Dodge shall be allowed hereafter the rent of the house in which his family shall reside, in like manner as the rent of other houses which he may procure for the accommodation of the said poor.—And that no other allowance shall from and after the first Monday in July in this present year be made to the said Samuel Dodge for his services and private expences in having the care and superintendance of the said poor.—

Proviso as to use of provisions, etc., for family of superintendent of poor.

And be it further enacted by the authority aforesaid, That the treasurer shall pay to the said Samuel Dodge, Abraham Bevier and Ebenezer Purdy severally as follows that is to say—

To the said Samuel Dodge five hundred pounds for subsisting the said poor—To the said Ebenezer Purdy and Abraham Bevier severally such sum as the auditor general of this State shall, upon auditing their respective accounts, report to be due to them for subsisting the said poor, until they shall be removed, and the incidental charges of their removal, to the county of Dutchess; and also such sum as shall upon such audit, be reported due to them respectively for their wages in the said business.—

Accounts for support of poor to be audited and paid.

And be it further enacted by the authority aforesaid, That the treasurer shall pay to the several commissaries, appointed for that purpose in the act allowing certain gratuities to the families of the Continental troops raised within this State, passed the twentieth day of October last, the further sum of twenty shillings for each person of which the said families may consist, and to be paid and applied in like manner as the gratuity of thirty dollars, in the said act mentioned, is directed to be paid and applied.

Commissaries for gratuities to families

And be it further enacted by the authority aforesaid, That General Banker Esquire treasurer of this State, shall be and is hereby authorized, out of such monies as now are or hereafter shall be in the treasury of this State, to retain in his hands, as a salary for his services in that station from the first Monday in July last, until the first Monday in July in this present year, at and after the rate of three hundred pounds per annum.

Treasurer to retain his salary out of moneys in his hands.

And be it further enacted by the authority aforesaid, That the several specific sums herein before mentioned shall be paid in the new bills, to be emitted upon the credit of this State in pursuance of the act of congress of the eighteenth of March last, or in paper currency now in circulation at the rate of forty dollars of the said currency now in circulation for one dollar of the said new bills.

Sums appropriated to be paid in new bills.

Proviso as to provisions, etc., furnished on requisition of General Washington.

And whereas in consequence of a requisition, of his excellency General Washington, this State hath procured provisions, and paid certain contingencies, for the brigade under the command of Brigadier General James Clinton on their march lately to Albany, and the accounts thereof have been audited and allowed by the legislature, and in order therefore to provide for the payment of the same.—

Payment to be in paper currency.

Be it further enacted by the authority aforesaid, That the treasurer shall pay the three following persons the following sums in paper currency now in circulation that is to say—

Egbert Dumond.

To Egbert Dumond, in full of his account for provisions, contingent expences and his own services and expences in the business aforesaid eight hundred and fifty six pounds sixteen shillings—

Moses Cantine.

To Moses Cantine in full of his account of provisions, contingent expences and services in the said business, seven thousand one hundred and thirteen pounds twelve shillings and six pence—

Daniel Graham.

To Daniel Graham in full of his account of provisions, contingencies, services and expences in the said, business eight thousand two hundred and eighty four pounds eight shillings—

Residence for governor.

And whereas the public service requires, that the residence of the person administering the government of this State should for the present, be in or near the town of Poughkeepsie in the county of Dutchess.—

Lands may be taken for, etc.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for the person administering the government of this State for the time being, to take possession of any lands or tenements at present sequestered and lying within one mile of the Dutch-church in the said town, upon the expiration of the leases thereof from the commissioners of sequestration to the present possessors, and to hold the same to his own use, to cut wood on wood lands so sequestered and lying within four miles of the said Dutch church, until the legislature shall make further provision in the premises—That if any person so in possession of any such lands or tenements shall after the expiration of the lease thereof, and upon being notified by the commissioners of sequestration shall refuse to remove it shall be lawful for the said commissioners to proceed against the person so holding over upon the statutes of forcible entry and detainer in their own names. Provided that the said persons shall be respectively permitted so gather their respective crops now growing on the lands in their possession respectively.—

Voluntary donations of shirts, etc.

And whereas it hath been proposed to procure shirts and linnen for overalls for the troops of this State in the service of the United States by voluntary donations, and the following persons have been employed to collect the shirts and linnen to be procured in the several counties viz.: John N. Bleeker Esquire for the county of Albany; Gilbert Livingston Esquire for the county of Dutchess; Jonathan Hasbrouck Esquire for the county of Ulster; Elihu Marvin Esquire for the county of Orange; Joseph Benedict Esquire for the county of Westchester; and Peter S. Deygart Esquire for the county of Tryon—

Accounts of, to be paid by county treasurers.

Be it therefore further enacted by the authority aforesaid, That the treasurers of the respective counties are hereby authorized out of any monies which they may have in hand received for taxes to pay the accounts (upon their being sworn to before a justice of the county) of the said several persons, of the expences and services of the messengers to be employed and sent by them respectively to the several parts of the county for the purpose of receiving the said shirts and linnen and conveying them to the respective places of deposit.

End of the acts of the third session of the legislature.

L A W S

OF THE

STATE OF NEW YORK

PASSED IN THE

FOURTH SESSION OF THE SENATE AND ASSEMBLY OF THE SAID
STATE, BEGINNING THE NINTH DAY OF AUGUST, 1780, AND
CONTINUED BY ADJOURNMENTS.

CHAP. 1.

AN ACT to revive and amend an act entitled "An act for the more speedy tryal of felonies, without benefit of clergy; for subjecting the accessaries to such felonies to a like punishment with the principals and for the trial of such accessaries although the principals may not be convicted.

PASSED the 21st of September, 1780.

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 a certain act of the legislature of this State, entitled "An act for the more speedy trial of felonies, without benefit of clergy; for subjecting the accessaries to such felonies to a like punishment with the principals, and for the trials of such accessaries although the principals may not be convicted" passed on the eleventh day of March last and which expired by its own limitation, thirty days after the rising of the legislature at their last meeting, shall be and is hereby revived and continued until the end of the present war. Act named revived.

And be it further enacted by the authority aforesaid, That the persons charged, or hereafter to be charged, with any offence made felony without benefit of clergy, by an act of the legislature passed since the sixth day of February, in the year of our Lord one thousand seven hundred and seventy eight * * * may be also indicted tried and convicted at any court of oyer and terminer and gaol delivery to be held in pursuance of this act. Persons charged with felony may be indicted, etc., in court of oyer and terminer.

CHAP. 2.

AN ACT more effectually to draw forth the quota of supplies allotted to this State; to procure further supplies, and to repeal the laws prohibiting the exportation of flour, meal and grain out of this State, and the purchases, * * * of flour meal and wheat with intent to be sold again.

PASSED the 22d of September, 1780.

Preamble. WHEREAS it is necessary that means should be devised for procuring a part of the quota of beef-cattle required of this State for the use of the army :

Beef cattle to be procured by assessment *Be it therefore 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 there shall be procured by assessment, the following number of beef cattle within the following counties, that is to say, within the county of Albany, three hundred head; within the county of Ulster, one hundred and fifty head; within the county of Dutchess, four hundred and seventy five head; within the county of Orange, one hundred and fifty head, and within the county of Westchester fifty head — That the quotas hereby assigned to the several counties shall be apportioned to and among the several towns, manors, districts and precincts, and the assessments made in like manner as is directed with respect to the assessments of wheat in and by the act entitled, “An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy.” That the cattle, so to be assessed, shall be of the age of three years or upwards — That the assessors shall forthwith, after they have completed the assessment, cause the several persons assessed to be notified of the number of cattle they are respectively to furnish — That the said persons shall respectively deliver to the purchasing agent for this State, or one of his assistants, the number of cattle they shall be respectively assessed to furnish, at such time and at such place, not exceeding five miles from their respective habitations, as the said agent, or either of his assistants, shall notify for the purpose, under the like penalties as is prescribed by the said act for a neglect or refusal to deliver wheat; and upon delivery shall be entitled to payment for the same, or such certificate as is mentioned in the said act; and also be allowed the prices specified in the said act — Provided, that nothing herein contained, shall be construed to subject any person to be assessed, unless such person shall in the judgment of the assessors be deemed to be possessed of beef-cattle, beyond what may be necessary for the use of his or her family.

Quotas assigned to counties.

Age of cattle.

Persons to be notified of assessment.

Delivery to be made to purchasing agent.

Proviso as to persons to be assessed.

And whereas it is also necessary to provide magazines of flour for public uses.

Flour or wheat to be procured by assessment.

Quotas.

Be it therefore further enacted by the authority aforesaid, That five thousand eight hundred barrels of flour (each barrel to contain at least one hundred and three quarters of flour) or twenty nine thousand bushels of wheat, shall be procured by assessment, within the counties of Albany, Dutchess, Ulster, Orange, Tryon and Charlotte, in the following proportions, that is to say, within the county of Albany, two thousand six hundred * * * barrels of flour, or thirteen thousand * * * bushels of wheat; within the county of Dutchess one thousand six hundred barrels of flour, or eight thousand bushels of wheat; within the county

of Ulster six hundred barrels of flour, or three thousand bushels of wheat; within the county of Orange three hundred barrels of flour, or one thousand five hundred bushels of wheat; within the county of Tryon, six hundred barrels of flour, or three thousand bushels of wheat, and and within the county of Charlotte, one hundred barrels of flour or five hundred bushels of wheat — That the quotas hereby assigned to the said several counties shall be apportioned to and among the several towns, manors, districts and precincts, and the assessments made in like manner, and the whole of the flour or wheat assessed upon each respective, person, delivered, when required by the said agent, or either of his assistants, at any time after the first day of January next, under the like penalties as are mentioned in the said act; and that the assessors as soon as they shall have completed the assessment, shall cause the several inhabitants to be notified of the quantities of flour or wheat they are respectively assessed to furnish, and that the assessors shall have certified copies of the assessments ready to be delivered to the said agent, or one of his assistants, on or before the twenty fifth day of October next.

To be apportioned among towns.

And be it further enacted by the authority aforesaid, That it shall be lawful for the said agent to purchase wheat or flour upon the account and credit of this State, at any price not exceeding the prices mentioned in the said act, and to give to the several persons from whom the same shall be purchased, such certificates as aforesaid.

Agent may purchase on account of state.

And be it further enacted by the authority aforesaid, That the said agent, shall after the passing of this act, cause all the flour and wheat which hath been assessed in pursuance of the act aforesaid, to be collected and to be deposited in proper magazines, and shall cause all the wheat he hath heretofore collected, or which he may hereafter collect to be manufactured into flour, as soon as conveniently may be — That where assessments of any articles have been, or shall be directed by law to be made, and partial, or no assessments shall have been made, or where the flour or wheat or cattle, hath not been delivered by the respective persons who have been assessed to furnish the same within the time limited for that purpose, it shall be lawful for the person administering the government of this State for the time being, to issue a warrant of impress to the said agent, or either of his assistants, or such other persons administering the government may deem proper to be employed for the purpose, to impress within the town, manor, district or precinct, where partial or no assessments have been made, the whole quota assigned to such town, manor, district or precinct, or where partial assessments have been made, to impress the deficiency of such town, manor, district or precinct, or to impress from the several persons who have been assessed, flour, wheat or cattle, and have not delivered the same within the limited time, the flour, wheat, or cattle assessed upon the said persons respectively, as the case may be.

Agent, duties of.

Governor may issue warrant of impress.

And be it further enacted by the authority aforesaid, That in all cases where the said agent, or either of his assistants, shall procure, by impress, any articles upon the account and credit of this State, it shall be lawful for the said agent, or his assistant, making such impress to give to the several persons from whom such articles shall be impressed, such certificates as aforesaid, for the same.

Certificates to be given

And be it further enacted by the authority aforesaid, That as soon as the said agent shall by assessment, impress or purchase, have procured, upon the account and credit of this State, a quantity of wheat and flour equal to the quantity of flour allotted as a quota to this State, and shall be possessed of a surplus so procured as aforesaid, he shall thereupon

Governor may direct surplus to be disposed of.

certify the person administering the government of the State thereof, and that it shall then be lawful for the said person administering the government to direct such surplus to be disposed of in such manner as he shall deem most advantageous for the State.

Weight of cattle, how to be determined.

And be it further enacted by the authority aforesaid, That the supervisor or supervisors shall appoint three reputable inhabitants to estimate the weight of all beef-cattle which may be procured by assessment or impress within the town manor, district or precinct and the said inhabitants, or any two of them, shall be authorized to estimate the weight of all such beef-cattle. That the said inhabitants before they proceed to estimate the weight of any cattle, shall each take the following oath before a justice of the peace of the county, viz^t. I, _____ appointed to estimate the weight of beef-cattle, do solemnly swear and declare in the presence of Almighty God, that I will execute the trust reposed in me, honestly and impartially, to the best of my skill and judgment. So help me God. That the said inhabitants shall each be allowed the sum of one shilling and six pence, of the new emission for each head of beef-cattle the weight whereof they shall estimate, to be paid by the public officer procuring such cattle and if paid by the purchasing agent of this State, and upon the account of this State, the same shall be allowed in his account as contingent expences — That in case of the refusal or inability, to accept or serve, of the inhabitants so appointed, it shall be lawful for the supervisor to appoint another in his stead; and in case of the death or absence of the supervisor, or of his default to make such appointment, it shall be lawful for a justice of the peace residing within the town, manor, district or precinct, and he is hereby required to appoint persons for the purpose aforesaid, who shall severally take the oath and be entitled to the allowance above mentioned.

Form of oath.

Compensation.

Bran, how to be disposed of.

And be it further enacted by the authority aforesaid That the bran of the wheat to be procured and manufactured into flour by virtue of this act shall be disposed of in the manner directed by the herein before mentioned act.

When flour to be furnished in lieu of beef

And be it further enacted by the authority aforesaid, That whenever the person administering the government of this State for the time being shall certify to the said agent, that congress hath consented, that this State may make a substitute of flour in lieu of any quantity of beef which may be deficient, after the quantity directed by this act to be furnished, is collected, the said agent shall then deliver for the use of the United States, out of any flour in his possession, such quantity of flour, as shall be equal to such deficiency of beef, at the rate of four dollars and an half for every hundred weight of flour and of five dollars and an half for every hundred weight of beef; and that the said agent shall thence forward cease purchasing any beef cattle or beef on account of this State.

Acts named to be repealed after date named.

X. *And be it further enacted by the authority aforesaid:* That the act entitled, "An act to prevent the exportation of flour, meal and grain out of this State," passed the fourteenth day of March, one thousand seven hundred and seventy eight, and the act entitled, "An act more effectually to provide supplies of flour, meal and wheat for the army," passed the thirty first of October, one thousand seven hundred and seventy eight, shall from and after the fifteenth day of October next, be repealed.

CHAP. 3.

AN ACT to pardon Jonah Wood for the felony therein mentioned.

PASSED the 22nd of September, 1780.

WHEREAS Jonah Wood late of the precinct of Mamacotting in the county of Ulster, farmer, at a court of oyer and terminer and general goal delivery lately held at Kingston in the county aforesaid, was indicted tried and convicted of the murder of Philip Swartwout Junior, at the precinct of Mamacotting aforesaid, and sentenced to be executed accordingly; which execution hath from time to time been suspended *And whereas* for certain special reasons suggested to the legislature, it is deemed proper to pardon the said Jonah Wood: Preamble.

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 the said Jonah Wood be and he is hereby fully and absolutely discharged and pardoned of and from the felony aforesaid, and the conviction aforesaid and all execution and forfeitures thereon. Pardon granted.

CHAP. 4.

AN ACT to raise troops for the further defence of the frontiers and for other purposes therein mentioned.

PASSED the 29th of September, 1780.

WHEREAS it is necessary that a number of men should be raised for the further defence of the frontiers Preamble.

Be it therefore 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 be lawful for the person administering the government of this State for the time being, to direct from time to time, such numbers of men properly armed and accoutred to be raised for the defence of the frontiers of this State, from such regiments of militia within this State as he shall deem proper, in like manner and under the same penalties as are prescribed and mentioned in the act, entitled "An act for raising troops for the defence of the frontiers," passed the eleventh of March last. That the classes shall consist of such number of persons, and the classing shall be made in the respective regiments and the levies from the respective regiments shall appear at the places of rendezvous at such time or times as shall be specified and assigned in general orders, to be issued by the person administering the government of this State for the time being, for the purpose: any thing in the said abovementioned act to the contrary notwithstanding. That the troops to be raised by virtue of this act shall be officered and shall be arranged into corps, and shall be subject to the Continental articles of war, and shall and may be tried for desertion and may upon conviction be adjudged to serve in the Continental battalions in like manner as is directed with respect to the several matters in and by the act entitled "An act for raising levies to reinforce the army of the United States," passed the twenty-fourth of June last. That the troops raised in pursuance of this act shall continue in service for forty five days, from the time they shall respectively appear Governor may direct troops to be raised for defence of frontier
How to be raised.
How officered.
Term of service.

Pay and rations.

Moneys to be advanced from treasury.

Quakers to contribute toward bounty.

When regiments etc., have not been classed, governor may cause same to furnish levies.

Provide as to forfeiture in case of failure to furnish able bodied men.

Collection of same.

at the respective places of rendezvous. That the said troops shall be allowed Continental pay and rations, and shall be paid and subsisted at the expence of the United States. That monies for the payment of the said troops shall be advanced from the treasury of this State, and they shall be allowed the nominal account of their pay in new bills emitted on the credit of this State or either of the United States, pursuant to the act of congress of the eighteenth of March last; and the pay rolls of the said troops shall be audited by the auditor general of this State accordingly. That the people called Quakers within the respective regiments shall each time when levies shall be raised in pursuance of this act within the regiment, contribute towards the bounty for raising the said troops in like manner as is directed by the said act "for raising levies to reinforce the army of the United States;" provided each freeholder shall pay the sum of twenty shillings in the said new bills or in gold or silver at the rate of eight shillings for a Spanish milled dollar, and each person not being a freeholder shall pay the sum of ten shillings of the said new bills or an equivalent in specie as aforesaid; and provided further that the supervisors shall pay such of the said monies which they shall respectively receive, into the hands of the treasurer of the county to be by him paid into the treasury of the State, there to remain as a fund from which monies may be advanced for the payment of the said troops any thing in the said last mentioned act to the contrary notwithstanding.

And be it further enacted by the authority aforesaid That where any regiment company or persons have not been classed in pursuance of the said acts or either of them it shall be lawful for the person administering the government of this State for the time being by special orders to be issued for the purpose to cause such regiments companies or persons to be classed, and to furnish levies in pursuance of this act in such manner as he shall deem proper; To the end that such regiments companies or persons may bear an equal part of the burthen of raising levies in pursuance of the said two acts abovementioned and of this act; and that where in any town manor district or precinct the inhabitants shall not have elected any supervisor or assessors, the commanding officer of the regiment within which such town manor precinct or district shall lie, shall do and perform the duties by the said act first abovementioned required of the supervisor, and shall cause the several classes to be assessed by the assessors of any adjoining town manor district or precinct.

And whereas by the said two acts abovementioned it was enacted that if any class should omit or neglect to furnish an able bodied man accoutred and provided as in the said acts was directed, such class should forfeit double the amount of the highest bounty which should then have been given by any class in the regiment for a recruit to be raised in pursuance of the said two acts.

And whereas several of the said regiments are still deficient of the compliment of men assigned to be furnished by them. For the more effectual recovery of the said forfeitures.

Be it further enacted by the authority aforesaid That it shall be lawful for the person administering the government of this State for the time being to require of the colonel or commanding officer of each regiment which has not furnished its compliment of men, agreeable to the tenor of the said acts, that he immediately levy and cause to be collected the forfeitures in and by the said acts directed to be levied and collected, upon and from the delinquent classes in the manner therein directed and to pay the same into the treasurer of this State on or before the fifteenth day of November next.

And be it further enacted by the authority aforesaid That if the forfeitures in the said acts directed to be levied and collected, shall not be paid into the treasury on or before the fifteenth day of November next, that the commanding officer of the regiment who shall not then have paid into the treasury the whole amount of the forfeitures accrued in such regiment, and who shall by a court martial be convicted of not having given due notice to the assessors, which were the delinquent class or classes, or of not having in due time delivered the assessment roll to the sergeant to collect the forfeitures as by the said act is directed, shall for every such neglect forfeit double the amount of all such forfeitures as ought through his hands to be delivered to the treasury as aforesaid and every sergeant to whom such assessment roll shall be delivered and who shall neglect or refuse to collect the forfeitures thereby directed, or collecting shall not deliver the same within fourteen days after the receipt of the assessment roll unto the commanding officer and shall be thereof convicted before a court martial shall forfeit a sum equal to the whole amount of the forfeitures to be collected by such delinquent sergeant, to be recovered by the commanding officer of the regiment, and by him to be paid into the treasury in like manner as is directed with respect to the fine of one hundred pounds imposed on assessors in and by the said act first abovementioned.

Commanding officer for every neglect shall on conviction forfeit double the amount.

And be it further enacted by the authority aforesaid That if the assessors of any district shall neglect or refuse to assess any delinquent class as by the said first abovementioned act is enjoined on them to do, each assessor so offending shall besides the fine therein inflicted, be fined in the further sum of twenty pounds of the money emitted in pursuance of the act of congress of the eighteenth of March last, to be recovered and paid into the treasury in manner as aforesaid.

Delinquent assessors to be fined.

And be it further enacted by the authority aforesaid That if any colonel or other commanding officer of a regiment shall be convicted as aforesaid, the court martial shall then enquire of the amount of the forfeitures accrued in such regiment and shall report the same together with the sentence, to the person administering the government for the time being. That the said person administering the government, having approved of such sentence, shall thereupon issue a warrant under his hand to the sheriff of the county requiring him to levy on the goods and chattels lands and tenements of the offender to the amount of double the said sum so reported, and to pay the same when levied into the treasury of this State and upon which the sheriff shall be allowed the usual poundage.

Report of conviction, etc. to be made to governor and warrant for collection to issue.

CHAP. 5.

AN ACT for the relief of certain distressed families, therein mentioned.

PASSED the 30th of September, 1780.

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 commissioners of sequestration for the county of Tryon, and they are hereby required out of any monies which now are or hereafter may come into their hands in the execution of their office to procure and furnish to Mary Tenis,

Commissioners of sequestration to furnish provisions to persons named.

Catharine Sheffein, Elizabeth Browning, Catharine Ringle, Margaret Keller, Mary Clements, Elizabeth Irine, Susannah Ohene, Gertrude Steinwax and Magdalen Snackein and their children until the first day of August next at the rate of one pound of wheat meal and one pound of Indian meal per day to each of them; and to such of the families of the said women as shall produce a certificate from the representatives in assembly for the county of Tryon and such of the senators for the western district as shall be resident in the said county or any three of them as many milch cows, not exceeding two to a family, as shall be certified in such certificate to be necessary. That it shall be lawful for the said commissioners to charge the monies which they shall expend in purchasing and procuring the necessaries aforesaid in account with this State and the auditor general is hereby directed, in auditing the accounts of the said commissioners, to allow so much of the same as shall appear to have been actually disbursed by the said commissioners in pursuance of this act.

CHAP. 6.

AN ACT to continue an act, entitled "An act, authorizing the person administering the government of this State, to grant warrants of impress."

PASSED the 30th of September, 1780.

Preamble.

WHEREAS an act entitled "An act authorizing the person administering the government of this State, to grant warrants of impress," passed on the twenty-third day of June last, will expire by its own limitation, upon the rising of the legislature at their present meeting.

Act named continued in force.

Be it therefore 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 the said act shall be and is hereby continued in full force, until the rising of the legislature at their next meeting and no longer.

CHAP. 7.

AN ACT to liquidate and settle the accounts of the troops of this State in the service of the United States.

PASSED the 4th of October, 1780.

Governor to appoint three auditors to settle and liquidate accounts.

I. *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 be lawful for the person administering the government of this State, and he is hereby required forthwith after the passing of this act, by and with the advice and consent of the council of appointment, to appoint three auditors to liquidate and settle the accounts of the troops of this State in the service of the United States, in order to ascertain the pay due to each person by reason of the depreciation of the currency. That the said accounts shall be liquidated and settled on the establishment of pay, by which the accounts of the troops from the State of Connecticut in the service of the United States have been liquidated and settled, and agreeable to the rates of depreciation specified in the form of the account contained in the schedule to this bill annexed and upon the principles on which the said account is stated.

II. *And be it further enacted by the authority aforesaid,* That the said auditors or any two of them shall cause a competent number of certificates to be printed, of such form and manner as they shall deem best calculated to prevent frauds and counterfeits, and with blanks for the name of, and the sum due to, the person to whom the same shall be given, and to bear date on the last day of July last, and purporting that the person named in such certificate, or his assigns, shall be entitled to receive from the treasury of this State, at the expiration of the present war, the sum specified in such certificate, in gold or silver, at the rate of eight shillings for a Spanish milled dollar, with interest for the same at the rate of five per cent. per annum from the date thereof, and that such certificate until redeemed, shall be receivable in payment upon purchases of confiscated lands, for the amount of the principal and interest thereof, at the same rate with specie—And that the said auditors shall give to each officer and private a certificate for the ballance due to him.

Certificates, form of; when to be payable and to whom to be delivered.

III. *And be it further enacted by the authority aforesaid,* That if any person, possessed of such certificates shall apply to the commissioners of forfeitures, for either of the districts within this State, for the purchase of any particular confiscated estate, not deemed by the said commissioners charged or incumbred with claims or mortgages, other than mortgages the monies whereon shall be due and owing to persons then attainted and shall deposit with the commissioners a sum in such certificates, or in gold or silver, equal to what the commissioners shall deem to be one third of the value, in gold or silver, of such estate, that the commissioners shall thereupon cause such estate to be appraised, at what would have been the value thereof, with the then present improvements, in specie, in the year one thousand seven hundred and seventy four—the then present value thereof in specie, by three appraisers one to be elected by the commissioners, the other by the person applying for the purchase of such estate, and the third by the said other two appraisers— That the said appraisers shall be reputable freeholders of this State resident in the county where such estate shall lie, and shall, previous to the making of the appraisal, each take an oath, and which oath the commissioners are hereby authorized to administer, well and truly to appraise such estate at what shall in their judgment be deemed to have been the value thereof, with the then present improvements, in specie, in the year one thousand seven hundred and seventy four the value thereof in specie, and upon payment to the commissioners of a sum in such certificates, or in gold or silver at the rate eight shillings for a Spanish dollar, which together with the sum so deposited as aforesaid, shall be equal to the sum at which such estate shall be appraised, the commissioners shall convey such estate to the said person, in like manner as if such estate had been sold at public vendue, and the said person had been the highest bidder— That the expence of the said appraisal shall be borne by the State, and the commissioners shall accordingly pay to the appraisers a reasonable sum for their services, to be allowed to the commissioners in their accounts as contingent expences— That the commissioners shall pay into the treasury of this State the certificates and monies they may receive upon such sales— That if the person, upon whose application such appraisal shall be made, shall not make such payment to the commissioners as foresaid, within two months thereafter, that the commissioners shall not in such case convey the estate to the said person, and the sum so deposited with the commissioners shall be forfeited to the people of this State, and shall by the commissioners be paid into the treasury of this State,

Persons holding certificates may apply to purchase forfeited estates; proceedings thereon.

Proviso as to tenants under act named.

Provided nevertheless that nothing in this act contained shall be construed to deprive tenants of the benefit intended by the eighteenth section of the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same," passed the twenty second of October one thousand seven hundred and seventy nine, And that if any person possessed of such certificates shall apply for the purchase of any lands the reversion or remainder whereof only shall have become forfeited, the commissioners shall not cause such appraisal to be made until they shall previously have informed the tenant in possession of such lands, of the application for the purchase of the said lands, and require of such tenant to produce within the time limited for that purpose the certificate prescribed by the said act, and in default thereof that it shall then be lawful for the commissioners to cause such appraisal to be made as is directed by this act, and convey the reversion or remainder of such lands to the person making such application aforesaid,

Act not to be construed to compel commissioners to sell part of tract or farm less than five hundred acres.

And provided farther that nothing in this act shall be construed to compel the commissioners to convey any part or parcel of a tract held or improved as one entire farm or possession, unless such tract shall contain more than five hundred acres; And provided further that nothing in this act shall be construed to authorize the commissioners to convey any of the lands mortgaged by the act entitled "An act approving of the act of congress of the eighteenth day of March, one thousand seven hundred and eighty, relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit, to be emitted in pursuance of the said act of congress," passed the fifteenth day of June last.

Certificates receivable upon purchase of forfeited estates.

IV. *And be it further enacted by the authority aforesaid,* That the said certificates subscribed by the said auditors or any two of them shall be receivable in payment upon the purchases of forfeited estates, for the amount of the principal and interest thereof, at the same rate with specie.

Auditors to take official oath.

V. *And be it further enacted by the authority aforesaid,* That the said auditors before they enter upon the execution of their said office shall each of them take the following oath before one of the judges of either of the counties within this State, viz^t.

Form of

I, — appointed one of the auditors in pursuance of the act of the legislature of the State of New York, entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States, do solemnly swear and declare in the presence of Almighty God that I will well and faithfully execute the trust reposed in me, according to the best of my ability and understanding. So help me God — "

Duty of auditors, compensation, etc.

That the said auditors shall, as soon as conveniently may be after the passing of this act, repair to the several posts and places where the troops whose accounts are to be settled in pursuance of this act, shall be stationed, for the purpose of liquidation and settling such accounts as aforesaid, and shall each of them be allowed for their services and expences besides the expence of, printing certificates, paper, and other contingencies, the sum of three and an half dollars of the new emission, for each day they shall be severally actually employed in the business hereby committed to them, agreeable to such accounts as they shall respectively produce thereof to the treasurer, audited by the auditor general of this State.—That the treasurer shall advance to the said auditors the sum of one hundred pounds of the said new emission — And that the said auditors shall be authorized to administer oaths to persons

making returns, and to examine on oath, either the parties themselves or other persons, upon any matters touching any accounts that may be produced for settlement.

And whereas doubts have arisen upon the act of congress, recommending such compensation for the deficiency of pay as is intended by this act, with respect to what troops are to be compensated by this State, and application hath been made by this State to congress for an explanation of their said act.

Proviso as to compensation of troops.

Be it therefore further enacted by the authority aforesaid, That until the legislature shall make further provision, the following and no other troops shall be entitled to the compensation intended by this act, and the accounts of such troops only shall be liquidated and settled by the auditors to be appointed in pursuance of this act, that is to say, all officers, and privates serving in either of the five continental battalions, raised under the direction of this State, and engaged to serve for three years, or during the war, and all officers and privates, engaged for the like time, and who at the time they respectively entered into the corps to which they respectively belong, were inhabitants of this State, and are now serving in the cavalry, or artillery of the United States, or in the several regiments commanded by Colonels Seth Warner, Moses Hazen, and James Livingston, or in either of the sixteen additional battalions, not annexed to the line of any State—And further that no troops, other than such as are comprehended within the above description, shall be entitled to clothing or other necessaries from this State, and the State clothier of this State and the commissary appointed to provide such necessaries shall respectively furnish such troops only as are above described with clothing and necessaries until the further direction of the legislature,

Troops entitled to compensation.

Provided that nothing in this clause contained shall be construed to prohibit the said State clothier, or commissary, from furnishing Major General McDougall and Brigadier General James Clinton and their respective suites, the chaplain to the brigade under the command of the said Brigadier General James Clinton, the chaplain to the garrison at the forts in the Highlands, and the physicians and surgeons in the general hospital, with the clothing and necessaries directed to be furnished to them by the act entitled, "An act to provide the troops of this State in the service of the United State with clothing and other necessaries," passed on the eleventh day of March last.

State clothier and commissary not prohibited from furnishing clothing, etc., to officers named.

VII. *And be it further enacted by the authority aforesaid,* That all officers who have been reduced, and all non-commissioned officers and privates engaged for three years, or during the war, and who may have been regularly discharged from the service, shall be entitled to such compensation for the deficiency of pay as is above mentioned, in like manner as if such officers, non-commissioned officers and privates were still in actual service, and the accounts of such officers, non-commissioned and privates shall be audited by the said auditors accordingly; and the said officers, non-commissioned officers, and privates, shall be entitled to such certificates as aforesaid for the ballances due to them respectively.

Officers, etc., entitled to deficiency of pay.

VIII. *And be it further enacted by the authority aforesaid,* That the accounts of all persons deceased, shall be settled and liquidated, by the auditors to be appointed in pursuance of this act, in like manner as if such persons had been in full life, and certificates for the ballances which shall appear to have been due to such persons at the time of their death respectively, shall be given to and in the name of the executors or administrators of such persons respectively.

Accounts of deceased persons to be settled.

Gold and silver only to be received by commissioners when there is a deficiency of certificates.

IX. *And be it further enacted by the authority aforesaid,* That gold or silver only, and no other species of money shall be received by the commissioners in cases where there shall be a deficiency of certificates, any law making other currency a tender to the contrary notwithstanding— And that all the gold and silver which shall be so received by the commissioners, shall be by them paid into the treasury of this State, there to remain as a fund for the redemption of such of the said certificates, as may not be redeemed with lands in the manner prescribed by this act. And that the said auditors shall, from time to time, keep regular accounts and make due returns to the treasurer of this State, of abstracts of all accounts liquidated, and of all the certificates issued by them.

SCHEDULE.
Liquidation of A B's account, Colonel of
New York Regiment.

Description	Time of service.	Wages per month.		Am't of wages paid to particular.	Am't of wages at the end of certain periods.	Dollars.	The mean rate of the depreciation in the four eastern States.	Decimal parts of a dollar.	Real value of pay received.	Real value of pay due.
		Dollars.	Months.							
To my pay as a private in Capt. A's company of the 177 th to the sixteenth day of May inclusive.....	4 1-2	6 2-3	4	24	83.33	2.365 for one.	.423	36.0946	49.2334	
To do, as captain to the thirty first of December, 1777.....	7 1-3	7 1-3	31	120	206.	5.8825 for one.	.17	35.02	170.9800	
To do, as a sergeant in do. to the thirty first of December, 1777.....	0 1-2	8	4	32	471.	18.45	.0542	25.5882	445.4718	
To do, as a sergeant to the first of May.....	4	8	27	81						
To do, as ensign to the first of November.....	6	50	40	240						
To do, as lieutenant to the thirty first of December, 1778.....	2	27	50	150						
To do, as lieutenant to the first of April.....	3	27	81	240						
To do, as captain to the first of October.....	6	40	240	120						
To do, as major to the thirty first of December, 1779.....	3	50	150	332 1-2						
To do, as lieutenant to the first of Febr.....	1 18 ds.	60	60	180.						
To do, as colonel to the eighteenth of March.....	4 13 ds.	75	332 1-2	332 1-2						
To do, as do. to the thirty first of July, 1780.....										

Dollars.....	1164.8827
Or 2.....	465 18 8
Depreciation on the 31st Dec. 1777.....	18.
Depreciation on the 31st Dec. 1778.....	20.
Depreciation on the 31st Dec. 1779.....	18.45
Depreciation on the 31st Dec. 1780.....	16.85
473.80	
Depreciation on the 31st Dec. 1777.....	5.25
Depreciation on the 31st Dec. 1778.....	6.
Depreciation on the 31st Dec. 1779.....	6.30
Depreciation on the 31st Dec. 1780.....	5.98
473.53	
The mean depreciation =	5.8825 for one hard.....
	18.45 for one hard.

In the fifth column are placed these mean depreciations at their respective times; against which, in the sixth column, are the real values (in decimals) of one depreciated dollar, at the same times. The seventh column is the product of the numbers in the fourth and sixth; and the eighth column is the difference between the numbers in the fourth and seventh columns.

Form of schedule.

CHAP. 8.

AN ACT to revive and further to continue and amend the several laws relative to the impresses of teams, forage, timber and fuel, for the use of the army.

PASSED the 5th of October, 1780.

Acts named revived and continued in force.

I. *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 the act entitled "An act to revive, continue and farther amend the several laws, relative to impressing teams, forage, timber and fuel, billeting troops, and preventing deceit in making flour casks within this State." Passed the twenty sixth day of February last, and the act entitled "An act to amend an act for regulating impresses of forage and carriages, and for billeting troops within this State." passed the twelfth day of March one thousand seven hundred and seventy nine, shall be, and hereby are revived, and shall continue in force during the present war, subject to the alterations and amendments herein after mentioned.

Fines reduced to three pounds.

II. *And be it further enacted by the authority aforesaid,* That the respective fines of twenty pounds, and ten pounds mentioned in the second section of the said act entitled "An act to revive, continue and further amend the several laws, relative to impressing teams, forage, timber and fuel, billeting troops and preventing deceit in making flour casks within this State," shall be respectively altered to three pounds—That the fee of twenty four shillings to the constable as mentioned in the third section of the said act last mentioned, shall be altered to two shillings—That the forfeiture of sixteen shillings for deceit in making flour casks, as mentioned in the eighth section of the said act last mentioned, shall be altered to five shillings. That the allowance of twenty four shillings to a justice of the peace for a warrant, as mentioned in the ninth section of the said act last mentioned, shall be altered to two shillings—and that the several sums herein before mentioned, shall be deemed to be in the bills emitted on the credit of this State, pursuant to the act of congress of the eighteenth of March last.

Constables' fees; forfeiture and allowance to justices reduced.

And be it further enacted by the authority aforesaid, That the agent of this State, and his several assistants, so far forth as the same may be necessary to procure and transport the quota of supplies required of this State and the commissary general, and his deputies, shall be vested with the like powers and authorities, as in and by the said several acts above mentioned, or either of them, are granted to the quarter master general and his deputies.

Power, etc., vested in agent and assistants.

Warrants of impress may be executed by deputies; deputation to be in writing.

IV. *And be it further enacted by the authority aforesaid,* That in all cases where warrants of impress shall be granted by the person administering the government for the time being, the person to whom the same shall be granted, may cause such warrants to be executed by any person or persons to be by him deputed for the purpose—That a copy of such warrant with a deputation thereon endorsed under the hand of the said person to whom the warrant shall be granted shall be a sufficient deputation, and that in all cases of such deputations, the principal shall be responsible for the deputy, and in case of misconduct by such deputy in the execution of such warrant, the principal shall be subject to a prosecution at the suit of the people of this State, and to a suit at the suit of the party aggrieved in like manner as if such misconduct had been committed by the principal in his own proper person.

And be it further enacted by the authority aforesaid, That this act shall continue in force during the present war.

CHAP. 9.

AN ACT to amend an act entitled "An act to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of one hundred pounds and under, and for suspending an act therein mentioned."

PASSED the 5th of October, 1780.

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 justices of the peace, mayors, recorders and aldermen, shall from and after the passing of this act, have cognizance and jurisdiction of causes to the value of ten pounds, and no more, any thing in the said act to the contrary notwithstanding; and that all fees or penalties, and the sum specified for the limitation of the amount of costs in the said act mentioned (except for the service of executions, which shall be one shilling in the pound) shall be reduced to one twelfth part of their nominal value as expressed in the said act — That the several sums of one hundred pounds, and four hundred pounds, mentioned respectively in the eighth clause of the said act, and the proviso to the said clause, shall be respectively altered to ten pounds and eighty pounds — And that upon all executions to be issued in consequence of judgments obtained in any court held in pursuance of the said act, after the passing of this act, monies shall be received at the following and no other rates, that is to say, silver at the rate of eight shillings for a Spanish milled dollar, and gold or other coins in a like proportion, at the rates they usually pass, the new bills emitted upon the credit of this State pursuant to the act of congress of the eighteenth day of March last, at their respective nominal value and every other species of paper currency emitted by the authority of congress, or of the late colony of New York, or of this State, prior to that day at one fortieth part of the nominal value thereof, at the rate of two pence and two fifths of a penny for each dollar, or eight shillings expressed on the face of each bill.

Jurisdiction.

Rates at which money shall be received on executions.

And be it further enacted by the authority aforesaid, That in all suits to be commenced in pursuance of this act upon contracts intended to have been paid in bills of credit emitted by the authority of congress, or of this State, and in circulation before the eighteenth day of March last, the jury shall assess the damages at or the justice shall award judgment for such sum, as they shall respectively deem to be equal in the said new bills to the actual value of the debt so contracted at the time the same became due, with such allowances for interest or the detention of the debt as are in like cases allowed by law. Provided nevertheless, that the justice or jury ascertaining the depreciation, shall not allow a greater depreciation than forty dollars of the said bills so in circulation, prior to the eighteenth day of March last, for one dollar in specie, or of the said new bills.

Damages on contracts intended to be paid in old bills of credit, how to be assessed.

And be it further enacted by the authority aforesaid, That the said act, as amended by this act, shall be and continue in force until the rising of the legislature at their first meeting after the first Monday in July next.

CHAP. 10.

AN ACT to expedite the payment of taxes.

PASSED the 7th of October, 1780.

If officers named have not been elected sheriff to give notice of special town meeting.

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 where in any ward, town, manor, district or precinct, supervisors, assessors or collectors, or either of them, shall not have been elected at the then last annual day of election, that it shall then be lawful for the sheriff of the county, and he is hereby, required within six days after information thereof by any freeholder of the county, by public notices to be affixed in at least three different places in the ward, town, manor, district or precinct, to appoint a time not exceeding twenty days, nor less than ten days, from the date of such notices, and a place within such ward, town, manor, district or precinct, when and where a special town meeting will be held for the election of a supervisor, or supervisors, assessors, collector, or collectors as the case may be—That the sheriff shall, either by himself or a sworn deputy, attend at such special town meeting— That all town officers which shall be elected at any such special town meeting, shall continue in office until the then next annual town meeting, and shall be respectively vested with the like powers and authorities and be subject to the same pains and penalties, as if they had been respectively elected on the usual annual day of town meeting. That if the inhabitants shall not at such special town meeting, elect supervisor, or supervisors, assessors, collector, or collectors, as the case may be, the sheriff shall make report thereof under his hand and seal, to the treasurer of the county— That the said treasurer shall thereupon issue a warrant in the nature of a writ of fieri facias, under his hand and seal, directed to the said sheriff requiring him to make of the goods and chattles of all, or any, or either of the inhabitants of such ward, town, manor, district or precinct, a sum to be expressed in such warrant, and to be equal to the whole amount of all the quota's of the taxes which shall have been assigned to such ward, town, manor, district or precinct, and which shall then be in arrear, and to pay the said sum when levied into the treasury of the county within thirty days after the date of such warrant. That the sheriff upon the execution of all such warrants, shall be allowed a poundage of one shilling in the pound, to be levied by him exclusive of the sum mentioned in the warrant— That if at such town meeting, such town officers as aforesaid, shall be elected, the sheriff shall be allowed for his services in calling and holding such town meeting, the sum of fifteen pounds to be paid as the other contingent charges of the county, and to be charged to the ward, town, manor, district or precinct, by whose default such expence was occasioned.

Official term.

If no election is held treasurer to issue warrant to sheriff to collect tax.

Poundage, etc.

Penalty for neglect of official duty by supervisors, etc

And be it further enacted by the authority aforesaid, That if the tax of any ward, town, manor, district or precinct, shall at any time after the fifteenth day of December next, be in arrear, and the supervisor or supervisors of such ward, town, manor, district or precinct, shall not have reported to the attorney general, the assessors, or collector or collectors, as in default, expressing particularly the defaults, or if the supervisor, or supervisors shall not have reported to the treasurer of the county, that the collector or collectors have rendered an account as by law required, and that the collector or collectors, is or are possessed of monies which he or they ought to have paid into the treasury of the county, or that the

collector or collectors have not collected the whole of the tax, which such collector or collectors could then have collected, specifying particularly in such report, the amount of the monies which such collector or collectors may then be possessed of, or the amount of the tax so uncollected, and which such collector or collectors, could have collected, as the case may be, that the supervisor or supervisors, neglecting to make such report, to the attorney general, or to the treasurer of the county, as the case may be, shall for every such neglect, forfeit the sum of fifty pounds, to the people of this State, to be recovered with costs, by suit in the name of the treasurer of this State, for the time being — That it shall be sufficient for the plaintiff in every such suit, to declare generally, that the defendant, or defendants, did, at the several times and places expressed in the declaration, neglect to perform the duties required of him, or them, by law, concerning the collecting of taxes:

Provided, that the plaintiff shall not be permitted to give evidence upon the trial, of any default or * * * neglect, other than such as shall be contained in a notice in writing, to be served upon the defendant, or defendants, or his or their attorney, at least twenty days before the service of the notice of trial — That all such suits shall be tried at the bar of the supreme court, notwithstanding the cause of action may have accrued elsewhere than in the county where the supreme court shall be held — That all the said penalties herein before mentioned, shall be deemed to be of the bills of credit emitted upon the credit of this State, or either of the United States, pursuant to the act of congress of the eighteenth of March last. And that such bills of credit, or silver at the rate of eight shillings for a Spanish milled dollar, or gold or other coins in a like proportion, as they have usually passed, and no other species of money, shall be received upon an execution to be issued, in any suit to be brought for the recovery of such penalties.

Proviso as to evidence.

Where suits to be tried, etc.

CHAP. 11.

AN ACT to procure a sum in specie for the purpose of redeeming one sixth part of the bills emitted, on the credit of this State pursuant to the act of congress of the eighteenth day of March one thousand seven hundred and eighty, for discharging the interest of such bills, and for other purposes therein mentioned.

PASSED the 7th of October, 1780.

WHEREAS the proportion of the bills of credit assigned to this State, for emission and redemption, by the act of congress of the eighteenth day of March last, amounts to four hundred and eighty seven thousand five hundred dollars, and the annual interest thereof to be paid in gold or silver, amounts to twenty four thousand three hundred and seventy five dollars. Preamble.

And whereas by the said act it was recommended to the several States to provide funds for their quota's of the said bills; which should be so productive as to sink or redeem one sixth part of such quota annually after the first day of January next.

And whereas certain lands described in an act of the legislature passed the fifteenth day of June last entitled "An act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty, relative to the finances of the United States and

making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress," are mortgaged and bound for the redemption and security of the said bills; and are most amply sufficient for the purpose: yet, as the enemy, impelled by their inveteracy and the disaffected by their malignancy, are using every art to create doubts on the sufficiency of the fund; thereby to bring on a depreciation of the said bills, this legislature deem it incumbent to guard against such nefarious attempts by affording the most incontestable evidence that the said bills will be redeemed, and the interest paid thereon in gold and silver.

Commissioners to be appointed.

Be it therefore 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 the person administering the government of this State for the time being by and with the advice and consent of the council of appointment shall appoint and commissionate under the great seal of this State three commissioners for the southern and middle districts and three commissioners for the western and eastern districts, to execute the trusts and authorities mentioned in this act. That the said commissioners in the respective districts for which they shall be appointed or any two of them respectively shall be and they are hereby vested with the following powers, that is to say: To sell at private sale any of the lands described in the said act, and to sell mortgage or otherwise dispose of any other forfeited lands to the amount of the interest annually arising on the said bills as aforesaid and that upon such sales mortgages or other disposal, gold or silver and no other species of money shall be received in payment and also to sell at private sale any of the said lands first abovementioned and to sell mortgage or otherwise dispose of any other forfeited lands to the amount of one sixth part of the said bills so to be annually redeemed as aforesaid and to the further amount of twenty thousand dollars and that upon such sales, mortgages or other disposal as last aforesaid gold or silver or the said new bills and no other species of money shall be received in payment. That in all cases where the said commissioners shall within the respective districts make any absolute sales the conveyances shall be of the same form except as to the stile of the commissioners with the form prescribed in and by the said act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State and for declaring the sovereignty of the people of this State, in respect to all property within the same" and that the conveyances from the commissioners to be appointed in pursuance of this act shall in like manner be deemed to operate as warranties from the people of this State. To enter into covenants and contracts with any person or persons and in such manner and form as they shall deem best calculated to procure the monies aforesaid:

Powers and duties of.

When purchase money to be paid.

Provided always that in every contract they may make, it shall be stipulated that the whole of the purchase money shall be paid within six months from the time of making such contract,

And provided that at least one fourth part of the purchase money shall be paid to the commissioners at the time of making such contract and in default of payment of the remainder of the purchase money within the time for that purpose to be limited the said fourth part or other sum so deposited shall be deemed forfeited to the people of this State and shall be paid into the treasury of this State.

Covenants to bind State.

II. *And be it further enacted by the authority aforesaid,* That all covenants and contracts so entered into by the said commissioners, or any two of them, in their respective districts, shall, and they are hereby

declared to be binding, and to bind this State to abide by the same, and the same shall be ratified, and the said commissioners indemnified against the same. That the public faith shall be and is hereby pledged to the said commissioners for such allowance for their services and expences, besides the expences of clerks, paper, messengers and other contingencies, as shall by the legislature hereafter be deemed reasonable and adequate.

III. *And be it further enacted by the authority aforesaid,* That as soon as the said commissioners shall have paid into the treasury, a sum in specie equal to the amount of the annual interest of the bills then in circulation, the treasurer of this State for the time being, shall, and he is hereby required, to give public notice in one or more of the public news papers printed in this State, requiring all persons having of the said bills in their possession, and who may chuse to receive the interest, to call on him for the same, and the treasurer is hereby required to pay the same accordingly; and to receive from the person who shall so receive interest, the bills on which such interest shall be paid and exchange the same with the commissioner of the Continental loan office within this State for new bills agreeable to the directions of the said act of congress of the eighteenth of March and the treasurer shall thereupon pay to the said several persons, from whom bills, the interest whereof shall be so paid, shall be received, new bills to the amount exclusive of interest of the bills so received.

As soon as sufficient sum is paid into the treasury, notice to be given to holders of bills, etc.

IV. *And be it further enacted by the authority aforesaid,* That whenever any person or persons shall incline to purchase any estate for such new bills, and choose to have the same appraised, it shall and may be lawful for the said commissioners, and they are hereby required to join with such intended purchaser, in appointing appraisers to appraise such estate, and such appraisers shall be sworn to estimate the value of such estate, as the same would in their judgment have sold for in the year one thousand seven hundred and seventy four; and the said commissioners or either of them, are hereby authorized to administer the necessary oath to such appraisers.

When holders of bills desire to purchase estates appraisers to be appointed.

V. *And be it further enacted by the authority aforesaid,* That when the treasurer of this State for the time being shall have received by virtue of this act, eighty one thousand two hundred and fifty dollars in the said new bills, he shall, and he is hereby required to give notice thereof to both houses of the legislature at their then next meeting, together with a list of the bills, specifying the number and value of each, to the intent that the said bills may be destroyed, in such manner as they shall direct.

When amount named is received notice to be given to legislature.

VI. *And be it further enacted by the authority aforesaid,* That the said commissioners shall not be authorized to sell any lands in larger parcels than the quantity of five hundred acres in one parcel.

Acreeage of parcels to be sold.

VII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall not continue longer in office than until twenty days after the rising of the legislature at their first meeting after the first Monday in July next, otherwise than for the purpose of completing any contracts they may have entered into prior to the expiration of the term in this clause assigned for their duration in office.

Official term.

VIII. *And be it further enacted by the authority aforesaid,* That the commissioners of forfeitures shall henceforth cease and desist selling any confiscated lands other than such lands as may previous to the passing of this act have been advertized for sale as by the act entitled "An act for the immediate sale of forfeited estates," they were authorized to do any thing in the said act; to the contrary notwithstanding.

Only lands previously advertised to be sold.

Proviso as to sufficient to discharge certificates.

Provided nevertheless, that it shall and may be lawful for the said commissioners of forfeitures to sell and dispose of so much of the estates as they were by the said act authorized to sell, as will discharge the certificates directed to be given to officers and privates of the army, by an act of the legislature passed at this present meeting, entitled "An act to liquidate and settle the accounts of the troops of this State, in the service of the United States," and in the manner in the said last mentioned act directed, anything in this act to the contrary thereof notwithstanding.

Abstract of sales to be made.

IX. *And be it further enacted by the authority aforesaid,* That the said commissioners to be appointed in pursuance of this act shall make an abstract of the sales within their respective districts, to contain the names of the respective purchasers, the descriptions of the respective estates by them sold, the sums for which the same were respectively sold, the dates of the respective conveyances, and the names of the several persons to whom the several estates, immediately before the forfeiture thereof, were deemed to belong, and shall from time to time file copies of such abstracts in the office of the clerk of the county, wherein the lands and tenements respectively lie; And the clerks of the respective counties shall record such abstracts in a book or books to be provided for that purpose; and for which services the several clerks shall be allowed a reasonable allowance, to be paid by the respective commissioners, in like manner with the other expences that they may accrue in and about the said sales.

Clerks to record same.

Report to be made to legislature.

X. *And be it further enacted by the authority aforesaid,* That the commissioners shall from time to time make report to the legislature of the sales by them respectively made, and of the difficulties and impediments which may arise in the execution of their said office.

Vacancies in commission to be filled.

XI. *And be it further enacted by the authority aforesaid,* That, in cases of inability or refusal to serve, of any of the said commissioners, it shall be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment from time to time, to appoint others in their stead.

Commissioners not to become purchasers.

XII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said commissioners, or either of them, to purchase any of the estates hereby directed to be sold and all such purchases as may, by them or either of them, be so made, shall be, and are hereby declared null and void.

Moneys received to be paid into treasury.

XIII. *And be it further enacted by the authority aforesaid, and it is hereby provided,* That the said commissioners shall pay all the monies which they shall receive for any sales or mortgages made by virtue of this act, forthwith after the receipt thereof, into the treasury of this State, there to remain, and to be appropriated to the sole purpose of redeeming such bills of credit as aforesaid, and paying the interest thereof.

Commissioners to take official oath.

XIV. *And be it further enacted by the authority aforesaid,* That the said commissioners, before they enter upon the execution of their office, shall each of them take and subscribe before one of the judges of the supreme court of this State, the following oath, viz^t:

Form of.

"I appointed a commander, to procure a sum of money for the use of the State of New York, do solemnly swear and declare in the presence of Almighty God, that I will faithfully and honestly discharge the trust reposed in me by the act entitled "An act to procure "specie for the purpose of redeeming one sixth part of the bill "on the credit of this State, pursuant to the act of congress "eighteenth day of March seventeen hundred and eighty.

“discharging the interest of such bills” and for other purposes therein mentioned, so help me God.

And in order to reward John Dean, John Paulding and Isaac Van Waert, of the county of Westchester for the services they have rendered their country, in apprehending and securing the British deputy adjutant general, Major Andre, who was returning to New York after having in the character of a spy concerted measures with the infamous Benedict Arnold, then commanding at the posts in the highlands, for betraying the said posts into the hands of the enemy, and for their virtue in refusing a large sum offered to them by the said Major Andre as a *bribe* to permit him to escape.

Proviso as to rewarding persons named for capturing Major Andre.

Be it enacted by the authority aforesaid, That it shall be lawful for the said commissioners to be appointed in pursuance of this act to convey to the said John Dean, John Paulding and Isaac Van Waert respectively in fee when they shall respectively require the same, such several forfeited estates as they respectively shall elect, to be appraised in manner hereinbefore directed.

Commissioners to convey forfeited estates to them in fee.

Provided that if such estate shall be appraised at a sum exceeding the sum of five hundred pounds, such of the said three persons to whom such estate shall be intended to be conveyed, shall before he shall be entitled to a conveyance pay to the said commissioners, the amount of such excess, to be by the said commissioners paid into the treasury of this State: And provided farther that such estate shall not be parcel of the lands so mortgaged and bound as aforesaid: And provided farther, that in the several conveyances to the said three persons above-named respectively, it shall be lawful by special recitals to declare that the said conveyances were made in pursuance of this act, and that the sum of five shillings and the amount of such excess, if any, shall be, shall be inserted in the said conveyances as the consideration money.

If valued at over five hundred pounds, excess to be paid into treasury.

CHAP. 12.

AN ACT to amend the laws relative to a night watch.

PASSED the 7th of October, 1780.

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 in lieu of the pecuniary fines imposed for refusal, neglect or delay of duty by either of the laws relative to a night watch, the fine for refusal, neglect or delay of duty, shall be twelve shillings, in gold or silver, or in the bills of credit, emitted in pursuance of the act of congress on the eighteenth day of March last.

Fine to be twelve shillings.

CHAP. 13.

AN ACT for the amendment of the law directing the sales of forfeited lands.

PASSED the 7th of October, 1780.

I. *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 the commissioners of forfeitures shall not after the passing of this

Commissioners not to sell undivided

Ibid. as to rights of landlords.

Purchasers may proceed upon statutes named to recover possession.

Costs may be recovered.

Proviso as to rents in arrears.

Commissioners to pay same.

Proviso as to permitting landlord to re-enter.

And provided farther, that nothing herein contained shall be construed to injure the rights of landlords; and every landlord shall be entitled to a like remedy for the recovery of rents, and be authorized to re-enter upon a breach of condition or covenant, or for non payment of rent, and possess the lands in like manner as such landlord might have done if the tenant had not gone off to the enemy— That where any lands shall be sold by the commissioners of forfeitures, it shall be lawful for the purchaser, in his or her own name to proceed upon the statutes aforesaid against any person who shall then be possessed of such lands, and if it shall appear in evidence to the inquest that the said lands on the ninth day of July in the year one thousand seven hundred and seventy six, or at any time since were possessed by the person, by the attainer of whom the said lands were deemed to become forfeited, or by the tenant of such person, and if so possessed by a tenant, that the term of such tenant is expired, and if the defendant shall not thereupon prove to the satisfaction of the inquest, that the person so attainted did since the said ninth day of July, one thousand seven hundred and seventy six, and before the time to which the attainer of the said person shall relate, convey the said lands to the said defendant, or to the person under whom he or she doth claim that the inquest shall thereupon find the forcible entry and detainer against such defendant, and the seizin in fee of such purchaser on the day of the date of the conveyance to such purchaser from the commissioners of forfeitures, and if such inquisition as last aforesaid shall be traversed, and such matters as last aforesaid shall appear in evidence on behalf of the people of this State, the jury shall find a verdict against the defendant— That where any person shall so have entered upon lands as aforesaid, and shall not deliver possession of the lands so by him or her possessed, when thereunto required by the said commissioners of sequestration, or the purchaser of such lands, as the case may be, and proceedings shall thereupon be had against such person upon the statute of forcible entry and detainer, and if the said commissioners of sequestration, or such purchaser as aforesaid, shall in consequence of such proceedings obtain possession of such lands, the said commissioners, or purchasers, as the case may be, shall recover the costs and expence of such proceedings before any justice of the peace within this State, the jurisdiction of which justice is hereby extended to such suits, notwithstanding the sums in demand may exceed the value of the sum to which the jurisdiction of a justice of the peace may be limited, by any law of this State.

And whereas it may so happen that tenants may have gone off to the enemy leaving arrears of rent due, and without a special provision made by law for the purpose, the lessees under the commissioners of sequestration will be liable to pay such arrears.

VIII. *Be it therefore enacted by the authority aforesaid,* That where any lands shall have become liable to be sequestered, and there shall be arrears of rent due on such lands, it shall be lawful for the commissioners of sequestration out of any monies which they shall then have in hand, to pay off all rents in arrear, and which may have accrued to the time when they shall lease such lands— Provided that where the commissioners shall deem the term or interest of the tenant not to be equal in value to the arrears of rent so due, or that the lands will not exclusive of the taxes, and the rent reserved to the landlords, yield a rent to the State sufficient to compensate for the payment of such arrears, that then in either of the cases aforesaid, it shall be lawful for the commissioners in their discretion to permit the landlord to enter upon and possess such lands.

IX. *And be it further enacted by the authority aforesaid,* That in all cases where suits shall be commenced against purchasors under the commissioners of forfeitures, or lessees under the commissioners of sequestration, by persons claiming the estate so sold or leased by title opposed to the title derived under either of the said commissioners, all such suits shall be defended at the expence, and by the attorney general in behalf, of the people of this State — that it shall be lawfull for the attorney general, by warrant from the person administering the government of this State, for the time being, to draw from the treasury such sum and sums of money as the person administering the government shall deem necessary to be expended in and about the defence of such suits — That the attorney general shall once in every six months account with the auditor general of this State for the expenditure of such monies — and that the attorney general shall upon a warrant from the person administering the government for the time being, employ such council to assist in and about the defence of such suits, as the said person administering the government shall from time to time deem necessary.

Attorney general to defend suits brought against purchasors or lessees.

CHAP. 14.

AN ACT to compleat the quota of the troops of this State to serve in the army of the United States during the war.

PASSED the 9th of October, 1780.

I. *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 be lawful for the person administering the government of this State for the time being, whenever he shall be informed of the deficiency in the quota of this State, of troops to serve in the army of the United States, to cause men to complete the said quota to be raised within the several counties according to the following apportionment of the number of one hundred, that is to say,

Governor may cause deficiency in quota of troops to be raised

Within the county of Albany forty; within the county of Ulster fourteen; within the county of Dutchess twenty-five; within the county of Orange eleven; within the county of West Chester three; within the county of Tryon five; and within the county of Charlotte two.

Number apportioned to counties.

That the quotas to be assigned to the several counties agreeable to the above apportionment, shall be apportioned to and among the respective regiments, by the supervisors of the county, according to what may be deemed the circumstances and abilities of, and amount of estates within, the respective regiments—That the supervisors shall be convened for the purpose of making such apportionment as last aforesaid, by the supervisor's clerk, upon a warrant to be directed to him, from the person administering the government for the time being. That the supervisor's clerk shall forthwith after such apportionment as last aforesaid, shall be made, certify the same to the person administering the government for the time being. That the person administering the government for the time being shall thereupon cause the number of men apportioned to the several regiments to be raised within the same respectively, to serve in the Continental battalions of this State, during the war, in like manner as is provided by the act for raising troops for the farther defence of the frontiers, passed at this present meeting of the legislature: Provided that the regiment shall be divided into as

To be apportioned among regiments by supervisors.

Governor to cause men assigned to regiments to be raised.

Proviso as to regiments being divided into classes, etc. Amount to be paid by delinquent class, how assessed.

many classes as there shall be men to be raised within the same, and that the several classes shall consist of an equal number of persons as near as may be: And provided further that no class shall be compelled to deliver a man until four weeks after the delivery of the list thereof; And provided farther that each class instead of paying a sum equal to double the amount of the sum paid by any class in the regiment for a recruit, such delinquent class shall pay the sum of thirty pounds in specie, or in the new bills emitted upon the credit of this State, pursuant to the act of congress of the eighteenth of March last; and that the proportion of each person in a class capable of bearing arms, shall be deemed to be at least twelve shillings in specie, or the said new bills, and the assessors in assessing the sum of thirty pounds, to and among the persons composing a delinquent class, and the justice of the peace, or jury in assessing the damages of a plaintiff who shall have advanced monies for a recruit, shall accordingly determine the proportion of each person in the class, capable of bearing arms, to be at least twelve shillings.

Quakers, amount to be paid by.

II. *And be it further enacted by the authority aforesaid,* That the people called Quakers shall contribute as a bounty towards raising the troops to be raised in pursuance of this act, as follows, that is to say, each freeholder forty shillings, and each person not being a freeholder sixteen shillings in specie, or the said new bills; and the said sums shall be levied and paid into the treasury of this State, in like manner as is directed in and by the said act above mentioned.

If fines are not paid officers named liable to like penalties.

III. *And be it further enacted by the authority aforesaid,* That if the fines on delinquent classes shall not be paid into the treasury of this State, on or before the time for that purpose to be assigned in general orders, to be issued by the person administering the government for the time being, the respective commanding officers of regiments, sergeants and assessors shall be subject to the like penalties, and to be levied and recovered and paid into the treasury of this State, in like manner as is directed in and by the said act.

Moneys from fines, etc., to be expended by governor in raising recruits.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government for the time being, to draw from the treasury the monies which shall come therein from such fines, penalties and forfeitures, and sums assessed upon the people called Quakers as aforesaid, and to dispose of the same in such manner as he shall deem most expedient for raising recruits to serve in the said battalions during the war, and that the said monies shall not until the legislature shall make further provision respecting the same, be appropriated to any other purpose.

Captains to make return of all residents whose sons have joined the enemy. Notice to appear and show cause why they should not be taxed. Assessors to be convened and

V. *And be it further enacted by the authority aforesaid,* That the supervisors in the respective wards, towns, manors, districts or precincts, shall forthwith after the passing of this act, require of the captains or next commanding officer of each militia company, to make return of all persons resident within the beats of the respective companies, whose son, or sons shall then have gone off to and joined the enemy—That the respective supervisors shall forthwith after such returns shall be made, cause copies thereof to be affixed in at least three public places, in the ward, town, manor, district or precinct, with a notice at the foot of each copy, notifying the several persons named in such copy, to appear before the supervisor and assessors, at such time and place as shall be appointed by the supervisor, and to be specified in such notice, to shew cause why they should not respectively be taxed, in pursuance of this act—That the supervisor shall convene the assessors at such time and place as aforesaid, and the assessors being so convened, shall

hear the several persons who shall be named in such return, and who shall then and there appear, and their respective proofs and allegations— That the assessors shall thereupon assess the several persons whose son, or sons shall be deemed to have gone off to and joined the enemy, at what in the judgment of the assessors shall be deemed to be the value in specie of the estates of such persons respectively—That where any person shall have two sons gone off to and joined the enemy the sum assessed upon such person shall be doubled where three sons the said sum shall be trebled, and in a like proportion for each additional son. That the assessors having compleated the assessment shall return the same to the supervisor, who shall thereupon make out a tax list agreeable thereto for levying at the rate of nine pence in the pound, upon the several sums mentioned in such assessment.

make assessment.

Provided that each person to be assessed as aforesaid shall be assessed at such sum, as that his or her tax shall amount to at least five pounds. That the supervisor having compleated and subscribed the tax list, shall transmit a copy thereof to the person administering the government for the time being and shall deliver the tax list to the collector, who shall within one month from the receipt of such tax list collect the taxes therein specified, and pay the same into the treasury of the county, and the collectors are hereby vested with the like powers and authorities, in, and shall be intituled to a like poundage, for collecting the said tax, and the county treasurers shall be entitled to a like commission for receiving the said tax, as are granted and allowed in and by the act for raising five million dollars, passed the sixth day of March last. That the monies arising from the tax aforesaid, shall be drawn from the respective county treasuries by warrant from the person administering the government of this State for the time being, and be applied and disposed of by him in such manner as aforesaid.

Proviso as to amount of assessment.

Copy to be sent to governor and list delivered to collector; collection and payment into treasury.

Powers vested in collectors.

VI. *And be it further enacted by the authority aforesaid,* That gold and silver, and such new bills as aforesaid, only, and no other species of money, shall be receivable in payment for the said tax, or upon the sales of any goods or chattles which may be distrained for the said tax.

Species of money to be received.

VII. *And be it further enacted by the authority aforesaid,* That if the captain or commanding officer of a company shall not make such return as aforesaid, or shall omit the name or names of any person or persons for each and every such neglect shall forfeit the sum of fifty pounds, of like money as aforesaid, to the people of this State, to be recovered in like manner as the penalties on colonels or commanding officers of regiments are directed to be recovered in and by the said act first mentioned; and in either of the cases aforesaid it shall be and it is hereby made the duty of the supervisor to form a list of such persons as aforesaid within the beat of such company, or supply such omission, as the case may be.

Captains, neglecting duty, etc., to forfeit fifty pounds.

Provided nevertheless that no person shall be assessed by reason that the son of such person went off to, and joined the enemy, if such son went off to the enemy, on or before the ninth day of July one thousand seven hundred and seventy six, or if such son on the said ninth day of July one thousand seven hundred and seventy six was above the age of twenty one years, or if such son at the time he so went off, being above the age of twenty one years, did not then actually reside with his father, or in case of the death of his father, then with his mother—

Persons not to be assessed.

And provided farther that no person shall be assessed, if he shall make it appear to the supervisor and assessors that the son or sons by reasons of whose going off to and joining the enemy, such person shall

Ibid.

be liable to be assessed, shall, at the time of making such assessment, have voluntarily returned from the enemy, and be then actually residing in some part of this State, not within the power of the enemy.

Officers named to be paid for services and expenses.

VIII. *And be it further enacted by the authority aforesaid,* That the supervisors and assessors, shall be allowed and paid for their respective services and expences in executing the business committed to them by this act, in like manner as is provided in and by the said act last above mentioned.

Payments to be made into treasury of county or state, or on warrants of governor.

IX. *And be it further enacted by the authority aforesaid,* That the respective sergeants, collectors, county treasurers and commanding officers of regiments, and other public officers, shall respectively pay all gold and silver which may come into their hands in pursuance of this act, into the county treasuries, State-treasury, or upon the warrants of the person administering the government for the time being, as the case may be; and each and every person to whose hands any gold or silver shall come as aforesaid, who shall exchange such gold or silver or any part thereof for paper currency, or shall pay of their own monies and retain such gold or silver, or any part thereof, in lieu thereof, shall be deemed guilty of an offence against the people of this State, and shall upon conviction be subject to fine and imprisonment in the discretion of the court before whom the conviction shall be had—And that the courts of quarter or general sessions of the peace shall also have cognizance of the said offence.

CHAP. 15.

AN ACT authorizing certain persons to make contracts on behalf of this State, with respect to provisions to be procured within the same, for public uses.

PASSED the 10th of October, 1780.

Preamble as to supplying French fleet with provisions, etc.

WHEREAS great embarrassments have arisen in furnishing supplies for the army of the United States, by reason of large contracts, which the officers of the fleet and army of our great and illustrious ally, now at Rhode Island have thought necessary to enter into with many persons to obtain provisions for the said fleet and army. *And whereas* it is necessary that measures should be adopted for supplying the said fleet and army, consistent with the means used for procuring supplies for the army of the United States.

Persons named to enter into contracts with proper officers, etc.

I. *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 be lawful for the honorable Philip Schuyler and John Sloss Hobart Esquires, and Egbert Benson Esquire, or any or either of them, on behalf of this State, to enter into any covenants or contracts with the proper officers of the said French fleet and army, to supply them with such specific kinds and quantities of provisions, and other necessaries, as may be necessary for the use of the said fleet and army, upon such terms, as the said Philip Schuyler, John Sloss Hobart and Egbert Benson, or any or either of them, shall deem beneficial for this State, and consistent with the means used for procuring supplies for the army of the United States. That it shall be lawful for the said Philip Schuyler, John Sloss Hobart and Egbert Benson, or any or either of them, to meet commissioners or deputies from other States, at such time and place as shall be appointed for the purpose of proposing and agreeing

on any terms which they may think proper, for furnishing the said supplies for the said French fleet and army in manner aforesaid—That it shall be lawful for the person administering the government of this State, by writing under his hand, to appoint such and so many persons, as he shall deem proper and necessary, to carry into effect any such contracts or covenants. That the said persons so to be appointed, shall in the execution of the said business, obey such orders and directions as they shall from time to time receive, from the person administering the government for the time being—That it shall be lawful for the person administering the government for the time being, to draw warrants on the treasury of this State, in favor of any person or persons, and for such sum and sums as he shall deem necessary, for the purpose of carrying such contracts and covenants as aforesaid into effect—And that it shall be lawful for the person administering the government for the time being, whenever he shall deem it necessary, by his proclamation to be issued for the purpose to lay an embargo on the exportation of flour meal and wheat out of this State, under the same pains and penalties as are mentioned in the act entitled “An act to prevent the exportation of flour meal and grain out of this State,” and to continue such embargo for such time as he shall deem proper and necessary.

Governor may appoint persons to carry contracts into effect.

May draw warrants on treasury, etc.

II. *And be it further enacted by the authority aforesaid* That it shall be lawful for the person administering the government for the time being, to direct the agent of this State to deliver any quantity or quantities of the wheat which may be procured by assessment, or of the flour to be made of such wheat, not exceeding in the whole twenty thousand bushels of wheat, or a proportional quantity of flour, to such person or persons as the said person administering the government shall appoint, to be applied towards carrying such contracts or covenants into effect, in such manner as the said person administering the government, shall direct—And that all monies which may be received in consequence of such covenants or contracts, shall be by the several persons by whom the same shall be received, paid into the treasury of this State, to be drawn from thence, and to be appropriated towards procuring a quantity of wheat or flour to replace the wheat and flour so to be delivered as aforesaid, in such manner as the said person administering the government shall direct.

May direct State agent to deliver wheat, etc

CHAP. 16.

AN ACT for raising by tax a sum equal to one hundred and fifty thousand dollars in specie.

PASSED the 10th of October, 1780.

WHEREAS congress, by act of the twenty sixth day of August last, did resolve “that it be recommended to the several States, to raise by taxes, payable in the bills emitted pursuant to the act of congress passed the eighteenth day of March last, or in specie, their respective quotas of three million dollars agreeable to the apportionment of the seventh October one thousand seven hundred and seventy nine, and pay the same into the treasury of the United States as soon as possible, the payment to be fully completed by the last day of December next; each State to be allowed interest for the same from the time it is paid, to be hereafter adjusted according to a resolution of the sixth of

Act of congress recited.

Ibid.

“ October one thousand seven hundred and seventy nine — That Major
 “ General Greene late quartermaster general and Jeremiah Wadsworth late
 “ commissary general of purchases, and the present commissary general
 “ of purchases, respectively, render an account to the board of treasury
 “ of the amount of the monies due from them on certificates or otherwise,
 “ on public account, specifying the sum due in each State, in order that
 “ warrants may issue in their favor on the treasurers of such States for
 “ payment of the same, out of the monies to be collected for the United
 “ States as aforesaid, which warrants being paid, shall be accepted by
 “ the treasurer toward such States quota of the monies to be raised as
 “ aforesaid: And it is further recommended to such States to provide
 “ that the certificates of the said quartermaster and commissaries, and
 “ those who purchased under them, be received in payment of the said
 “ taxes, to the amount of such warrants, under proper regulations for
 “ preventing frauds. That all and singular the creditors of these United
 “ States, for supplies furnished the army, or the transportation thereof,
 “ shall be entitled to receive the just value of the sums due to them
 “ respectively, in the bills of credit emitted pursuant to the act of the
 “ eighteenth of March last the value of the sums due, to be ascertained
 “ according to the current value of Continental bills of credit, compared
 “ with specie, at the time the money became due, at the place where
 “ the supplies were furnished; provided the same do not exceed the
 “ prices fixed for such supplies by the act of the twenty fifth of Febuary
 “ last, or a proportionate value for services, done, and articles furnished
 “ not mentioned in the said act: but if the nominal sum in Continental
 “ currency contracted for, when reduced to specie value as aforesaid,
 “ shall exceed the fixed prices as aforesaid, the creditor shall be
 “ entitled to receive the amount of supplies furnished, or services
 “ done, at the said fixed or proportionate prices, in the new bills
 “ aforesaid, or the nominal sum, contracted for in Continental bills
 “ of credit, and no more, at his election. — And that the accounts
 “ being duly examined and adjusted by the rule aforesaid, by commis-
 “ sioners that may be appointed ageeably to the resolution of the twelfth
 “ of June last, to settle the accounts of officers of the staff departments
 “ in the several State, or by the officer who made the contract, or by
 “ whom the payment is to be made; the same shall be paid, or a certi-
 “ cate given for the sum justly due, certifying that the same hath been
 “ duly examined and adjusted, agreeably to the directions aforesaid, and
 “ if paid in the new bills, the interest on the said bills shall be computed
 “ to the date of such certificate.”

In compliance therefore with the said resolutions :

Tax of
\$150,000
levied.

County
quotas.

*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 there shall be raised by tax within this State, a sum equal to one
 hundred and fifty thousand dollars, in specie — That the quotas of the
 several counties of the said tax shall be as follows, that is to say, the
 quota of the county of Albany, sixty five thousand, one hundred and
 sixty two dollars; the quota of the county of Ulster, twenty thousand,
 eight hundred and eighty dollars; the quota of the county of Dutchess,
 thirty eight thousand, eight hundred and seventy seven dollars; the
 quota of the county of West Chester, two thousand one hundred and
 sixteen dollars; the quota of the county of Orange, seventeen thousand
 one hundred and sixty one dollars; the quota of the county of Tryon,
 five thousand dollars; and the quota of the county of Charlotte, eight
 hundred and four dollars. That the said tax shall be raised in like
 manner, and under the same penalties, as the sum of three million of

How to be
raised.

dollars is directed to be raised in the act entitled, "An act for raising the sum of five million of dollars by tax within this State, and for other purposes therein mentioned," passed the sixth day of March last— That the supervisors shall be convened for the purpose of apportioning the quotas of the towns, manors, districts and precincts within the county forthwith after the passing of this act; and the assessors forthwith after such apportionment shall be made, shall be convened for the purpose of making the assessments, so that the assessments shall be completed and the tax lists made out ready to be delivered to the collectors, on or before the fifteenth day of December next. That gold or silver at the rate of eight shillings for a Spanish milled dollars, and other coins in a like proportion, and bills of credit emitted upon the credit of this State, or any other of the United States, pursuant to the act of congress of the eighteenth of March last, and such certificates as are mentioned in the above recited act of congress, and no other species of money, and no other certificates, shall be received in payment for the said tax, to be raised in pursuance of this act, or for any goods or chattles which may be distrained and sold for payment of the said tax. That the treasurer of this State shall pay the tax to be raised in pursuance of this act, as the same shall from time to time be received by him, into the treasury of the United States, or shall apply the same to the discharge of such warrants as shall be drawn upon him pursuant to the said act of congress:

Supervisors to forthwith convene and apportion quotas and assessors to make assessment. Species of money to be received.

Treasurer to pay tax into treasury of United States.

Provided nevertheless, that if any person possessed of any such certificates shall require of the treasurer payment for the same, that then it shall be lawful for the treasurer, and he is hereby directed, to pay off such certificate if he shall have in hands monies arising from the tax to be raised in pursuance of this act, sufficient for the purpose, and to charge the amount of such certificate to the account of the United States, or discount the same in payment of such warrants as aforesaid. And, provided further, that it shall be lawful for the county treasurer, or collector, if they shall respectively have in hands monies arising from the tax to be raised in pursuance of this act, sufficient for the purpose, to pay off any such certificates as aforesaid, which shall be rendered to them respectively for the purpose; and to pay all such certificates which they shall severally have received into the county treasury, or State treasury, as part of the quota of the said tax, of the town, manor, district or precinct, or of the county, as the case may be, any thing herein contained to the contrary notwithstanding; and that the collection of the said tax shall commence and be completed at the several times for that purpose to be prescribed, in and by the proclamation herein after mentioned.

Proviso as to payment of certificates.

And be it further enacted by the authority aforesaid, That whenever it shall appear to the person administering the government of this State for the time being, and a majority of any five members of the legislature to be summoned by him for the purpose, that reasonable time hath been afforded to the creditors of the United States, within this State, to have their accounts settled and adjusted agreeable to the directions of the said act of congress, it shall then be lawful for the said person administering the government, to issue a proclamation directing the said tax to be collected, and assign a time not exceeding ten weekes, nor less than six weekes from the date of the said proclamation, within which the same shall be collected and paid into the respective county treasuries, and specifying the form or forms of the certificates to be received in payment of the said tax, and the name or names of the person or persons by whom such certificates shall be subscribed.

When governor may issue proclamation directing tax to be collected, etc.

Proviso as to cases where sum due exceeds tax. §§ *And whereas* it may so happen that the sum due to any such creditor may exceed the amount of his or her tax, and should such creditor be obliged to accept of one certificate for the whole sum due, the intent of this act in making such certificates as aforesaid receivable in taxes, may be thereby in a great measure defeated.

Certificates for such sums as creditor elects to be issued. *Be it therefore further enacted by the authority aforesaid,* That whenever the account of any such creditor shall be settled and adjusted, the person or persons authorized to give a certificate for the sum due, shall give to such creditor, such and so many different certificates, and for such and so many different sums, as such creditor shall elect, not exceeding in the whole the amount of the sum so due.— §§

Certificates to be printed, form of, etc. *And be it further enacted by the authority aforesaid,* That all such certificates shall be printed, and shall be of such form or forms, as the persons authorized to give the same, or any two of them, together with the treasurer of this State for the time being, shall devise, and deem best calculated to prevent frauds— That such form or forms shall be certified by the persons devising the same, to the person administering the government of this State for the time being, and that no person shall be permitted to subscribe such certificates, unless he shall be approved by the said person administering the government, for the time being.

Proviso as to disputes respecting rates of depreciation. §§ *And whereas* in order to prevent any disputes which may arise with respect to the rates of depreciation, agreeable to which the accounts of such creditors are to be settled, this State hath suggested to congress the necessity of devising a uniform mode for ascertaining the depreciation to be observed throughout all the States in the settlement of such accounts.

Rates of depreciation, how to be ascertained. *Be it further enacted by the authority aforesaid,* That unless congress shall, on or before the fifteenth day of November next, have devised and declared a mode for ascertaining the rates of depreciation agreeable to which such accounts are to be settled, it shall then be lawful for the person administering the government of this State for the time being, together with a majority of any five members of the legislature, to be by him summoned for the purpose, to devise a mode or plan for ascertaining the value of the sums due to such creditors, within this State, upon the settlement of their respective accounts, and to cause the same to be published, by his proclamation to be issued for the purpose — §§.

CHAP. 17.

AN ACT to provide for the payment of certain contingent expenses of this State.

PASSED the 10th of October, 1780.

Appropriation. *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 the treasurer shall out of any monies which may from time to time be in the treasury, other than monies arising from the sales of forfeited lands, pay the following sums of money in bills emitted upon the credit of this State, pursuant to the act of congress of the eighteenth of March last, to the following persons respectively that is to say —

To the governor. To his Excellency the Governor such sum or sums as he shall require not exceeding in the whole the amount of one hundred and fifty pounds, to be applied towards repairing the house with the appurtenances, pro-

vided for him in the town of Poughkeepsie, by the commissioners of sequestration of the county of Dutchess.

To the Honorable James Duane, William Floyd, Robert R. Livingston, John Morin Scott and Ezra L'Homedieu Esquires, delegates from this State in congress, severally, in addition to the sum of two hundred and fifty pounds mentioned in the act for the payment of the salaries of the several officers of government, and of certain debt due from this State, passed the first day of July last, or their respective orders, on account, such sum or sums as they shall respectively require, not exceeding three hundred pounds to each delegate. Delegates in congress.

To the Honorable Alexander Mc Dougall Esquire, one other of the delegates from this State in congress, or his order, on account, such sum or sums as he shall require, not exceeding in the whole the sum of three hundred pounds.

To the several members of the senate and assembly, for each day they shall have attended in senate and assembly, during the present meeting of the legislature, each the sum of twelve shillings, and for each day they shall be severally travelling from their respective places of abode to the place of the meeting of the legislature, and returning, the sum of sixteen shillings, agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may be, the account of the president of the senate, to be certified by the clerk of the senate, and the account of the speaker of the assembly, to be certified by the clerk of the assembly. Senators and members of assembly.

To the honorable John Sloss Hobart and Philip Schuyler Esquires, and to Egbert Benson Esquire, on account, to defray the expence of attending as deputies on behalf of this State in the convention proposed to be held at Hartford on the second Wednesday in November next, each the sum of twenty pounds. Deputies for expences.

To Robert Benson Esquire clerk of the senate, for his services in that station, during the present meeting of the legislature, twenty four shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate. To the said Robert Benson, for sundry sums by him advanced for the use of the senate, the amount of such account thereof as he shall produce certified by the president of the senate. Clerk of senate.

To John McKesson Esquire clerk of the assembly, for his services in that station during the present meeting of the legislature twenty four shillings per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly. To the said John McKesson for sundry sums by him advanced for the use of the assembly, the amount of such account thereof as he shall produce, certified by the speaker of the assembly. Clerk of assembly.

To Victor Bicker doorkeeper to the senate, for his services in that station, during the present meeting of the legislature sixteen shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate. Doorkeepers.

To Richard Ten Eyke doorkeeper to the assembly, for his services in that station, during the present meeting of the legislature, sixteen shillings per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

And to Samuel Dodge Esquire commissioner to have the care and superintendance of such poor as were removed from the city of New York, the sum of one thousand pounds on account, for the use of the said poor. Commissioners to have care of poor.

Proviso as to cases where sum due exceeds tax.

§§ *And whereas* it may so happen that the sum due to any such creditor may exceed the amount of his or her tax, and should such creditor be obliged to accept of one certificate for the whole sum due, the intent of this act in making such certificates as aforesaid receivable in taxes, may be thereby in a great measure defeated.

Certificates for such sums as creditor elects to be issued.

Be it therefore further enacted by the authority aforesaid, That whenever the account of any such creditor shall be settled and adjusted, the person or persons authorized to give a certificate for the sum due, shall give to such creditor, such and so many different certificates, and for such and so many different sums, as such creditor shall elect, not exceeding in the whole the amount of the sum so due.— §§

Certificates to be printed, form of, etc.

And be it further enacted by the authority aforesaid, That all such certificates shall be printed, and shall be of such form or forms, as the persons authorized to give the same, or any two of them, together with the treasurer of this State for the time being, shall devise, and deem best calculated to prevent frauds— That such form or forms shall be certified by the persons devising the same, to the person administering the government of this State for the time being, and that no person shall be permitted to subscribe such certificates, unless he shall be approved by the said person administering the government, for the time being.

Proviso as to disputes respecting rates of depreciation.

§§ *And whereas* in order to prevent any disputes which may arise with respect to the rates of depreciation, agreeable to which the accounts of such creditors are to be settled, this State hath suggested to congress the necessity of devising an uniform mode for ascertaining the depreciation to be observed throughout all the States in the settlement of such accounts.

Rates of depreciation, how to be ascertained.

Be it further enacted by the authority aforesaid, That unless congress shall, on or before the fifteenth day of November next, have devised and declared a mode for ascertaining the rates of depreciation agreeable to which such accounts are to be settled, it shall then be lawful for the person administering the government of this State for the time being, together with a majority of any five members of the legislature, to be by him summoned for the purpose, to devise a mode or plan for ascertaining the value of the sums due to such creditors, within this State, upon the settlement of their respective accounts, and to cause the same to be published, by his proclamation to be issued for the purpose— §§.

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PASSED the 10th of October, 1780.

Appropriation.

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 the treasurer shall out of any monies which may from time to time be in the treasury, other than monies arising from the sales of forfeited lands, pay the following sums of money in bills emitted upon the credit of this State, pursuant to the act of congress of the eighteenth of March last, to the following persons respectively that is to say—

To the governor.

To his Excellency the Governor such sum or sums as he shall require not exceeding in the whole the amount of one hundred and fifty pounds, to be applied towards repairing the house with the appurtenances, pro-

vided for him in the town of Poughkeepsie, by the commissioners of sequestration of the county of Dutchess.

To the Honorable James Duane, William Floyd, Robert R. Livingston, John Morin Scott and Ezra L'Hommedieu Esquires, delegates from this State in congress, severally, in addition to the sum of two hundred and fifty pounds mentioned in the act for the payment of the salaries of the several officers of government, and of certain debt due from this State, passed the first day of July last, or their respective orders, on account, such sum or sums as they shall respectively require, not exceeding three hundred pounds to each delegate. Delegates in congress.

To the Honorable Alexander Mc Dougall Esquire, one other of the delegates from this State in congress, or his order, on account, such sum or sums as he shall require, not exceeding in the whole the sum of three hundred pounds.

To the several members of the senate and assembly, for each day they shall have attended in senate and assembly, during the present meeting of the legislature, each the sum of twelve shillings, and for each day they shall be severally travelling from their respective places of abode to the place of the meeting of the legislature, and returning, the sum of sixteen shillings, agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may be, the account of the president of the senate, to be certified by the clerk of the senate, and the account of the speaker of the assembly, to be certified by the clerk of the assembly. Senators and members of assembly.

To the honorable John Sloss Hobart and Philip Schuyler Esquires, and to Egbert Benson Esquire, on account, to defray the expence of attending as deputies on behalf of this State in the convention proposed to be held at Hartford on the second Wednesday in November next, each the sum of twenty pounds. Deputies for expences.

To Robert Benson Esquire clerk of the senate, for his services in that station, during the present meeting of the legislature, twenty four shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate. To the said Robert Benson, for sundry sums by him advanced for the use of the senate, the amount of such account thereof as he shall produce certified by the president of the senate. Clerk of senate.

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To Victor Bicker doorkeeper to the senate, for his services in that station, during the present meeting of the legislature sixteen shillings per day, agreeable to such account thereof as he shall produce, certified by the president of the senate. Doorkeepers.

To Richard Ten Eyke doorkeeper to the assembly, for his services in that station, during the present meeting of the legislature, sixteen shillings per day, agreeable to such account thereof as he shall produce, certified by the speaker of the assembly.

And to Samuel Dodge Esquire commissioner to have the care and superintendance of such poor as were removed from the city of New York, the sum of one thousand pounds on account, for the use of the said poor. Commissioners to have care of poor.

Preamble as to raw-hides to be delivered to Matthew Cantine.

Commissary to make delivery.

Proviso as to pay, etc., of aids de camp.

Accounts of, to be liquidated.

Advances to agent of State.

Commissioners named to supply families of persons mentioned with wheat, etc.

Whereas Matthew Cantine Esquire, did on the first day of May, one thousand seven hundred and seventy nine, deliver to Philip Cortlandt Esquire, colonel of the second battalion of the troops of this State, in the service of the United States, eighty one pair of shoes for the use of the said battalion, for which the said Philip Cortlandt gave his receipt, and engaged to pay for the said shoes with an equivalent in raw hides.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for Peter T. Curtenius Esquire, commissary to purchase clothing for this State, and he is hereby required out of any raw hides which he may be possessed of belonging to this State, to deliver to the said Matthew Cantine a quantity of raw hides, equal in value to eighty one pair of shoes, to receive from the said Matthew Cantine the said receipt from the said Philip Cortlandt, and to charge the said raw hides to the account of the United States.

And whereas the legislature have heretofore granted to Stephen Lush and Robert Benson Esquires, aids de camp to his excellency the governor, the amount of Continental pay and rations as lieutenant colonels.

III. *Be it therefore further enacted by the authority aforesaid,* That the respective accounts of the said Stephen Lush and Robert Benson, for pay and rations now due or hereafter to become due, shall be liquidated and settled by the auditor general, agreeable to the same establishment of pay and rates of depreciation, by which the accounts of the troops of this State, in the service of the United States, are directed to be liquidated and settled, by the act passed for that purpose, at this present meeting of the legislature; And the sums, which upon such settlement and liquidation shall appear to be due to the said Stephen Lush and Robert Benson, respectively, shall be computed in the said new bills, and the treasurer shall accordingly pay the same in the said new bills.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the treasurer, and he is hereby required, to advance to the agent for this State, on account, out of any monies which may be in the treasury arising from taxes, the sales of forfeited lands, or in any other manner, to the amount of ten thousand pounds, in the said new bills; and if, in order to make such advance, he shall take of the monies arising from the sales of forfeited estates, that the treasurer replace the same with the first monies which shall thereafter come into the treasury from taxes, any thing in this or any other act, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners of sequestration in the county of Tryon to supply the families of the persons here after mentioned with wheat meal, Indian meal, and milch cows, in like manner as they are authorized to do with respect to the persons mentioned in the act entitled "An act for the relief of certain distressed families therein mentioned," passed at this present meeting of the legislature, viz^t. The families of John Riema, the widow Rinckel, the widow Dinges, Adam Hartman, the widow Birkel the widow Schief, the widow Schenck, John Relsh, Christian Hofsteder, Michael Witrick, John Lentz, Jacob Lentz, Jacob Wolf, Balthazer, Valentine Miller, George Cronhard, Joseph Kesler, the widow Ayer, John Monderback, the widow Braun, Henry Franck, George Witrich, Michael Witrich, the widow Reller, Jacob Clemans, George Ransir, the widow Hiller, and the children under the age of fourteen years, of persons slain or carried into captivity by the enemy.

LAWS PASSED AT ALBANY IN THE SECOND SITTING OF THE FOURTH SESSION OF THE LEGISLATURE.

CHAP. 18.

AN ACT to amend an act, entitled "An act to complete the quota of the troops of this State, to serve in the army of the United States, during the war."

PASSED the 21st of February, 1787.

WHEREAS in and by the act entitled "An act to complete the quota of the troops of this State, to serve in the army of the United States during the war," it is among other things provided and declared, that each delinquent class should pay the sum of thirty pounds in specie, or in bills of the new emission. Preamble.

And whereas the said sum of thirty pounds hath been found insufficient to procure a recruit, and thereby the intention of the legislature in passing the said act for the purpose of compleating the army, has in a great measure been defeated.

Be it therefore 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 a farther day shall be and is hereby granted to every such delinquent class to procure a recruit, until the fifteenth day of March next, and that each and every class who shall not have delivered a man on or before the fifteenth day of March aforesaid, shall instead of the said sum of thirty pounds, be subject to pay the sum of eighty pounds. Further time allowed to procure recruits; amount to be paid.

Provided always, that nothing in this clause contained, shall be deemed or taken to extend to the counties of Tryon or Charlotte, or to such of the classes in the regiment commanded by colonel Peter Vrooman in Schoharie district, in the county of Albany, as have suffered by the invasion of the enemy, since the passing of the said act. Proviso exempting counties named, etc.

And be it further enacted by the authority aforesaid, That where any assessments of the said sum of thirty pounds shall have been made to and among the persons composing a delinquent class at any time previous to the said fifteenth day of March next, every such assessment shall be and is hereby declared null and void, and that where any monies have been levied in consequence of such assessments, the same shall be returned to the several persons from whom the same hath been so collected; and the treasurer of this State is hereby accordingly required to repay to the several field-officers, from whom he hath received the same, such fines of thirty pounds as aforesaid; and the said several field officers are also hereby required to repay the said fines to the serjeants or other persons from whom they received the same, and by whom the same shall be paid, according to their respective proportions, to the several persons composing such delinquent class, by whom the same was originally paid, or from whom the same was originally levied— And in cases where the fine hath been levied by a serjeant, the original sums shall be returned to the respective persons by such serjeant, together with the sum which he had, retained for his poundage in levying the same; and it shall be lawful for the commanding officers of the several regiments, by exemptions from occasional military services, to make such compensation to the several serjeants for their services, in levying such fines, as the said commanding officers shall severally deem reasonable. Assessments declared null and amounts collected to be refunded.

When persons advance specie to recruits they may recover proportion from others in the same class, etc.

And be it further enacted by the authority aforesaid, That where any person or persons in a class shall advance specie for a recruit, such person or persons shall recover from the other persons in the class their respective proportions of the sum in specie so advanced; and the justice of the peace, before whom a suit shall be commenced for the recovery of a sum in specie so advanced, shall in the execution to be issued in such suit, by a special clause to be inserted for the purpose, direct the constable to levy the damages to be specified in such execution, exclusive of the costs, in gold and silver — And where any person hath heretofore advanced specie for a recruit furnished in pursuance of the said act, a like remedy shall be and is hereby granted to such persons for the recovery of specie, excepting against such persons in the class who shall have already paid their respective proportions, either in paper currency or specie, any law of this State making paper currency a lawful tender, to the contrary, notwithstanding.

CHAP. 19.

AN ACT for the better establishing the rate of exchange between the bills emitted upon the credit of this State, pursuant to the act of congress of the eighteenth March seventeen hundred and eighty and the Continental currency theretofore issued.

PASSED the 22d of February, 1781.

Preamble.

WHEREAS the act entitled “An act approving of the act of congress of the eighteenth day of March, seventeen hundred and eighty, relative to the finances of the United States and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress,” passed the fifteenth June seventeen hundred and eighty, and the supplementary act thereto passed the thirtieth June seventeen hundred and eighty, fix a certain comparative value between the former Continental currency and the bills of credit directed to be issued by the said recited acts which, if longer continued, will tend to reduce the said bills of credit below their real value.

Parts of acts named repealed.

I. Be it therefore 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 from and after the passing of this act such parts of the said recited acts as respect the fixing of such comparative value as aforesaid between the said Continental currency and the said bills of credit or as respect the rate at which the treasurer of this State shall exchange the said bills of credit for the said Continental currency or the rate at which the said Continental currency shall be received in payment for taxes, shall be and the same are hereby repealed.

Proviso that act shall not alter comparative value as fixed.

Provided always that nothing in this clause contained shall be construed taken or deemed to alter the said comparative value so fixed as aforesaid, in the payment or receipt of any taxes laid in or made payable in the said continental currency by any act or acts passed prior to the passing of this act, but that the said taxes last mentioned shall and may be paid and received in the said bills of credit, at the rate of one dollar of the said bills of credit for every forty dollars in the said continental currency any thing to the contrary hereof in this act contained notwithstanding.

And whereas it may be convenient and beneficial to the inhabitants of this State that in the payment of taxes directed to be raised levied and collected, in the said bills of credit or in specie, by the act entitled "An act for raising by tax a sum equal to one hundred and fifty thousand dollars in specie" passed the tenth day of October last, or which may hereafter be directed to be so raised levied and collected by any act to be hereafter passed and in payment whereof the said bills of credit may be made receivable there should be afforded an alternative of paying in the said bills of credit, or the said continental currency.

Ibid, as to payments in specie, bills of credit, etc.

II. *Be it therefore further enacted by the authority aforesaid* That all such taxes directed to be levied by the said act last mentioned and that all taxes directed to be levied by any future act and in payment whereof the said bills of credit may be made receivable may be discharged and received in the said Continental currency, agreeable to the current rate of exchange between the said Continental currency and specie at the time of such payment as the same shall be fixed, ascertained and declared in manner herein after mentioned.

Taxes may be paid in Continental currency at current rate of exchange.

III. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for the treasurer of this State for the time being and he is hereby authorized and required at any time hereafter to give in exchange for the said Continental currency any sum in the said bills of credit which may be in his possession agreeable to the current rate of exchange as the same from time to time be fixed ascertained and declared, as herein after directed and the monies which he may so receive, consisting in the said Continental currency, to pay into the Continental loan office within this State and receive new bills for the same in like manner as is directed by the said supplementary act.

Lawful for treasurer to make exchanges.

Provided always that none of the said bills of credit shall be by him given in exchange as aforesaid after he shall have received from the commissioner of the Continental loan office for the time being within this State six tenths of the whole sum assigned as the quota of this State for emission and redemption, agreeable to the said act of congress of the eighteenth of March one thousand seven hundred and eighty, in exchange for any continental currency by him paid to the said commissioner or otherwise.

Proviso limiting exchanges.

IV. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for the governor, the lieutenant governor, the chancellor, and the judges of the supreme court, of this State the speaker of the assembly and the first judge of each county or any five of them whereof the person administering the government for the time being always to be one from time to time whenever the person administering the government for the time being shall deem it necessary and summon the said several other public officers for the purpose to ascertain fix and declare the then general current rate of exchange between the Continental currency aforesaid and specie, which rate of exchange so ascertained fixed and declared shall be considered deemed and taken as the true rate of exchange within this State (except in the payment of the taxes mentioned in the proviso to the first enacting clause of this act) between the said Continental currency and the said bills of credit from and after twenty days after the date of the proclamation herein after mentioned, and until twenty days from the date of the then next subsequent proclamation, which shall be published for the purpose.

Officers named to fix general rate of exchange.

That whenever and as often as the rate of exchange shall be so ascertained and declared the person administering the government shall cause the same to be notified by his proclamation to be published for the purpose and to be by him also transmitted to the treasurer of the State

Notice of rate to be given by proclamation, etc.

and the respective county treasurers who shall forthwith thereafter transmit certified copies thereof to the several collectors within their respective counties and that until such current rate of exchange shall be ascertained and declared by the said public officers herein before mentioned the same shall be and hereby is declared to be seventy five dollars of the said Continental currency for one dollar in specie and the same shall be and is hereby declared to be (except in the payment of the said taxes mentioned in the proviso to the first enacting clause to this act) the lawful rate of exchange between the said Continental currency and the said bills of credit and that each collector who shall collect any taxes in pursuance of the said act for raising a sum equal to one hundred and fifty thousand dollars in specie or of any act hereafter to be passed and made receivable in paper currency and who shall not within thirty days after the date of each respective proclamation pay into the county treasury the whole of the monies which he may have received for such taxes such collector shall upon future payments into the county treasury be deemed to have received the monies which upon each future payment he may pay into the county treasury agreeable to the rate specified in the then last proclamation.

Bills of credit to be received for taxes, etc.

V. *And be it further enacted by the authority aforesaid* That all bills of credit emitted by the authority of the legislature of the late colony of New York or by the authority of any provincial congress the said late colony or by the convention of this State prior to the fifteenth day of June one thousand seven hundred and eighty, shall and may be received and deemed in all payments for taxes fines and forfeitures and debts due to this State, equivalent to the said Continental currency.

And whereas, by concurrent resolutions of the senate and assembly passed the ninth day of September last, it was recommended to the treasurer of this State to continue to exchange the Continental currency beyond the time limited by law:

Treasurer indemnified.

VI. *Be it therefore enacted by the authority aforesaid* That for any exchanges so made in consequence of the said resolutions the said treasurer shall be and is hereby indemnified.

CHAP. 20.

AN ACT for the appointment of commissioners, to procure monies on loan, and clothing, for the use of this State.

PASSED the 7th of March, 1781.

Commissioners to be appointed.

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 be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to appoint and commissionate under the great seal of this State, three commissioners, to be denominated commissioners to procure monies on loan, and clothing for the use of this State; and in case of vacancies in the said office, to appoint other or others— That the said commissioners or any two of them, shall have power and authority from time to time to purchase clothing, not exceeding the amount of twenty thousand pounds, and to borrow monies not exceeding the amount of one hundred thousand pounds for the use of this State, upon such terms and conditions for the several purposes

Powers of.

aforsaid, as they shall deem most advantageous for the State; and to make and enter into any promises contracts and engagements and to bind the faith and honor of this State for the performance of such promises, contracts and engagements— That in all cases where the said commissioners shall take any monies on loan upon condition that the principal shall be paid off and discharged in specie the legislature will provide for such payment and discharge in specie any law of this State making paper currency a lawful tender notwithstanding.

Payments to be made in specie.

That the public faith of this State shall be and is hereby pledged to the said commissioners, for an indemnification against any contracts which they may enter into in their respective private capacities, for the procuring monies on loan, and clothing for the use of this State:

Public faith pledged.

Provided nevertheless, that nothing in this act contained, shall authorize the said commissioners to enter into any contracts or engagements, for and concerning the sale or mortgage of forfeited lands, or whereby to bind this State to allow an higher interest than five per cent per annum, for any monies which they may take upon loan, consisting in bills of the new emission, and emitted upon the credit of this State—

Proviso as to sale of mortgaged lands and rate of interest.

That the said commissioners shall from time to time, and whenever thereunto required by the person administering the government of this State for the time being, inform the said person, of all and singular their proceedings and transactions, in the execution of the trust hereby committed to them; and shall account with the said person administering the government, or such other person as he shall appoint for the purpose, for all monies received or expended by them in the execution of the said trust — That it shall be lawful for the said person administering the government, whenever he shall deem it necessary, by instructions to the said commissioners, to limit and abridge the powers and authorities of the said commissioners, and direct them in the execution of the said trust, in such manner as he shall deem expedient, any thing herein contained to the contrary notwithstanding — That the said commissioners shall pay into the treasury of this State, as they shall, from time to time receive the same, all monies which they shall take on loan for the use this State, except such sums as they shall detain to defray the expence of the business hereby committed to them — That the clothing to be procured by the said commissioners, shall be delivered to the commissary to purchase clothing for this State — That the public faith of this State, shall be and is hereby pledged to the said commissioners, for such compensation for their services and expences in the execution of their said trust, as to the legislature shall hereafter appear just and reasonable. And that the said commissioners before they respectively enter on the execution of their said office, take the following oath before one of the judges of the supreme court of this State, or before one of the judges of either of the counties within this State, and which, each of the said justices is hereby authorized to administer, viz.: I — appointed one of the commissioners to procure monies on loan, and clothing for the use of this State, do solemnly swear in the presence of Almighty God, that I will faithfully and honestly execute the trust reposed in me, so help me God."

To inform governor of their proceedings.

Governor may issue instructions to.

Moneys to be paid into treasury and clothing delivered to commissary.

Compensation to be made.

Official oath.

Form of.

And to the end that a fund may be established for the payment of the interest of the said monies so to be taken on loan, and of the interest upon any contracts which may be entered into by the said commissioners, for the purpose of procuring clothing.

Fund to be created to pay loans.

Be it further enacted by the authority aforsaid, That the following several sums of money shall be and hereby are charged as an annual tax on the following respective articles, that is to say, ten shillings upon each

Annual tax levied.

male slave, between the ages of sixteen and forty five years; five shillings on each female slave between the ages as aforesaid; twenty shillings on each coach, chariot, phaeton, and four wheel chaise, eight shillings on each curricule, two wheel chaise, kittereen, riding chair, and sulkey, eight shillings on each metal wheel clock; four shillings on each watch, and two pence on each ounce of wrought plate. That gold and silver only and no other species of money shall be received in payment for the said tax at the rate of eight shillings for a Spanish milled dollar, or other coins in the like proportion, any other law to the contrary notwithstanding— That a moiety of the said tax shall be collected in the month of October, and the other moiety thereof in the month of April, in every year and the first moiety of the said tax shall be collected in the month of October next

Only gold and silver to be received in payment of tax. When tax to be collected.

Meeting of officers named to receive lists of articles; when officers named to form list.

— That the supervisors and assessors in the several wards, towns, manors, districts and precincts, shall meet on the third Tuesday in August in every year, at the usual place of town meeting, or such other place as the supervisor by public notice, to be affixed in at least four places in the ward, town, manor, district or precinct, shall assign for the purpose of receiving from the several persons residing within the ward, town manor district or precinct, and possessing the articles above enumerated, lists of the articles possessed by them respectively— That if any person shall not deliver in to the supervisor and assessors at the time and place so appointed, or shall not have delivered in to the supervisor or either of the assessors, at any time within two weeks then next preceeding, a list in writing of such of the said articles as were possessed by the said person on the last day of July then last past, the supervisor and assessors shall form lists for the said several persons so in default, agreeable to what the supervisor and assessors shall deem to be the amount of plate, or number of other articles possessed by the said persons respectively, and the several articles in the list of the several persons so in default, shall in such year be taxed threefold— That if any

Penalty for not making correct list.

person who shall deliver in a list, shall not insert in such list the whole of the articles possessed by such person, on the day for that purpose above specified, the person so offending shall pay in such year a threefold tax for each article so omitted; and if the supervisor and assessors, when so met together on the said day for that purpose above mentioned, shall adjudge that any person hath so omitted any article, they shall add to the list of such person the articles so adjudged to have been omitted— That in case any articles shall be added to a list, or in case

Notice to persons named to show cause why they should not pay threefold tax.

any list shall be formed by the supervisor and assessors, the supervisor shall forthwith thereafter make out advertisements, and affix them in at least six places in each ward, town, manor, district or precinct, containing the names of the several persons to whose lists any articles shall have been added, or for whom lists shall have been formed, and the several articles so added and the several articles contained in the lists so formed, and notifying the several persons therein named to appear before the supervisor and assessors, at such time, not less than ten nor more than twenty days from the date of such advertisement, and at such place as the supervisor shall appoint, to show cause why they should not

Hearing of complaints etc.

respectively pay a three fold tax for the said articles respectively— That at such time and place it shall be lawful for the supervisor and assessors to enquire into the complaints of the several persons who may deem themselves aggrieved by reason that lists had been formed for them respectively, or by reason that any articles had been added to the lists delivered in by them respectively, and to examine the party, or any persons who may be produced as witnesses, on oath, and which oath the supervisor, or in case of his absence either of the assessors, are hereby re-

quired to administer, and if it shall upon such enquiry appear to the supervisor and assessors, that the person who was adjudged a defaulter in not delivering in a list, was not on the said third Tuesday in August then last past, or at any time during the space of two weeks preceeding the said third Tuesday in August, a resident in the ward, town, manor, district or precinct, or was not on the first day of June then last past, possessed of any of the articles above enumerated, the supervisor shall destroy the list which may have been formed for such person; or if upon such enquiry it shall appear to the supervisor and assessors, that any person who shall have been adjudged to have omitted any articles in manner as is above mentioned, had delivered in a true list of all the articles possessed by such person on the first day of July then last past, to deduct from the list delivered in by such person, the articles which may have been added — That the supervisor shall forthwith after such day of hearing make out a tax-list for the ward, town, manor, district or precinct, to contain the names of the several persons who shall have delivered in lists and the names of the several persons who shall have delivered in lists, and the names of the several persons for whom lists shall have been formed, and which shall not upon the said day of hearing have been destroyed, and opposite to the names of the said persons respectively, the amount of the tax to be paid by them respectively, and to be computed at the several rates herein before specified for the said several articles, except that the articles contained in the lists formed by the supervisor and assessors, in cases of default to deliver in lists as aforesaid, and the articles so added in case of an adjudged omission as aforesaid, which shall severally be computed at treble, the said respective rates — That the supervisor shall thereupon deliver to the collector the tax-list for the ward, town, manor, district or precinct, and which tax list signed by the supervisor shall be a sufficient warrant to the collector for collecting the tax therein mentioned, in the usual manner, one moiety thereof within thirty days from the time of the delivery of the tax list, and the other moiety at any time during the month of April then next ensuing.

Tax list.

To be delivered to collector for collection.

Provided that no species of money other than gold or silver at the rates aforesaid, shall be received in payment for any distress which may be sold for non-payment of the said tax, any law to the contrary notwithstanding — That the supervisor shall forthwith after he shall have delivered the tax list to the collector, transmit a copy thereof to the treasurer of the county, with a certificate certifying that the original was delivered to the collector, and the day when the same was so delivered — That if the collector shall not within thirty days from the day mentioned in such certificate, or on or before the last day of October in such year, which ever shall last happen, have collected and paid into the county treasury, the one moiety of the tax specified in the tax list, and the other moiety thereof on or before the last day of April then next ensuing, except such parts as should have been paid by persons having no goods or chattles whereon distress could be made for non-payment of the said tax, and whose names shall be returned to the treasurer of the county by the collector on or before the expiration of the said respective time last mentioned, the treasurer of the county shall thereupon forthwith issue a warrant under his hand, to the sheriff of the county, in the nature of an execution, commanding him to levy of the goods and chattles lands and tenements of such collector, the whole of the tax which shall then remain unpaid by the collector, except as before excepted, and exclusive of the poundage due to the collector on

Only gold and silver to be received.

Copy tax list to be transmitted to county treasurer. If collector falls to collect or pay over within time named treasurer to issue warrant in form of execution, to sheriff, etc.

the sum so in arrear — That such execution shall be of the form following that is to say,

Form of.

"A B, treasurer of the county of To the sheriff of the said county — You shall cause to be made of the goods and chattles, lands and tenement of collector of in the said county, the sum of in gold or silver, and have you these monies ready to be paid to me, and also this warrant, at the next inferior court of common pleas to be held in and for the said county. Given under my hand this day of in the year of the independence of this State."

Treasurer to have like remedy as in case of writ.

Warrant to be filed, poundage, etc.

That the treasurer of the county shall have a like remedy to compel the execution and return of the said warrant, and to recover from the sheriff the monies which he may levy upon such warrant, in like manner as in case of a writ of *feri facias*, issued at his own private suit —

That the said warrant shall upon the return thereof be filed among the records of the court, wherein the same shall be returned, and the sheriff shall upon such warrants be entitled to the usual poundage, to be levied exclusive of the sum therein mentioned — That the collector shall be allowed at the rate of nine pence in the pound for collecting the tax, to be detained by him out of the tax which he shall collect, in pursuance of the act —

Payment into State treasury.

That the county treasurer shall pay the monies he shall receive as the tax to be raised in pursuance of this act, into the treasury of this State, forthwith as he shall from time to time receive the same, and shall be allowed for his services in receiving the said tax, and paying the same into the State treasury, a commission of one quarter per cent, to be retained out of the taxes which he may receive —

When collections to be completed.

That the collector to whom a tax list shall be delivered is hereby authorized and required to complete the collecting of the tax mentioned in such list, notwithstanding the year for which such collector was elected, may have expired before such collection may be completed —

Meetings.

And that if by the invasion of the enemy a sudden call of the militia, or other accident, the supervisor and assessors should be prevented from meeting on either of the several days herein before specified, it shall be lawful for the treasurer of the county to appoint other days and times for the supervisor and assessors to meet and perform any of the duties required of them by this act, and for the inhabitants to deliver in lists and for the collector to collect the tax, any thing herein contained to the contrary notwithstanding, so as the collector shall be allowed one month for collecting each moiety of the said tax, and so as at least three months shall intervene between the collecting of the said respective moieties, and so as the last moiety shall be collected before the last day of May then next ensuing —

Adjournments.

That if the supervisor and assessors shall not have completed the business hereby required of them to be done on the said several days of meeting, it shall be lawful for them to adjourn for the purpose of completing the said business, from day to day, not exceeding four days — That in case of the absence of the supervisor it shall nevertheless be lawful for a majority of the assessors to proceed on and complete the business aforesaid, and the lists shall in such case be delivered by one of the assessors to the supervisor —

Compensation.

That the supervisor and assessors shall be allowed for their respective services and expences in the execution of this act, each the sum of eight shillings of lawful money of this State per day, exclusive of the incidental expences of clerks messengers and paper, and which wages and incidental expences shall be paid as the contingent charges of the county, to be charged nevertheless, to the ward, town, manor, district or precinct, where the same accrued.

And be it further enacted by the authority aforesaid, That if any supervisor or assessor, shall neglect to do or perform any of the duties required of them respectively by this act, the person so offending shall for each offence forfeit the sum of twenty five pounds, to be recovered by the treasurer of the county, by suit, in his own name, with costs — and in the execution to be issued in such suit, a clause shall be added for levying the debts, therein mentioned, in gold or silver, and the said debt when received by the said county treasurer, shall be deemed as part of the tax to be levied in pursuance of this act, and as such shall be paid into the treasury of this State — That if any supervisor or assessor shall not deliver in a list of the articles possessed by them respectively, at the time for that purpose herein before specified, or delivering in a list shall knowingly omit any articles thereout, the person so offending shall be prosecuted for the same by indictment or information, and shall upon conviction, suffer the pains and penalties prescribed by law in cases of wilful and corrupt perjury; and the courts of quarter or general sessions of the peace, shall also have jurisdiction of the said offence.

Penalty for neglect of official duty.

And be it further enacted by the authority aforesaid, That if any person shall be possessed of any of the articles aforesaid, in trust or as executor, administrator or guardian, they shall notwithstanding be liable to pay the tax hereby charged on such articles, in like manner as if they possessed them in their own right respectively; and it shall be lawful for them to charge the tax paid for such articles to the respective persons, in trust, for whom such articles are possessed, or to the estates of the respective testators or intestates, or to the respective wards, as the case may be — That where any person being an infant under the age of twenty one years, and residing with his or her father, or in case of the death of the father, then with the mother, shall be possessed of any of the articles aforesaid, such articles shall be deemed to be possessed by the father or mother, as the case may be, so far forth, as that the father or mother, as the case may be, shall be subject to deliver in a list of such articles, and be taxed for the same — That if any person shall possess any of the said articles in one ward, town, manor, district or precinct, and others of them in another ward, town, manor, district or precinct, such person shall on or before the said last day of July make his election in which ward town manor district or precinct he chooses to be so taxed for the whole of the said articles, and signify the same to the supervisor or one of the assessors, who shall thereupon give him one or more certificates thereof, and the same being delivered to the supervisor or assessors of any other ward town manor district or precinct, shall be deemed a sufficient justification to them not to tax such person as aforesaid. That no clock-maker, or watch-maker, shall be subject to be taxed for more than one clock and watch — That no person shall be subject to be taxed for any wrought plate, other than house-hold plate made of solid silver, or for any wrought plate, unless such person shall be possessed of more than sixteen ounces; and that no silver smith shall be subject to be taxed for any plate made for sale, any thing herein contained to the contrary notwithstanding.

Persons holding articles in trust to pay tax, etc.

Father or mother of infant owner to be taxed.

Persons named may elect where to be taxed.

Makers to pay on only one clock, etc.

And be it further enacted by the authority aforesaid, That if any person shall fraudulently divest himself or herself, of the possession of any article, with intent to avoid payment of the tax upon such article, such person shall notwithstanding be deemed to be in possession of such article, so far forth as to be subject to pay the tax upon the same.

Persons to be deemed in possession.

And be it further enacted by the authority aforesaid, That the several articles herein before enumerated shall not in any assessments to be made within this State after the first day of June next, other than for to be

Articles enumerated not to be

deemed part of personal estate.

the tax to be raised in pursuance of this act, be deemed as composing a part of the personal estate of any person; and shall accordingly after the said first day of June next, be exempted from every tax, other than the said tax to be raised in pursuance of this act.

Tax pledged to payment of interest, etc.

And be it further enacted by the authority aforesaid, That the tax to be raised in pursuance of this act, shall be and is hereby declared to be pledged and mortgaged for the payment of the interest of the monies to be taken on loan, and of the interest of the debts to be contracted for such clothing as aforesaid, by the commissioners to be appointed in pursuance of this act; and the public faith of this State is hereby pledged to the several lenders, that the said tax shall not, until the whole of the principal and interest of the monies so to be taken on loan, and of the said debts so to be contracted for clothing is discharged, be appropriated to any purpose, other than the discharge of the said principal and interest;

Surplus may be appropriated for other purposes.

Provided nevertheless that if at any time during the war it should appear to the legislature, that there is in the State treasury a surplus of monies arising from the tax to be raised in pursuance of this act, after retaining a sufficient sum for the payment of such interest as shall then be due, and that a sufficient sum for the discharge of future interest will arise from the said tax before such future interest shall become due, that in such case, such surplus may be appropriated to such other purposes as the legislature shall deem proper.

Moneys, how to be drawn from treasury.

And be it further enacted by the authority aforesaid, That the monies to come into the treasury from the tax to be raised in pursuance of this act, shall be drawn from the treasury upon the warrant of any two of the commissioners to be appointed in pursuance of this act, and to be applied by them to the discharge of the interest of the monies which they shall so take on loan, and of the interest of any contracts which may be entered into by them for the purpose of procuring clothing as aforesaid, except in cases of such surplus as aforesaid, when the said tax shall be drawn from the treasury, in such manner as the legislature shall by special act appoint and direct.

CHAP. 21.

AN ACT further to continue and amend an act, entitled "An act to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of one hundred pounds and under, and for suspending an act therein mentioned."

PASSED the 7th of March, 1781.

Act named continued in force.

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 the said act, and also an act entitled "An act to amend an act entitled, An act to empower justices of the peace, mayors, recorders, and aldermen, to try causes to the value of one hundred pounds and under, and for suspending an act therein mentioned," passed the fifth day of October last, be, and every clause, article and thing in the said acts contained, which are now in force, are hereby continued, and the said acts shall remain in full force, until the first day of March in the year of our Lord one thousand seven hundred and eighty three.

And be it further enacted by the authority aforesaid, That all actions and suits which have been commenced in the supreme court of judicature or any of the inferior courts of common pleas or mayor's courts within this State, between the twenty-sixth day of February in the year of our Lord one thousand seven hundred and eighty, and the fifth day of October in the same year, though the sum or thing sued for be under the value of ten pounds, shall and may be proceeded in, to judgment and execution, as fully and effectually as if the said act entitled "An act to amend an act entitled An act to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of one hundred pounds and under, and for suspending an act therein mentioned," had, never been passed, any thing in the said last mentioned act to the contrary thereof in anywise notwithstanding.

Actions named may be prosecuted to judgment, etc.

III. *And be it further enacted by the authority aforesaid,* That the justice or jury ascertaining the depreciation in the manner prescribed by the act entitled "An act to amend an act entitled An act to empower justices of the peace, mayors recorders and aldermen, to try causes to the value of one hundred pounds and under and for suspending an act therein mentioned," in cases where depreciation shall be allowed, shall not allow a depreciation exceeding seventy five dollars of the bills of credit emitted on the credit of the United States previous to the eighteenth day of March last, for one dollar in specie, or of the emission made in consequence of the act of congress of the eighteenth of March last, or not exceeding such other depreciation as shall from time to time be declared by proclamation to be issued in pursuance of an act entitled "An act for the better establishing the rate of exchange between the bills emitted upon the credit of this State pursuant to the act of congress of the eighteenth of March one thousand seven hundred and eighty, and the Continental currency theretofore issued," passed this present meeting of the legislature.

Depreciation to be allowed by justice or jury limited.

CHAP. 22.

AN ACT to extend to the several persons therein named the benefit of the law for making compensation to the troops for the depreciation of their pay, and for other purposes therein mentioned.

PASSED the 9th of March, 1781.

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 be lawful for the auditors, appointed in pursuance of the "Act, to liquidate and settle the accounts of the troops of this State in the service of the United States;" to liquidate and settle the accounts of Major General McDougal, and such persons belonging to his suite, who, at the time they entered into the service, were inhabitants of this State; of Brigadier General James Clinton, and such persons belonging to his suite, as, at the time they entered into the service, were inhabitants of this State; and of the Reverend John Gano, chaplain to the brigade under the command of Brigadier General James Clinton, and the Reverend John Mason, chaplain to the garrison at West Point, and grant to them, respectively, certificates, in like manner as in the said act is directed, with respect to the officers and privates serving in either of the Continental battalions raised under the direction of this State; and

Accounts of General McDougal and others to be settled.

that the accounts of the said several officers above mentioned shall be settled agreeable to the establishment of daily or monthly pay, at the respective periods when the pay accrued.

Ibid. of non-commissioned officers and privates.

And be it further enacted by the authority aforesaid ; That it shall be lawful for the said auditors to liquidate and settle the accounts of, and give the requisite certificates to, all non-commission officers and privates, who, upon the last arrangement of the army, have joined, or may join, either of the battalions of this State, in the service of the United States, from other regiments or corps ; notwithstanding the said non-commission officers and privates were not inhabitants of this State, at the time they respectively entered into the corps, in which they respectively served before they joined the said battalions raised under the direction of this State.— That it shall be lawful for the said auditors, in liquidating the accounts of surgeons and surgeons-mates, to liquidate the said accounts, respectively, on the following establishment of pay ; viz. A surgeon, sixty dollars per month ; and all settlements of the accounts of surgeons and surgeons-mates, heretofore made agreeable to the said establishment, are hereby declared legal, any thing in the said act to the contrary notwithstanding.—

Surgeons, etc., pay of.

Proviso as to compensation of reduced officers.

And whereas doubts have arisen on the said act, whether officers, heretofore reduced, are entitled to a compensation for the depreciation of the pay for one year which upon such reduction was advanced to the said officers.—

Not lawful to liquidate depreciation, etc.

Be it therefore further enacted by the authority aforesaid ; and it is hereby declared, That it shall not be lawful for the said auditors, at any time hereafter, to liquidate the depreciation of the said pay for one year so advanced.

Grant certificates, etc., only to line officers.

And be it further enacted by the authority aforesaid ; That it shall not be lawful for the said auditors, until the legislature shall make further provision in the premisses, to liquidate the accounts of, or grant certificates to, any commission officers, other than such as belong to the line of this State, and such officers as are herein before mentioned.

Proviso as to number of certificates.

And whereas in and by the said act the said auditors were directed to give to each person one certificate for the ballance due to him

And whereas it hath been conceived beneficial for the persons entitled to such certificates that they should be permitted to receive such number of certificates and in such several sums as they shall elect not to exceed in the whole the amount of the ballance due.—

Number limited to ten.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for the said auditors to give to each person such number of certificates not exceeding ten, and for such respective sums not exceeding in the whole the amount of the ballance due as such person shall elect and that all certificates so given or to be given shall be and are hereby declared to be legal any thing in the said act to the contrary notwithstanding.

CHAP. 23.

AN ACT to raise troops for the immediate defence of the State.

PASSED the 10th of March, 1781.

Troops to be raised for immediate defense of State.

I, 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 troops shall, be raised for the immediate defence of the State, for

the ensuing campaign, be paid, subsisted, officered, arranged into corps, be subject to the continental articles of war, and be provided with arms, accoutrements and a blanket, in like manner and under the same pains and penalties, as is directed and provided in and by the act for raising troops for the defence of the frontiers, passed the eleventh day of March last, and to serve until the first day of January next, unless sooner discharged; and this act shall in like manner be carried into execution by general orders from the person administering the government for the time being, so as each class instead of consisting of thirty five names, shall consist of twenty names, any thing in the said act to the contrary notwithstanding.

II, *And be it further enacted by the authority aforesaid,* That in case all the classes in a regiment should be delinquent, that each class in such regiment shall be subject to pay a sum equal to double the amount of the highest bounty which shall have been given by any class in any adjoining regiment, which shall then have procured a recruit.

Amount to be paid by delinquent class.

III, *And be it further enacted by the authority aforesaid,* That the benefit of a certain clause in the act, for amending the act to complete the quota of the troops of this State to serve in the army of the United States, passed at this present meeting of the legislature, giving to persons who shall advance specie for a recruit a remedy to recover in specie the monies so advanced, shall be extended to persons who shall advance specie for a recruit to be raised in pursuance of this act, and that in every suit for the recovery of monies advanced for a recruit to be raised in pursuance of this act, it shall be lawful for the justice to grant execution forthwith after judgment, any law to the contrary notwithstanding.

Benefit of clause in act named extended.

IV, *And be it further enacted by the authority aforesaid,* That if any person belonging to the levies to be raised in pursuance of this act shall be convicted of desertion, it shall be lawful for the court martial to adjudge such person to serve in either of the Continental battalions raised under the direction of this State, in like manner as is provided by the Act for raising levies to reinforce the army of the United States, passed the twenty-fourth day of June last.

Persons convicted of desertion may be sentenced to serve in Continental battalions.

V *And be it further enacted by the authority aforesaid, and it is hereby provided,* That the people called Quakers shall be liable to be classed in like manner as other male inhabitants, any exemption in favor of the said people in any other law to the contrary notwithstanding.

Quakers to be classed.

VI *And be it further enacted by the authority aforesaid,* That if the assessors shall neglect or refuse to meet, or meeting, shall neglect or refuse to assess they shall respectively instead of the sum of one hundred pounds mentioned in the said act first above mentioned, be subject to pay the sum of twenty five pounds in specie, or in bills of the new emission, any thing in the said act to the contrary notwithstanding.

Assessors, penalty for neglecting to meet, &c.

VII *And be it further enacted by the authority aforesaid,* That in case of such neglect or refusal by a majority of the assessors, it shall be lawful for the commanding officer of the regiment in which such neglect or refusal may happen and he is hereby required together with four other commissioned officers to be by him convened to make the assessment and such assessment subscribed by him and any two of them shall be and hereby is declared to be as legal and valid as if the same had been made by the assessors.

When officers named may make assessment.

And be it further enacted by the authority aforesaid, That in addition to the penalty above inflicted on a delinquent class, it shall be lawful for the person administering the government for the time being by general militia orders, in such manner as he shall deem most expedient,

Governor may order able bodded man detached

to serve in levies.

Person detached to join and serve.

Compensation.

to cause an able bodied man (not being of the people called Quakers) to be detached from each delinquent class, and to serve in the levies to be raised in pursuance of this act — That each person being so detached shall after notice thereof left at his usual place of abode, be deemed as belonging to the said levies — That each person so detached as aforesaid, who shall within convenient time thereafter join and serve in the said levies until the expiration of the said term, or until regularly discharged shall be entitled to receive from the treasury of this State the sum of fifteen pounds in bills of the new emission, and exclusive of wages, upon the certificate of the person administering the government for the time being — and the person administering the government for the time being is hereby required whenever it shall appear probable from the report of, or upon return of any officer in the said levies, or otherwise, that any person so detached hath complied with the terms aforesaid, to give such person a certificate thereof, and the treasurer of the State is hereby directed to pay to the person named in such certificate, the said sum of fifteen pounds, out of any monies which may then be in the treasury, not specially appropriated. And that it shall be lawful for any commission-officer appointed in the said levies, to receive a gratuity by way of bounty from one class only, and the class giving such gratuity shall in such case be exempted from furnishing a recruit.

Amount of bounties paid to be returned, etc.

IX *And be it further enacted by the authority aforesaid,* That the commanding officers of the several regiments shall return to the person administering the government, the amount of the several bounties paid by the respective classes, and such returns shall by the person administering the government be delivered to the treasurer of this State to be filed in the treasury to the end that upon a final adjustment of the accounts of the several States this State may have credit for the amount of the said bounties as monies advanced by this State towards defraying the general expences of the war.

Commissioned officers, penalty for neglect of duty.

X. *And be it further enacted by the authority aforesaid,* That each commission-officer of the militia who shall neglect or refuse to do or perform any of the duties required of, or enjoined on him, by this act, or by such general orders as aforesaid, shall for each offence forfeit the sum of fifty pounds in specie, or in bills of the new emission, to the people of this State, to be recovered by the treasurer of this State, by suit in his own name, with costs, and in every such suit, it shall be lawful for the plaintiff to declare generally that the defendant did at the time and place, or times and places, expressed in the declaration, neglect and refuse, or neglect or refuse, as the case may be, to perform the duties required of him by general militia orders, issued in pursuance of this act. Provided that the plaintiff shall not be permitted to give evidence upon the trial, of any neglects or refusals, other than such as shall be specified in a notice in writing, to be served upon the defendant or his attorney, at least twenty days before the service of the notice of trial, and it is hereby made the duty of the attorney general upon the order of the person administering the government, to commence and prosecute to effect such suit against every officer charged with such neglect or refusal.

Evidence on trial

Persons named not exempt.

And be it further enacted by the authority aforesaid, and it is hereby provided That none of the persons who have heretofore procured others to enlist in either of the Continental battalions raised under the direction of this State, shall on account thereof be exempted from being classed and paying their proportion of bounty which may be given by the class to which they may respectively belong.

Provided always that they shall not be liable to be detached unless the time for which they respectively engaged a man to serve as aforesaid shall have expired any thing in the said act passed the twenty first day of March last notwithstanding.

Not to be detached.

CHAP. 24.

AN ACT more effectually to collect the deficiencies in assessments of wheat and to lay an embargo on the exportation of flour meal and wheat out of this State.

PASSED the 10th of March, 1781.

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 an embargo shall be and is hereby laid on the exportation of flour meal and wheat out of this State to take effect on the sixth day after the passing of this act and under the same penalties and to be recovered and applied in like manner as is specified in the "Act to prohibit the exportation of flour meal and grain out of this State," passed the thirteenth day of March one thousand seven hundred and seventy eight, as the same is amended by the act, passed for that purpose on the twentieth day of October, one thousand seven hundred and seventy nine. And in order to render the said embargo more effectual.

Embargo laid on exportation of flour, etc.

Be it enacted by the authority aforesaid That it shall be lawful for the person administering the government of this State for the time being to issue a general warrant of impress to the agent for this State to impress wheat and flour within this State. That the said agent be instructed, in pursuance of the said warrant, to impress only such wheat or flour as shall be attempted to be exported. That the said agent be further instructed, in cases of impresses of flour meal or wheat attempted to be exported, before the said embargo shall take effect, to give to the several persons from whom the same shall be impressed, the usual certificates for the amount thereof; and in cases of impresses of flour meal or wheat seized and condemned as being attempted to be exported, without a licence after the said embargo shall take effect, to give to the person making the seizure, the usual certificates, inserting therein that the articles therein mentioned were seized and condemned, for the amount of the moiety of the flour meal or wheat which by virtue of such seizure such person may be entitled to; and that the said agent be further instructed in his account with the State to charge himself with the amount of the other moiety which by virtue of such seizure accrued to this State. That the said warrant and embargo shall not continue in force longer than until there shall have been furnished by or procured within this State for the use of the army of the United States, since the first day of December, one thousand seven hundred and seventy nine, by purchase, assessment or impress to the amount of thirteen thousand nine hundred and sixty nine barrels of flour or an equivalent in wheat, computing five bushels of wheat to one barrel of flour, and that as soon as from the returns of the said agent or otherwise it shall appear probable to the person administering the government of this State for the time being, that this State hath since the first day of December one thousand seven hundred and seventy nine, including occasional supplies to the militia and Indians, furnished the quota of flour assigned to this State by the act of congress of the twenty fifth day of February,

Governor to issue general warrant of impress against wheat and flour attempted to be exported.

How long embargo to continue in force.

one thousand seven hundred and eighty, forthwith to supercede the said warrant and issue his proclamation for taking off the said embargo, and the said embargo shall from and after the day for that purpose to be specified in such proclamation be deemed and is hereby declared to be taken off.

Wheat, etc., from time of impressment be deemed to be in possession of agent.

And be it further enacted by the authority aforesaid That in all cases where the said agent or either of his assistants or any person properly deputed by him for the purpose shall impress any wheat either threshed or in the straw or any flour or other article, the said wheat flour or other articles shall from and immediately after and by virtue of such impress be deemed to be in the possession of the said agent and he shall upon the removal concealment or detention of the said wheat flour or other articles so impressed, be entitled to recover the value thereof in an action of trover and conversion in his own name with costs against the person in whose possession the same was immediately before the same was impressed and the monies to be recovered in every such suit shall when received by the said agent be credited by him to the State and shall be expended by him in the execution of his office.

Wheat furnished deputy commissary general deemed part of amount mentioned in this act.

And be it further enacted by the authority aforesaid That the quantity of wheat and flour furnished under or by the authority of this State to Jacob Cuyler Esquire late deputy commissary general of purchases his agents or assistants between the first day of December, one thousand seven hundred and seventy nine and the first day of August one thousand seven hundred and eighty, and whereof the said Jacob Cuyler is hereby required to make a return unto his excellency the governor on or before the fifteenth day of March instant shall be deemed and considered by his said excellency, as a part of the said thirteen thousand nine hundred and sixty nine barrels of flour mentioned in this act.

Proviso as to refusal to deliver articles assessed.

And whereas in and by the "Act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State and more effectually to prevent supplies of cattle to the enemy" passed the twenty fourth June last it is declared that if any person should refuse or neglect to deliver the respective quantities of the several articles which he or she should be assessed to furnish such person should be subject to the forfeiture in the said act mentioned.

Ibid. as to persons not possessed of quantity assessed.

And whereas in many instances persons who have been assessed to furnish flour or wheat, were not at the time of the assessment or at any time afterwards possessed of the quantity assessed upon them respectively, beyond what was necessary for seed and the support of their respective families, and in many instances persons have concealed the flour or wheat assessed upon them; by reason whereof the said act with respect to such persons hath proved ineffectual; and it is therefore requisite that further provision should be made for the more effectual collection of the said assessments of the said wheat and flour under the said act.

Forfeiture in lieu of that named in act referred to.

Be it therefore further enacted by the authority aforesaid That in lieu of the said forfeiture if any person assessed in pursuance of the said act shall not within six days after such person shall be notified after the passing of this act by the said agent or either of his assistants or by any person employed by the said agents or either of his assistants for the purpose of the quantity of wheat or flour assessed upon such person, under the act aforesaid, and of the place where the same is to be delivered, deliver the quantity of wheat or flour assessed upon him or her, the person so offending shall forfeit double the value of the flour

or wheat assessed upon such person, and which shall not have been delivered, estimated at the several prices mentioned in the said act and to be recovered by the said agent or either of his assistants in the name of the said agent in a summary way before any justice of the peace of the county, and the jurisdiction of such justice is hereby extended to such suit notwithstanding the sum in demand may exceed the sum of ten pounds and the justice shall issue execution forthwith after judgment any law to the contrary notwithstanding; and that the said monies when recovered shall be expended by the said agent in the execution of his office and in his accounts he shall credit the State with the amount thereof.

Provided nevertheless that if any person so assessed shall previous to the commencement of such suit appear before the said agent or either of his assistants and declare upon oath and which oath the said agent and each of his assistants are hereby authorized to admintster, that he or she, the said person was not at the time when he or she was so assessed or any time since, possessed of or did not own the quantity of wheat assessed upon him or her, beyond what was necessary to supply his or her family with bread until the first day of September next after the passing of this act and beyond what he or she hath sown upon his or her farm during the last seed time that in such case it shall not be lawful for the said agent or either of his assistants to commence such suit against the person taking such oath as aforesaid; and further that if upon the trial of such suit as aforesaid, the defendant shall take such oath as aforesaid before the justice before whom such trial shall be had and if the defendant shall thereupon pay the costs on both sides which shall then have accrued in such suit the justice shall be and is hereby prohibited from further proceeding in such suit.

Proviso as to declaration on oath to be made by persons not possessed of wheat, &c.

And be it further enacted by the authority aforesaid That such parts of the said act passed the twenty fourth day of June last as inflict a penalty on persons neglecting or refusing to deliver quantity of articles assessed upon them respectively shall be and are hereby repealed

Parts of act repealed.

Provided nevertheless that nothing herein contained shall be construed to repeal a certain clause in the act entitled an "Act more effectually to draw forth the quota of supplies allotted to this State, to procure further supplies and to repeal the laws prohibiting the exportation of flour meal and grain out of this State and the purchases of flour meal and wheat with intent to be sold again" passed the twenty second day of September last whereby the person administering the government is authorized to grant warrants of impress; so as in pursuance of such warrants there shall be impressed only from the respective persons assessed in pursuance of the said act passed the twenty fourth day of June last the deficiencies of the several articles assessed upon the said persons respectively.

Clause not repealed.

CHAP. 25.

AN ACT for the better determination of personal actions depending upon accounts.

PASSED the 12th of March, 1781.

WHEREAS, instead of the antient action of account, suits are of late, for the sake of holding to bail and to avoid the wager of law, frequently brought in assumpsit; whereby the business of unravelling long and in-

Preamble.

tricate accounts, most proper for the deliberate examination of auditors, is now cast upon jurors, who, at the bar, are more disadvantageously circumstanced for such services and this burthen upon jurors is greatly increased, since the law made for permitting discounts in support of a plea of payment; so that by the change of the law and practice abovementioned, the suits of merchants and others, upon long accounts, are exposed to erroneous decisions and jurors perplexed and rendered more liable to attainments, and by the vast time necessarily consumed in such trials, other causes are delayed, and the general course of justice is grealy obstructed.

Where trial involves examination of long account, cause may be referred with or without consent of parties.

Be it therefore 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 whenever it shall appear probable in any cause depending in the supreme court of judicature or in any inferior court of common pleas, or mayors court in this State (other than such as shall be brought by or against executors or administrators) that the trial of the same will require the examination of a long account, either on one side or the other, the said court at any time after issue is joined in such cause is hereby authorized, with or without the consent of parties, to refer such cause by rule, to be made at discretion, to referees, who shall be three such persons as the court shall nominate, unless upon naming them, the parties agree upon and name others or shall elect that three persons be ballotted for out of the pannel of the jurors if summoned for the trial of the cause, in the usual form of ballotting for jurors; which referees finally fixed upon shall report thereon, upon pain of contempt; and if the report or award of the referees, or of the major part of them, shall be confirmed by the said court; and any sum be thereby, found for the plaintiff, judgment shall be entered for the same, with a relicta verificatione, as by confession, with costs, if by law the plaintiff would have recovered costs, had a verdict passed in the same cause, for the sum so reported to be due: but if after payment pleaded, any sum shall be reported to be due to the defendant and the award be confirmed, he shall have judgment and recover his costs; and to enable him to recover also the sum so found to be due to him, the report of the referees shall be considered as a record, and a recovery be had by scire facias, with costs in the manner directed by a certain law of this State, passed in the year of our Lord one thousand seven hundred and fourteen, and now in full force, entitled "An act for preventing the multiplicity of law suits," and when such referees shall report that nothing is due from the defendant; and the report be confirmed, then judgment shall be entered as by non pross, and the defendant shall recover his costs to be taxed and such judgment be a perpetual bar.

Costs, when and to whom allowed.

Sums to be allowed, etc.

And be it further enacted by the authority aforesaid, That the judges of the said court, in taxing the costs, shall allow to the prevailing party a reasonable sum for such services and expences as may accrue after the reference of the cause; and that process of subpœna may issue to convene witnesses before the referees, as is usual on the execution of writts of enquiry of damages who shall be examined upon oath; and there shall be allowed to each referee signing a report the sum of eight shillings for every day, which the judge shall think necessarily spent in the business of the submission, besides a reasonable allowance for their expences; which allowance shall be paid by the party in whose favor the report shall be made, and after the same shall be allowed to him in the bill of costs for which judgment shall be signed; and that each referee shall take an oath before any magistrate (who is hereby authorized to administer the same, and oaths to witnesses to be examined before

them) before he proceeds to the business of the reference, faithfully and fairly to hear and examine the cause and to make a true and just report, according to the best of his skill and understanding.

CHAP. 26.

AN ACT to continue the processes and alter the terms of the courts of common pleas and general sessions of the peace in the county of Charlotte.

PASSED the 12th of March, 1781.

WHEREAS the inferior court of common pleas and general sessions of the peace, in and for the county of Charlotte, are by law directed to be held twice annually: that is to say, on the second Tuesdays in April and October. Preamble.

And whereas the said terms and seasons are by experience found to be very inconvenient.

Be it therefore 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 the next succeeding court of common pleas and general sessions of the peace to be held in and for the said county after the passing of this act shall be held at New Perth, in the said county, on the second Tuesday in April next and that all succeeding courts of common pleas and general sessions of the peace in and for the said county shall from and after the said term so to be held on the second Tuesday in April next, be held twice annually: that is to say, on the last Tuesday of February, and on the first Tuesday of November in every year at New Perth aforesaid any law to the contrary hereof in any wise notwithstanding. Courts named, when and where to be held.

And whereas an incursion of the enemy prevented the holding of courts of common pleas and general sessions of the peace on the second Tuesday in October last in the said county.

Be it therefore enacted by the authority aforesaid That all suits and processes depending in the inferior court of common pleas and courts, of general sessions of the peace in and for the said county shall be continued in like manner as if an inferior court of common pleas and court of general sessions of the peace had been respectively held in the said county on the second Tuesday in October last.—That all processes and precepts issued out of the inferior courts of common pleas or general sessions of the peace of the said county and which were returnable on the said second Tuesday in October last shall be returned on the second Tuesday in April next in the said courts respectively and that all persons who were bound by bail bonds or recognizances to appear at the inferior court of common pleas or general sessions of the peace intended to have been held in the said county on the second Tuesday in October last shall be held and bound to appear by virtue of such bail bonds, or recognizances respectively at the next inferior court of common pleas or next general sessions of the peace, to be held in the said county after passing this act and that all processes and precepts issued or to be issued out of the inferior court of the said county tested on the last day of the said intended October term shall be deemed legal and valid. Suits, etc., continued.
Precepts, etc., when to be returned.

CHAP. 27.

AN ACT to lay a duty of excise on strong liquors, to appropriate the monies arising therefrom and for the better regulation of inns and taverns within this State.

PASSED the 14th of March, 1781.

Commissioners of excise.

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 the following several persons shall be commissioners of excise for the several cities towns manors districts and precincts within this State: That is to say. For the city of Albany, the mayor of the said city for the time being; And in and for the several towns manors districts and precincts; the supervisor or supervisors of, and the justice or justices of the peace resident within the same respectively, or, in case there shall not be two justices or in case of the absence of the residing justices, then such neighboring justice or justices as the supervisor or supervisors shall notify and associate with him or them for the purpose.

To grant licences.

That the said commissioners shall by writing under their respective hands grant to several persons, within the respective places for which they are severally hereby appointed commissioners, who shall apply for the same, licences to retail strong or spirituous liquors under five gallons; and which licences shall be annually granted and continue in force from the time of granting the same until the first day of March next ensuing the date of such licence and no longer. And the said commissioners are hereby respectively required to keep an account of the names of the persons to whom licences shall be granted and of the sums by each of the said persons paid for a licence, and to file the same with the county treasurer on or before the first day of March in every year during the continuance of this act. That the said commissioners shall within the respective places for which they are hereby appointed commissioners, determine and ascertain what each respective person, applying for such licence as aforesaid, shall pay for the same, not being less than two nor more than eight pounds lawful money of this State as a duty of excise, which together with the sum of six shillings lawful money aforesaid as a fee to the said commissioner or commissioners for granting such licence shall be paid by the person applying for the same: Provided that no licence shall be granted except in the said city, unless three commissioners shall be present at the granting thereof.

Account of names, etc., to be kept.

Amounts to be paid by persons licensed.

Penalty for selling without license.

II. *And be it further enacted by the authority aforesaid* That if any person shall sell by retail any strong or spirituous liquors without having such licence as aforesaid, the person so offending shall for each offence forfeit the sum of ten pounds lawful money aforesaid, to be recovered in a summary way by any person who will sue for the same before any justice of the peace of the county where the offence shall arise with costs; one moiety to the prosecutor and the other moiety to the overseers of the poor for the use of the poor of the town manor district or precinct where the offence shall arise.

Sales by retail to be drunk on premises prohibited unless bond is given.

And be it further enacted by the authority aforesaid That no person shall sell by retail any strong or spirituous liquors to be drunk in his or her house out-house yard or garden unless such person shall appear before a justice of the peace of the county and enter into a recognizance to the people of this State in the sum of fifty pounds conditioned that he or she the said person will not during the time that he or she shall

keep an inn or tavern, keep a disorderly inn or tavern or suffer or permit any cock-fighting or gaming to be practiced within the inn or tavern by him or her kept or within any out-house yard or garden belonging thereunto and unless such person shall at the time that he or she shall enter into such recognizance take the following oath or if of the people called Quakers affirmation before the justice of the peace taking such recognizance, and which oath or affirmation the said justice is hereby required to administer, viz^t.

Condition of bond.

Oath to be taken.

“I do hereby solemnly and without any mental reservation or equivocation whatsoever swear and declare and call God to witness (or if of the people called Quakers affirm) that I renounce and abjure all allegiance to the king of Great Britain and that I do believe and acknowledge the State of New York to be of right a free and independent State; and further that as a good subject of the said free and independent State of New York I will to the best of my knowledge and ability faithfully do my duty:—So help me God.”

Form of.

And if any person shall sell by retail any strong or spirituous liquors to be drank in his or her house out-house yard or garden without having entered into such recognizance and taken such oath or, if of the people called Quakers, affirmation; the person so offending shall for each offence forfeit a like penalty to be recovered and applied as aforesaid.

Penalty.

IV. *And be it further enacted by the authority aforesaid* That the several and respective commissioners shall and are hereby required to pay the money so annually to be rated and ascertained by them into the hands of the treasurer for the time being of the several counties respectively to be applied by the supervisors of the said several counties respectively as to them shall appear most conducive to the public weal of their respective counties; except in the county of Ulster where the monies arising by virtue of this act shall be applied towards building a goal in the said county and shall be paid by the treasurer thereof to such person or persons as shall be appointed for building the same.

Moneys received for licenses to be paid to county treasurer, etc.

V. *And be it further enacted by the authority aforesaid, and provided always,* That nothing in this act contained shall be construed to make void abridge or any wise lessen the several rights and privileges granted unto the cities of New York and Albany and borough of Westchester by their respective charters any thing contained in this act to the contrary thereof notwithstanding

Act not to apply to cities, etc., named.

VI. *And be it further enacted by the authority aforesaid* That all laws heretofore passed respecting the regulating of inns or taverns and retailing of spiritous liquors within this State be and the same are hereby suspended during the continuance of this act.

Laws suspended.

And be it further enacted by the authority aforesaid That this act shall continue and be in force until the first day of March, which will be in the year of our Lord one thousand seven hundred and eighty eight.

CHAP. 28.

AN ACT for relieving such persons as have manifested their attachment to the cause of the United States and whose sons have joined the enemy from the penalties of a law therein mentioned.

PASSED the 15th of March, 1781.

WHEREAS by an act entitled “An act to complete the quota of the troops of this State to serve in the army of the United States during the

Preamble.

war," passed the ninth day of October last, all persons whose sons had gone over to and joined the enemy, under such circumstances as are therein mentioned, were made liable to pay certain taxes,

And whereas it hath been suggested to the legislature, that some persons attached to the freedom and independence of the United States, whose sons contrary to the will and without the knowledge of their parents, have so gone over to or joined the enemy have been by the said act subject to the same penalties with the disaffected—for remedy whereof.

Persons
taxed may
appeal to
justices:
hearing
before
same.
Certifi-
cate to be
granted,
etc.

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 be lawful for all persons who, having been taxed in pursuance of the said act shall adjudge themselves agrieved thereby to appeal to the justices of the county in which such appealant may reside, at any general sessions which may be held in and for such county on or before the first day of January next ensuing—and the said justices are empowered and they are hereby required to make enquiry into the matter respecting the character of such appellatant to summon any person or persons to appear before them as witnesses, and to examine such persons on oath, and if it shall appear to the said justices or a majority of them that such appellatant hath constantly and uniformly, from the commencement of the present war, taken an active and decisive part in favour of the United States and hath constantly demeaned himself or herself as a good subject of this State ought to do, that then it shall be lawful for the said justices or a majority of them to give such appellatant a certificate thereof—That the appellatant receiving such certificate shall be and he or she is hereby declared to be exempted and discharged from the tax to which he or she become subject by the act herein before mentioned—That such certificate shall and may be delivered by such appellatant to the collector in discharge of the tax imposed in and by the said act, and such collector, shall receive and pay the same into the treasury, in lieu of the tax imposed as aforesaid on such appellatant.

If tax has
been paid
same to be
refunded.

And be it further enacted by the authority aforesaid, That if it shall appear upon such inquiry as aforesaid, that the sum or sums of money at which such appellatant was taxed in pursuance of the said act, hath been paid to the collector, the said justices or a majority of them, shall certify the same, and the sum so paid, in the certificate so to be made out as aforesaid, and on the application of the said appellatant to the county treasury, into which the money shall have been paid, the treasurer shall receive and file the said certificate and repay the sum so mentioned in the same to the appellatant, out of any monies which may be in his hands at the time such application shall be made without any deduction whatsoever.

CHAP. 29.

AN ACT to explain the act entitled "An act more effectually to collect the deficiencies in assessments of wheat and to lay an embargo on the exportation of flour meal and wheat out of this State."

PASSED the 15th of March, 1781.

Preamble. WHEREAS doubts have arisen on the said act whether any person is authorized to grant a licence for the exportation of flour meal or wheat on any occasion whatsoever: for the removal whereof.

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, Governor may license exportation of flour, etc.
 That it shall be lawful for the person administering the government of this State for the time being, by writing under his hand to licence the exportation of flour meal or wheat out of this State for such public uses and purposes as he shall deem expedient and under such limitations, restrictions and regulations as he shall think proper, and that each and every person who shall export any flour meal or wheat under and pursuant to such licence shall be and is hereby declared to be exempted from any pains or penalties for exporting flour meal or wheat contrary to the said embargo and all flour meal and wheat attempted to be exported under and pursuant to such licence before the said embargo is by the said act to take effect is hereby declared to be exempted from being impressed anything in the said act to the contrary hereof in any wise notwithstanding.

CHAP. 30.

AN ACT to alter the place of holding elections in the Mohawk district in the county of Tryon.

PASSED the 19th of March, 1781.

WHEREAS the house assigned by law for holding the annual town meetings and elections in the said district and the other dwellings in the neighbourhood thereof hath been destroyed by the enemy. Preamble.

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, Place of holding town meetings, etc.
 That the annual town meetings and elections in the said district shall in future be held at the church in the said district, instead of the place heretofore assigned by law for the purpose.

CHAP. 31.

AN ACT authorizing the United States, in congress assembled, to levy a duty on foreign merchandise imported into this State.

PASSED the 19th of March, 1781.

WHEREAS congress did on the third day of February last, pass a certain act, in the words following, to wit Preamble.

“Resolved, that it be recommended to the several States, as indispensably necessary, that they vest a power in congress to levy, for the use of the United States, a duty of five per cent *ad valorem*, at the time and place of importation, upon all goods, wares and merchandises, of foreign growth and manufacturers, which may be imported into any of the said States from any foreign port, island or plantation, after the first day of May, seventeen hundred and eighty one, except arms, ammunition, clothing and other articles imported on account of the United States, or any of them; and except wool cards and cotton cards, and wire for making them and also except salt during the war.— Also a like duty of five per cent on all prizes and prize goods condemned in the court of admiralty of any of these States as lawful Resolution of congress recited.

“prize.—That the monies arising from the said duties be appropriated to the discharge of the principal and interest of the debts already contracted or which may be contracted on the faith of the United States, for supporting the present war.—That the said duties be continued until the said debts shall be fully and finally discharged.”

Ibid. And whereas congress did on the seventh day of February aforesaid, pass another act in the words following towit.

“Whereas the events of war may prevent the legislatures of some of these States from assembling in time to consider the act of congress of the third instant and consent to the vesting in congress the power to levy the duties mentioned in the said act so as to enable congress to apply the said duties for the important purpose for which the said duties are designed.

“And whereas there is no reason to apprehend that such States as may be so circumstanced will refuse to concur in a measure calculated for the general defence so soon as their legislatures shall be enabled to meet and deliberate.

“Resolved that so soon as all the States whose legislatures shall and may assemble shall consent to the vesting in congress the power of levying the duties in the act aforesaid specified, congress will proceed to the execution of the said powers and the revenues arising from the said duties shall be carried to the general credit of all the States which shall consent or accede thereto in the first session of their respective legislatures, which shall be held after the said act shall have reached the executive powers of the States respectively.”—

In compliance therefore with the recommendations contained in the said act of congress.—

Consent of State given that congress levy for use of U. S. duty on imported goods.

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 be lawful to and for the United States in congress assembled to levy for the use of the United States any duty or duties not exceeding a duty of five per cent *ad valorem* at the time and place of importation upon all goods wares and merchandize of foreign growth or manufacture which may be imported into this State from any foreign port, island or plantation, except as in the said act of congress of the third of February is excepted and also to levy a like duty or duties on all prizes and prize goods, to be condemned in the court of admiralty of this State as lawful prize and that the said duties shall be levied and collected in such manner and form and under such pains, penalties and regulations, and by such officers as congress shall from time to time make order direct and appoint.—That each and every act of congress made of and concerning the said duties, or the levying or collecting thereof shall be and hereby is declared to be of equal force and effect as laws of this State, so as the said duties shall not be continued longer than until the principal and interest of the debts already contracted or which may be contracted on the faith of the United States for supporting the present war shall be fully and finally discharged.

Act suspended till other States consent.

And provided farther that the force and operation of this act shall be and is hereby suspended until all the States except such whose legislatures are by the events of the war prevented from assembling, shall have passed laws for vesting congress with similar powers and authorities, as are vested in them in and by this act.

Governor to cause copies of acts of congress

And be it further enacted by the authority aforesaid, That the person administering the government of this State for the time being shall cause copies of the acts of congress of or concerning the said duties or the levying or collecting thereof under the signature of the president of

Congress for the time being, to be filed in the secretary's office of this State and the secretary of this State shall forthwith thereafter record the said acts and cause them to be printed in like manner with the laws of this State.

to be filed and printed.

And be it further enacted by the authority aforesaid, That whenever the person administering the government of this State for the time being shall receive official information from congress that all the States except as above excepted shall have passed laws for vesting congress with similar powers and authorities as are vested in them in and by this act he shall cause the same to be published by this proclamation to be issued for the purpose; and this act shall and is hereby declared to take effect and be in force from and immediately after the date of such proclamation and not before, anything herein contained to the contrary notwithstanding.

When other States give consent to levying duties governor to issue proclamation.

CHAP. 32.

AN ACT for raising two regiments for the defence of this State on bounties of unappropriated lands.

PASSED the 20th of March, 1781.

WHEREAS the exposed situation of the extensive frontiers of this State renders it necessary that measures should be adopted for their protection

Preamble.

I. *Be it therefore 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 two regiments, upon the present Continental establishment, as to the number of officers and men composing such regiments, be raised for the defence of the frontiers, whenever the congress of the United States shall give assurances that the regiments aforesaid shall be armed, accoutered, clothed, subsisted and paid, at the expense of the United States; and that the troops shall continue in service for three years from their respective enlistment, unless sooner discharged.

Two regiments to be raised.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the person administering the government for the time being, by and with the advice and consent of the council of appointment, to appointment the officers to such regiments; and as often as vacancies shall happen to appoint others. That a lieutenant colonel and a major shall not be commissioned until a number of men equal to two thirds of the regiment shall be mustered.—That it shall be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to appoint the commission officers to such regiments and by and with such advice and consent, to issue warrants in the first instance, to such and to many persons as captains and subalterns, as he shall deem proper and necessary—speedily to enlist the men for the service aforesaid, and under such regulations and restrictions as he shall judge proper. Provided always, that the number of officers so by him warranted as aforesaid shall not exceed in number the Continental establishment.

Officers for appointment and commission of.

Proviso as to number.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government of this State for the time being, to employ and authorize such and so many warrant officers and others as he shall deem proper and necessary to muster and receive

Warrant officers.

If sufficient number be not raised before date named, men may be formed into independent corps.

Faith of State pledged to grant lands to officers and privates who enlist.

Acreage to be granted.

Location of, etc.

Proviso as to lands granted to Indians named, etc.

Location, name, description, etc., to be filed with surveyor general.

persons to be inlisted by virtue of this act and to give to such persons certificates of their inlistments thereby to be entitled to the bounty of land intended to be given by this act.—That if a sufficient number of men to compose a regiment as aforesaid shall not be raised on or before the first day of August next, the person administering the government shall be authorized to arrange and form the men then raised into an independent corps, in such manner as the person administering the government of this State for the time being, shall deem proper and that if after one regiment is completed there shall be a number of men enlisted beyond the complement of one regiment and not sufficient to complete another regiment they shall be arranged disposed of and formed into an independent corps, in the manner before prescribed.

IV. *And be it further enacted by the authority aforesaid,* That the faith of the State be and is hereby pledged to the officers, non-commissioned officers and privates composing such regiments or corps, that the legislature of this State will grant unto such officers who shall be commissioned and to such non-commissioned officers and privates as shall enlist in the said regiments, and who shall continue to serve during the time aforesaid, or until the time they shall respectively be dismissed or discharged, if such dismissal or discharge shall take place before the end of said three years, or to the legal representatives of such officers, non-commissioned officer and privates, as shall die while in service, the following several quantities of unappropriated lands, respectively, to wit, To a lieutenant colonel and major, each four rights; a captain and surgeon each three rights; a lieutenant, ensign and surgeons mate, each two rights, and each non-commissioned officer and private, one right, and that each right shall consist of five hundred acres— That it shall be lawful for any person entitled to any quantity of lands by virtue of this act, to locate the lands which such person shall elect to be granted to him, and that the legislature will as soon after the expiration of the said time of service, as a survey of the said lands can be with safety performed, grant to such person without fee or reward, or quit-rent reserved, the quantity of lands to which he may be entitled out of the lands so located. That whenever any number of persons entitled collectively to sixty one rights, shall join in a location, the lands so located shall be laid out in a township of seven miles square, and granted to the said persons according to their respective rights therein, and that in each such township the remaining right shall be reserved for the support of the gospel, and the remaining three hundred and sixty acres shall be reserved for the use of a school in such township That wherever any of the lands to be granted in pursuance of this act, shall be located in quantities less than a township of seven miles square, the person or persons locating such lands shall defray the expence of the survey thereof, but if a township shall be located, the State shall be at the expence of running the out-lines of such township, Provided that no locations shall be made on lands heretofore granted, or on lands belonging to the Oneida and Tuscarora Indians, and provided that the lands to be granted by each grant shall be laid out as nearly in a square, as the next adjacent appropriated lands will admit of.— That whenever any location shall be made by any person belonging to the said regiment or corps, a description of the lands so located, and the person's name by whom and in whose right such location is made, shall be filed with the surveyor general of this State for the time being, and the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment is hereby authorized and required as soon as may be after the passing of this act

to appoint a surveyor general for this State, and if it shall appear to the said surveyor general that the lands so located are described with sufficient certainty, that the same have not heretofore been granted, and do not belong to the Oneida and Tuscarora Indians the surveyor general shall approve such location, and cause the same to be filed in the secretary's office of this State, and the person making such location shall immediately after the expiration of his time of service, be entitled to a grant of the lands so located.

V. *And be it further enacted by the authority aforesaid,* That the said regiments or corps to be raised in pursuance of this act shall be subject to the rules and articles of war established for the regulation of the army of the United States, and be under the command of the commander in chief of their army. Provided always that none of the said regiments, or any part or detachment thereof, shall serve out of this State, without the order or consent of the person administering the government of this State for the time being. Subject to rules and articles of war.

VI. *And be it further enacted by the authority aforesaid,* That any person who shall deliver one or more of his or her able bodied male slaves to any warrant officer as aforesaid, to serve in either of the said regiments or independent corps and produce a certificate thereof signed by any officer or person authorized to muster and receive the men to be raised by virtue of this act, and produce such certificate to the surveyor general shall for every male slave so entered or mustered as aforesaid, be entitled to the location and grant of one right in manner as in and by this act is directed and shall be and hereby is discharged from any future maintenance of such slave any law to the contrary notwithstanding. And such slave, so entered as aforesaid who shall serve for the term of three years or until regularly discharged shall immediately after such service or discharge be and is hereby declared to be a free-man of this State. And to encourage as far possible the speedy completing of the said regiments. Masters may deliver able bodied slaves to serve, etc.

VII. *Be it further enacted by the authority aforesaid,* That every person who shall engage an able bodied man to enter into either of the said two regiments to serve for the term of three years shall and may take a transfer of the right of such man's right to the bounty of lands intended to be given by this act and on producing to the surveyor general a certificate signed by any officer or person authorized to muster and receive the men to be raised by virtue of this act, shall and may locate and be entitled to receive a grant for the same, as if such person had actually entered, and served in either of the said regiments for the term aforesaid. Provided always that the person receiving such grant shall, either by himself or some other person on his behalf, make an actual settlement on, and improve such lands within three years next after the conclusion of the war, or that the same shall be deemed forfeited and revert to the use of this State. Persons furnishing substitute to serve three years may locate, etc., under this act.

VIII. *And be it further enacted by the authority aforesaid,* That the said lands hereby directed to be granted to the said officers, non-commissioned officers and privates, shall be deemed and construed to be in lieu of all and every bounty, allowance of half pay or emolument whatsoever, on the part of this State. That the levies to be raised in pursuance of this act, shall be mustered by such person, and in such manner as congress or the commander in chief of the army of the United States shall direct. Lands to be in lieu of bounty.

CHAP. 33.

AN ACT to enable the person administering the government to exchange persons applying for that purpose, as prisoners of war, for the subjects of this State, prisoners of war with the enemy.

PASSED the 20th of March, 1781.

Exchange of prisoners of war authorized.

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 for the time being, as often as he shall deem it expedient to exchange any inhabitant of this State, whom he shall judge a proper object for such exchange and upon the application of such inhabitant, as a prisoner of war, for any person or persons subjects of this State, prisoners of war with the enemy in like manner as if such inhabitant applying for such exchange was a subject of the King of Great Britain and had been made a prisoner when in arms against this State, that every such application shall be made in writing, and if the person administering the government shall consent thereto and approve thereof, he shall certify such consent and approbation by an endorsement on the writing containing such application and shall cause the said application and certificate to be filed in the secretary's office of this State, there to be recorded, and the said inhabitant so applying, shall from and immediately after the date of such certificate be and is hereby declared to be and shall be deemed and treated as a prisoner of war to this State.

Exchange, how effected.

Real estate forfeited.

And a subject of the King of Great Britain, and all and singular the real estate, held or claimed within this State, by such person on the day of the date of the said certificate shall be and hereby is declared to be forfeited to and vested in the people of this State.

CHAP. 34.

AN ACT to continue and amend the acts therein mentioned, relative to public highways and private roads in the counties of Ulster Orange Dutchess Charlotte Westchester Albany and Tryon.

PASSED the 20th of March, 1781.

Acts continued in force till date named.

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 the act entitled "An act further to amend an act for the better laying out regulating and keeping in repair all common and public highways and private roads in the counties of Ulster Orange Dutchess Charlotte and Westchester" passed the eleventh of March one thousand seven hundred and seventy nine and for extending the same to the counties of Albany and Tryon," passed the thirteenth of March, one thousand seven hundred and eighty shall be and are hereby continued until the first day of April which will be in the year one thousand seven hundred and eighty four, as the same are altered in manner herein after mentioned. That the twenty third section of the said act passed the eleventh day of March one thousand seven hundred and seventy nine, shall be and is hereby repealed and such parts of the said acts as specify

Section named repealed and acts altered.

the amount of fines forfeitures and commutation money shall be and hereby are altered in manner following, that is to say. That the penalty for obstructing or encroaching on highways shall be five pounds. That the penalty for neglect or neglect of duty required by the seventh clause of the said recited act, passed the eleventh of March one thousand seven hundred and seventy nine shall be eight shillings. That the fine in the tenth section of the said last mentioned act shall be eight shillings. That the forfeiture in the sixteenth section of the said act shall be forty shillings. That the forfeiture in the seventeenth section thereof shall be one shilling. That the sum for which a person may commute for personal service as required by the eighteenth section shall be six shillings per day. That the penalty on neglect or refusal of an overseer to do his duty shall be five pounds; and that the sum to be raised by the supervisors by virtue of the twenty fourty section of the said act, shall not exceed the sum of one hundred pounds: all which fines and forfeitures shall be deemed to be of lawful money of this State.

Penalty.

Commutation for personal service. Overseer, penalty for refusal to perform official duty.

CHAP. 35.

AN ACT to accommodate the inhabitants of the frontiers with habitations and for other purposes therein mentioned.

PASSED the 22nd of March, 1781.

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 be lawful to and for the person administering the government of this State for the time being, or such person or persons as he shall authorize for the purpose. In their discretion and by licence under their hands respectively upon an application on behalf of any number of families not less than three to permit the said several families on whose behalf such application shall be made to possess and occupy to and for their use such unoccupied houses farms lands or tenements lying on the frontiers of this State as the person or persons granting such licence shall appoint and deem most convenient for the purpose of accommodating the families on whose behalf such application shall be made, and that the said several families shall by virtue of such licence be authorized to take possession of, occupy and improve such houses farms, lands or tenements as shall be specified in the said licence, and that it shall in like manner be lawful for the person administering the government for the time being, or such other person as shall grant any such licence whenever they shall respectively deem the necessity which induced the granting thereof to cease to revoke any or every such licence, and that each and every person in whose favor such licence shall be granted who shall not within twenty days after such revocation remove from the said houses, farms, lands, or tenements which he or she was so permitted to possess, occupy and improve shall be deemed as trespassors from the beginning and as such shall be liable to an action at the suit of the person in whose possession such houses or forms, lands or tenements where before the granting such licence his or her heirs and assigns, and that each and every person in whose favor such licence shall be granted who shall hold over after the revocation of such licence shall and may be proceeded against upon the statutes of forcible entry and detainer, by the person in possession of such houses,

Governor may by license permit families to possess unoccupied farms, etc.

farms, lands or tenements immediately before the granting of such licence, his or heirs or assigns, and farther that it shall be lawful for the person administering the government to cause any houses or other buildings on the frontiers of this State to be fortified and to be taken and held as posts or fortresses for such time and in such manner as he shall deem necessary and expedient.

Proviso as to how act shall be construed, etc.

Provided always that nothing herein contained shall be construed to prevent the person so in possession before the granting of the licence from possessing, occupying and improving an equal and proportional part of such houses, farms lands or tenements with the several families in whose favor such licence shall be granted. And provided also that if any person in whose favor such licence shall be granted shall commit any unnecessary waste or destruction in such houses farms, lands or tenements, they shall severally and respectively with respect to such waste be deemed as trespassers and as such shall be subject to an action at the suit of the person so in possession as aforesaid immediately before the granting of the licence his or her heirs or assigns.

Proviso as to persons who give aid to enemy.

And whereas certain disaffected subjects who reside on the frontiers of this State, privately maintain, comfort and aid the enemy in their incursions on the said frontiers, and the public safety requires that they should be compelled to remove from their respective habitations to the interior parts of the State.

Such persons may be removed.

Be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the person administering the government of this State for the time being, or the brigadier or commanding officer of the brigade of militia or, where the militia is not formed into a brigade a majority of the field officers of the regiment within which such disaffected persons shall reside to cause all such persons and families as he or they shall deem dangerous and disaffected and as now are or hereafter shall be resident and inhabiting on the said frontiers to be removed from their respective habitations to the interior parts of this State.

Proviso as to necessity for removing stock, etc.

And whereas it may be necessary to remove or destroy the stock, grain or forage in many parts of the frontiers in order to prevent the same from falling into the hands of, or from being applied to the comfort and subsistence of the enemy.—

Governor may order same removed or destroyed.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for the person administering the government for the time being, from time to time in his discretion to order and direct all or any part of the stock grain or forage at any place or places on the frontiers to be removed to such other places as he shall direct and in case such stock grain or forage cannot conveniently be removed, or if the person possessing the same shall refuse to remove such stock grain or forage then to order and direct the same to be destroyed.

Commissioners may notify wives of persons named to remove, may sell goods, etc., and apply money to expense of removal.

Be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners for defeating and detecting conspiracies and each of them, or such other person or persons as shall be authorized for the purpose by the person administering the government, for to notify the wives of all persons who have voluntarily gone over to and joined or shall hereafter voluntarily go over to and join the enemy to depart this State in like manner as the justices of the peace and supervisors in the respective wards towns manors districts or precincts are authorized in and by the act entitled "An act for the removal of the families of persons who may have joined the enemy." And further, that it shall be lawful for the said commissioners and each of them and each of the said several other persons so to be authorized as aforesaid, to

take and sell all the goods and chattles in the possession of the wives of persons who have voluntarily gone over to and joined or shall hereafter voluntarily go over to and join the enemy and to apply the monies arising therefrom to defraying the expense of removing such wives and such of their respective children as are not above twelve years of age, within the lines of the enemy.—And that the said commissioners and other persons who shall take and sell any such goods and chattles as aforesaid shall account for the expenditure of the said monies with the auditor general of this State.

To account for expenditure of moneys with auditor-general.

CHAP. 36.

AN ACT for the better securing the independence of this State, and to that end requiring all public officers and electors within this State, to take the test oath therein contained.

PASSED the 26th of March, 1781.

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,

Official oath to be taken.

That each and every person who shall at any time hereafter be elected or appointed to any public place or office, shall instead of taking the oath of allegiance prescribed by the act entitled "An act requiring all persons holding offices or places under the government of this State, to take the oaths therein prescribed and directed," passed the fifth day of March seventeen hundred and seventy eight, take and subscribe the following oath or affirmation, to wit,

"I do hereby solemnly without any mental reservation or equivocation whatsoever, swear and declare, and call God to witness (or if the people called Quakers, affirm) that I renounce and abjure all allegiance to the King of Great Britain; and that I will bear true faith and allegiance to the State of New York as a free and independent State and that I will in all things to the best of my knowledge and ability do my duty as a good and faithful subject of the said State ought to do, so help me God."

Form of.

That the said oath or affirmation required by this act shall be taken and subscribed before the several persons, and in like manner as the oath of allegiance prescribed in and by the said act, is required to be taken and subscribed.

How taken.

And be it further enacted by the authority aforesaid, That at every election hereafter to be held within this State for governor, lieutenant governor, senators and members of assembly, or for aldermen, assistants, supervisors, assessors, collectors, or other city or town officers the person or persons authorized by law or custom to preside at such election, shall tender and administer the oath or affirmation aforesaid, to each elector presenting himself to vote at such election, if the person or persons presiding at such election shall have reason to suspect that such elector hath not taken an active and decisive part in favor of the United States in the present war, against the king of Great Britain and his adherents; or if such elector shall be challenged by any other elector who shall have taken the said oath or affirmation, as not having taken an active and decisive part in the present war as aforesaid; and if the elector so suspected or challenged, shall refuse to take the said oath or affirmation, when so tendered

Presiding officer at election to administer oath to electors named, etc.

to him as aforesaid, he shall not be permitted to vote at such election— That if at any such election the person or persons presiding shall receive the vote or ballot of any elector so challenged as aforesaid, and who upon being tendered the said oath or affirmation shall refuse to take the same, the said person or persons so presiding shall for each offence forfeit the sum of five pounds, to any person who will sue for the same, and to be recovered with costs—That it shall be lawful for the person or persons presiding at any such election, and he or they are hereby required to administer the said oath or affirmation to any elector who shall voluntarily offer to take the same.

CHAP. 37.

AN ACT to raise monies for building a goal in the county of Ulster and for other purposes therein mentioned.

PASSED the 26th of March, 1781.

Preamble. WHEREAS the gaol in the county of Ulster was destroyed by the enemy.

Tax to be levied to build jail. *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 the supervisors of the several towns manors districts and precincts in the said county for the time being shall, and they are hereby authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county a sum not exceeding three hundred pounds, for building a gaol in the said county, with the additional sum of nine pence in the pound for collecting the same; which said sum shall be raised, levied and collected in like manner with the other necessary and contingent charges of the county.

Officers named to select location, etc. *And be it further enacted by the authority aforesaid* That the supervisors together with the justices of the said county of Ulster shall meet at Kingston on the first Tuesday in May next; and such supervisors and justicer, or a majority of them, then and there present, are hereby impowered and required to fix on the most convenient place in the said county where the gaol shall be erected, and to determine the dimensions, and of what materials the same shall be built; and the said supervisors and justices so being met, or a majority of them as aforesaid, are hereby impowered and required to appoint three persons as trustees for the purpose of receiving the money so raised; and to superintend the building of the said gaol.

Moneys collected to be paid to trustees. *And be it further enacted by the authority aforesaid,* That the monies so to be raised by virtue of this act within the said county shall be paid by the several and respective collectors of the several towns manors districts and precincts unto such trustees as aforesaid; and such trustees or any two of them shall and may from time to time inspect examine audit and pay the several and respective accounts for labor and materials done and provided in building and erecting the said gaol, And that such trustees shall render a just and true account upon oath unto the supervisors for the said county, when by them thereunto required.

Trustees to expend money in building jail. *And be it further enacted by the authority aforesaid* That such trustees or any two of them, shall, and they are hereby impowered to make use of such and so many of the materials remaining of the old gaol as

can be applied to the building and finishing the gaol to be built in pursuance of this act.

And be it further enacted by the authority aforesaid That the clerk of the supervisors of the said county of Ulster, shall and is hereby required to give notice of the said meeting of the supervisors and justices by advertising the same in one or more public places in each town manor district and precinct in the said county, at least ten days previous to the said meeting.

Clerk of supervisors to give notice of meeting

And whereas the gaol in the county of West Chester hath also been destroyed during the war; and some place of confinement for prisoners taken from the enemy is become necessary.

Proviso as to jail in Westchester.

And whereas there is a log house in the county of Dutchess near the house of Samuel Drake Esq., in the said county of West Chester, and near the division line between the counties of Dutchess and West Chester, which hath heretofore been used as a guard-house and with some repairs would serve for the purpose of securing prisoners.

Be it therefore enacted by the authority aforesaid That the supervisors of the said county of Westchester shall and they are hereby required to direct to be raised and levied upon the freeholders and inhabitants of the said county a sum not exceeding sixty pounds, for and towards repairing and making secure the said log house, with the additional sum of nine pence in the pound for collecting the same, which said sum of sixty pounds shall be raised and collected in like manner as the other necessary and contingent charges of the said county. And that the said supervisors shall meet on the third Tuesday in April next, at the house of Jesse Brush, of the manor of Cortlandt in the said county, inholder, for the purpose of apportioning the said sum of sixty pounds, to and among the several towns manors precincts and districts in the said county.

Supervisors to levy tax for making repairs on log house used as jail.

And be it further enacted by the authority aforesaid That the said supervisors shall appoint a person to superintend the repairing and making secure the said log house, into whose hands the several collectors are hereby required to pay the monies they shall respectively receive in pursuance of this act: And that the said person so to be appointed as aforesaid, shall account to the supervisors of the said county, for the monies by him received and expended; and shall be allowed by the said supervisors a reasonable reward for his services.

Superintendent of repairs to be appointed.

And be it further enacted by the authority aforesaid, That the said log house when repaired and made fit for the reception of prisoners, shall be applied to the purpose of a guard house for the confinement of prisoners of war captured by the subjects of or troops in the service of this State.

To serve as guard house for prisoners of war.

And whereas the inhabitants of the town of Schenectady, in the county of Albany, in pursuance of an act entitled "An act to enable the inhabitants of Schenectady to erect a fortress therein," have made some progress in the erection of works for the security of the said town and it is requisite that money should be raised for completing the said works.

Proviso as to fortress in Schenectady county.

Be it therefore enacted by the authority of the same, That it shall and may be lawful to and for the surpervisor and assessors of the district of Schenectady to direct to be raised and levied of and from the inhabitants residing within the said district of Schenectady, the sum of one hundred and fifty pounds, with nine pence in the pound for collecting the same, in like manner as the quota of the said district, of the contingent expences of the county is assessed and levied, and which sum when levied shall be paid by the collector into the hands of the field officers and justices of the peace residing within half a mile of the Dutch church in the said town of Schenectady, to be by them expended in completing the said works.

Tax to complete same.

CHAP. 38.

A SUPPLEMENTARY ACT to the act entitled "An act for the relief of certain distressed families therein mentioned."

PASSED the 26th of March, 1781.

Court of sequestration to furnish subsistence to persons named.

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 the commissioners of sequestration in the county of Tryon be and they are hereby required out of any monies which now are or hereafter may come into their hands in the execution of their office to procure for and furnish to the following persons viz. Catharine Snell, Gertrude Garter, Anna Lower, the wife of Charles Kern and her mother, John Joost Foltz and his wife, Margaret Weaver, Mary Franck, Eve Franck, the wife of Jacob Perkey, the wife of Peter Perkey, the wife of Peter Gardinier, the wife of Baltus Priedenbieger, the wife of Johannes Wolf, Catharine Demood, Anna Colsh and Anna Lentz, and their respective children, the like allowance of subsistence as is directed with respect to Mary Tenis and others by the act entitled "An act for the relief of certain distressed families therein mentioned." That the commissioners of sequestration in the county of Westchester be and they are hereby required out of any monies which now are or hereafter my come into their hands in the execution of their office to procure and furnish the like allowance of subsistence to the following persons, viz^t. Isaac Van Tessel, David Van Tessel, Abraham Van Tessel, Jacob Van Tessel, David Devoue, John Bailey Stephen Call and Barnet Le Mater and their respective wives and children and to Hannah Vanoriner and her children; and that the accounts of the said commissioners be audited and allowed in like manner as is directed by the above recited act.

Act named continued in force.

And be it further enacted by the authority aforesaid, That this act and the above recited act and such part or parts of the act entitled "An act to provide for the payment of certain contingent expences of this State," passed the tenth of October one thousand seven hundred and eighty, as relates to certain distressed families therein mentioned shall be and continue in force until the first day of May, one thousand seven hundred and eighty two.

CHAP. 39.

AN ACT to restrain hawkers and pedlars within this State.

PASSED the 26th of March, 1781.

Unlawful to exercise profession of hawker or pedlar.

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, from and after the first day of May next it shall not be lawful for any person or persons, to use or exercise the profession or calling of a hawker or pedlar, or to travel from town to town or from house to house, and carry either on foot or with any beast of burthen or with any carriage and expose for sail or barter any goods wares or merchandises, and that every person who shall offend against this act shall for each and every offence forfeit and pay the sum of ten pounds current money of this State; to be recovered by any person or persons who will sue and

Penalty.

prosecute for the same before any justice of the peace within this State with costs of suit, the one moiety thereof to the prosecutor and the other moiety thereof to the poor of the town or place wherein such offender shall be discovered. That it shall and may be lawful for any person or persons whatsoever to seize and detain any such person or persons as aforesaid who shall be found offending contrary to the true intent and meaning of this act and him or her to take before one or more of the justices of the peace of the county where the offence shall be committed; which said justice or justices are hereby authorized and required on the confession of the party or due proof made by one or more credible witness or witnesses, on oath, of the offence committed, and on conviction of the offender, by warrant under his or their hands and seals to cause the said fine of ten pounds to be forthwith levied and collected by distress and sale of the offender's goods wares and merchandise rendering the overplus, after deducting reasonable charges, to the owner or owners thereof; and for want of goods and effects whereon to levy the whole of the said fine, to commit the offender or offenders to the common goal for the space of three months unless the said fine of ten pounds with costs be sooner paid.

Detention
and prose-
cution of
offenders.

And be it further enacted by the authority aforesaid That if any person or persons shall be sued for putting in execution any of the powers contained in this act or for doing any matter or thing pursuant thereto such person or persons shall and may plead the general issue not guilty and give the special matter in evidence, and if the plaintiff or plaintiffs shall become non suit or discontinue his or their suit, or if a verdict pass against him or them the defendant shall recover treble costs for which execution shall issue in like manner as in other cases where costs are allowed to defendants.

Persons
sued for
executing
this act
may plead
the gener-
al issue,
etc.

And be it further enacted by the authority aforesaid, That this act shall continue and be in force from the passing thereof until the first day of January one thousand seven hundred and eighty three.

CHAP. 40.

AN ACT for the further direction of the purchasing agent of this State in the execution of his office and for other purposes therein mentioned.

PASSED the 26th of March, 1781.

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 be lawful for the said agent, if the commanding officer in the department shall approve thereof, to deliver one species of supplies in lieu of another species, having due regard to the respective value of each species agreeable to the prices established by the act of congress of the twenty fifth day of February one thousand seven hundred and eighty. That it shall be lawful for the said agent and his respective assistants, in such cases as they shall deem it advantageous for the public service to receive from any person assessed to furnish one species of supplies, another species, to the amount in value of the articles so assessed. That it shall be lawful for the said agent and his respective assistants to exchange any bran of the wheat to be procured on the account of this State for flour casks or to give the same in payment for

One spe-
cies of sup-
plies may
be deliv-
ered in
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another
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proval of
command-
ing officer.

labor or any other matter which may be necessary for and towards procuring supplies. That it shall be lawful for the said agent to enter into such contracts with the quarter master general of the army, or his deputies, relative to the transportation of the supplies to be furnished by this State as he shall deem reasonable and proper, any law to the contrary hereof notwithstanding.

Proviso as to receipts.

And whereas in many instances, upon the incursion of the enemy, and sudden movements of the forces ordered out to repel them and upon other occasions, provisions and other supplies have been taken from, or furnished by the inhabitants of this State since the appointment of the said agent, without the said inhabitants being able to procure regular receipts and vouchers for the same.

Agent to settle and pay accounts for supplies.

Be it therefore further enacted by the authority aforesaid That it shall be lawful for the said agent and his respective assistants to settle and pay off all accounts of provisions or other supplies taken from or furnished by any inhabitant of this State since the appointment of the said agent, if the same shall have been supplied to the use of the army, or of the levies raised by this State, or of the militia of this State, or of the Indian allies of this State, notwithstanding the person applying for such settlement and payment may not produce the usual and regular receipt or voucher for the provisions or other supplies taken from or furnished by such person, if there shall in each respective case appear to the said agent or either of his assistants reasonable proof that the said provisions or other supplies were applied to either of the uses aforesaid; and the said provisions or other supplies shall be deemed as part of the quota of supplies required of this State by congress.

Agent and assistants may be tried by court martial for malpractice, etc.

And be it further enacted by the authority aforesaid, That the said agent and all and every of his assistants, shall and may be proceeded against tried convicted and punished for neglect or malpractice in the execution of their respective offices, as agent, or assistant-agent under this State, by and at the discretion of a general court martial, consisting of officers of the Continental army, or of the militia of this State, to be convened by order of the person administering the government of this State for the time being, or the officer commanding in a department, in like manner as officers of the Continental army, may by the articles of war established for the regulation of the army of the United States, be proceeded against, tried, convicted and punished.

Sentence to be approved before executed.

Provided always that no sentence of a court martial to be appointed as aforesaid shall be carried into execution, until the same is approved by the person administering the government of this State for the time being.

Act named repealed.

And be it further enacted by the authority aforesaid That the eighth and eleventh clauses of the act entitled "An act to procure supplies for the use of the army, to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy," passed the twenty fourth day of June last, shall from and after the passing of this act, be and hereby are repealed.

CHAP. 41.

A SUPPLEMENTARY ACT to the act for extending to the several persons therein named the benefit of the law for making compensation to the troops, for the depreciation of their pay.

PASSED the 27th of March, 1781.

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 be lawful for the auditors appointed in, pursuance of the Act for liquidating and settling the accounts of the troops of this State, in the service of the United States, to liquidate and settle the accounts of, and grant certificates to Thomas Machin, John Stagg jun^r, John Depeyster Ten Eyck, Nicholas Schuyler, Joshua Drake, Jonathan Lawrence jun^r, James Gilliland and Daniel Niven, in like manner as it would have been if the said auditors had not been restricted by a law passed for that purpose at the present meeting of the legislature, from auditing the accounts of any officers or privates, other than such as belong to the line of the State, until the further order of the legislature, the said law last mentioned to the contrary notwithstanding. And that it shall be lawful for the said auditors to audit the accounts of, and grant certificates to the said James Gilliland and Daniel Niven respectively in like manner as if the corps of engineers, or corps of sappers and miners, had been included in the act for making compensation to the troops, for the depreciation of their pay.

Auditors to liquidate accounts of persons named.

CHAP. 42.

AN ACT further to continue an act entitled an act authorizing the person administering the government of this State to grant warrants of impress.

PASSED the 27th of March, 1781.

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 the act entitled An act authorizing the person administering the government of this State to grant warrants of impress shall be and is hereby continued until the first day of January next.

Act named continued in force.

CHAP. 43.

AN ACT to suspend certain parts of an act entitled "An act for raising by tax a sum equal to one hundred and fifty thousand dollars in specie" and of an act entitled "An act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty relative to the finances of the United States and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress" and for other purposes therein mentioned.

PASSED the 27th of March, 1781.

Preamble. WHEREAS it is deemed expedient to suspend certain parts of the act entitled "An act for raising by tax a sum equal to one hundred and fifty thousand dollars in specie," passed the tenth of October, one thousand seven hundred and eighty, and of the act entitled "An act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty relative to the finances of the United States and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress," passed the fifteenth of June one thousand seven hundred and eighty.

Parts of act referred to suspended. *Be it therefore 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 such parts of the said first above recited act as direct the levying and collecting the said tax of one hundred and fifty thousand dollars, and such parts of the said last above recited act as direct the levying and collecting the sum of two millions five hundred thousand dollars between the first day of January and the first day of April shall be and the same are hereby declared to be suspended until thirty days after the rising of the legislature at their next meeting.

Proviso as to plan for ascertaining value of sums due creditors. *And whereas* in and by the said act for raising a sum equal to one hundred and fifty thousand dollars in specie," a power is granted to the person administering the government and any five members of the legislature to devise a mode or plan for ascertaining the value of the sums due to the creditors of the United States within this State upon the settlement of their respective accounts and no power is granted for altering or amending or disannulling such mode or plan.

Officers named may disannul and devise new one. *Be it therefore further enacted by the authority aforesaid* That it shall be lawful for the person administering the government of this State for the time being together with any five members of the legislature to alter amend or disannul any former mode or plan which shall then have been devised and of a new to devise any mode or plan for ascertaining the value of the sums due to such creditors or for ascertaining the prices to be allowed to such creditors upon the settlement of their respective accounts in such manner and form as the person administering the government together with any five members of the legislature shall from time to time deem proper and expedient and to cause the same to be published by his proclamation to be issued for the purpose.

Proviso as to compulsory removal of inhabitants named. *And whereas* it has appeared to the legislature that a very great majority of the inhabitants of Kingsbury and Skeensborough in the county of Charlotte have been compelled to remove from their habitations or their property has been destroyed by the enemy.

Be it therefore further enacted by the authority aforesaid That the levying and collecting of any taxes within the said districts shall be and is hereby suspended, until the legislature shall make further provision respecting the same any law to the contrary notwithstanding. Provided that the inhabitants within the said districts shall not be deemed to be exempted from furnishing men for the Continental battalions or from raising levies for the defence of this State.

Collection of tax suspended.

CHAP. 44.

AN ACT to relieve certain persons in the county of Charlotte from the penalty of an act entitled "An act for raising levies to reinforce the army of the United States."

PASSED the 27th of March, 1781.

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 the delinquent classes, of the regiment of militia in the county of Charlotte, whereof Daniel McCleary, Hugh Moore, Robert McCarter, Benjamin Cleveland and Patrick Wilson are members shall, on their delivering respectively to the agent of this State or either of his assistants on or before the first day of May next sixty bushels of wheat, or an equivalent in flour computing two bushels and an half of wheat to one hundred weight of flour, be and they are hereby respectively exempted and excused from the penalties of paying double bounty pursuant to the act entitled "An act for raising levies to reenforce the army of the United States" any thing in the said act to the contrary thereof in any wise notwithstanding:

Delinquent classes on delivery of wheat exempted from penalties, etc.

Provided that the members of the said delinquent classes shall not be competent to deliver their respective proportions of the said wheat or flour at any place more than eight miles distant from their places of abode.

Provido as to where to be delivered.

CHAP. 45.

AN ACT for procuring a quantity of wheat by an equal tax in kind.

PASSED the 27th of March, 1781.

I. *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 there shall be forthwith collected within the several wards, towns, manors, districts, and precincts, a quantity of wheat proportionate to their respective quotas of the sum of two million five hundred thousand dollars directed to be levied as a tax on or before the first day of October last by the act entitled "An act approving of the act of congress of the eighteenth day of March, seventeen hundred and eighty, relative to the finances of the United States and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress," computing one bushel of wheat for every sixty dollars of the said tax. That the supervisors shall forthwith after the passing of this act deliver to the State agent, or one of his assistants, a copy of the tax list which was made for collecting the said tax, and

Wheat to be collected.

Tax list to be delivered to State

agent or
assistant;
collection
of, etc.

that each person named in such tax list shall pay at the rate of one bushel of wheat for every sixty dollars at which such person was taxed for the said tax. That the said agent or one of his assistants shall employ such and so many persons in each ward, town, manor, district, or precinct as may be deemed necessary to notify the several persons taxed of the quantities of wheat at which they are respectively taxed, and of the several persons in the ward town manor district or precinct appointed to receive the same. That the said agent or one of his assistants shall employ such and so many persons in each ward town manor district or precinct as he shall judge proper and necessary for the purpose of receiving such wheat. That each person taxed and notified as aforesaid who shall not within ten days thereafter deliver the quantity of wheat, at which he or she is hereby taxed, to one of the persons appointed to receive the same as aforesaid within the ward, town, manor, district, or precinct, the person so in default shall forfeit double the value of the wheat at which he or she is hereby taxed, computing the wheat at the rate of twelve shillings per bushel, to be recovered by the said agent or either of his assistants, by suit in the name of the said agent, with costs, before any justice of the peace of the county, in a summary way, and in every such suit execution shall issue forthwith after judgment. That a notice from any person so to be employed to notify as aforesaid to any person of the years of discretion belonging to the respective families shall be sufficient.

Proviso as
to persons
not having
quantity of
wheat.

And whereas in many instances the persons hereby taxed may not have the quantity of wheat at which they are hereby respectively taxed, beyond what may be necessary for the use of their respective families until the ensuing harvest.

Applica-
tion to
super-
visor for
abatement
etc.

Be it therefore further enacted by the authority aforesaid That if any person shall deem himself or herself to be taxed a greater quantity of wheat than he or she hath to spare, after retaining a reasonable quantity for the use of his or her family until the first day of September next, it shall be lawful for such person, at any time before the expiration of the time of payment aforesaid, to apply to the supervisor of the ward town, manor, district or precinct, for an abatement; and it shall be lawful for the supervisor upon such application to examine either the party himself or herself or any persons who may be produced as witnesses on oath, and if thereupon it shall appear to the supervisor, that the person so applying is taxed a greater quantity of wheat than he or she can conveniently spare after retaining a reasonable quantity for the use of his or her family as aforesaid, to make such abatement in the quantity of wheat at which such person shall be taxed, as the supervisor shall judge reasonable and proper, and it shall be lawful in such case for the said person to pay money instead of the wheat so abated, at the rate of twelve shillings per bushel, and that each and every person who shall be taxed not exceeding one bushel of wheat may pay money instead of wheat any thing herein before contained to the contrary notwithstanding.

Proviso as
to counties
suffering
from
operations
of war.
Tax rate
therein.

And whereas the inhabitants of the counties of Westchester and Charlotte, and of the precincts of Haverstraw and Orange Town in the county of Orange, have lately suffered by the operations of the war.

Be it therefore further enacted by the authority aforesaid That the said tax, to be collected in pursuance of this act in the said above recited counties and precincts, shall be collected at the rate of one bushel of wheat, or a like equivalent in money as aforesaid, for every one hundred and twenty five dollars of the said tax intended to have been paid on or before the said first day of October last, any thing herein contained to the contrary notwithstanding.

And whereas the buildings and grain of many of the inhabitants of the districts of Canajoharie, Palatine, Caghnawaga and Mohawk, in the county of Tryon, and the united districts of Schoharie and Duanesborough and the district of Ballston, in the county of Albany have been destroyed by the enemy and many persons have lately removed from the said districts, and from the district of Saratoga, in the county of Albany, and it is therefore requisite that special provision should be made for carrying this act into effect within the said several districts.

Proviso as to destruction of buildings and grain in districts named.

Be it therefore further enacted by the authority aforesaid That the supervisor of each of the said respective districts in the counties of Albany and Tryon, shall forthwith after the passing of this act furnish the said agent or one of his assistants with a list of the names of the persons who shall then be actually resident within the district, and who were assessed in the last assessment made within the district for a State-tax, and whose buildings or crops were not destroyed since the first day of May last, together with the sums at which the said persons were taxed, and the several persons named in such list shall be and hereby are charged to pay a quantity of wheat or an equivalent in money as aforesaid proportionate to the several sums at which the said persons were respectively taxed, at the rate of one bushel of wheat, or twelve shillings in bills of the new emission, for every seventy five dollars of the sum at which the said persons were taxed; and the said persons shall be notified of the quantity of wheat or sum of money with the payment whereof they are hereby charged, and shall be compelled to deliver or pay the same in like manner and under the same penalties as are herein before mentioned, and that it shall be lawful for the said persons resident in the said several districts to pay wheat or money as they shall respectively elect

Supervisor to furnish list of persons assessed whose buildings were not destroyed and such persons shall pay quantity of wheat required.

And whereas it is intended that the wheat to be procured in consequence of this act should be considered as a substitute for the quantity of five thousand eight hundred barrels of flour directed to be procured by assessment, pursuant to an act passed for that purpose the twenty second day of September last.

Proviso as to wheat being substitute for flour.

And whereas in some parts of the State the said assessment last mentioned hath been made and the inhabitants have furnished wheat in consequence thereof: In order therefore that justice may be done to such inhabitants.

Be it further enacted by the authority aforesaid That all assessments made in consequence of the said act shall from and after the passing of this act be void and no person shall hereafter be liable to furnish any flour or wheat in consequence of the said assessments. That each and every person who hath furnished any wheat or flour in consequence of the assessment last mentioned shall be and hereby is exempted from paying any wheat or money in consequence of this act until such person shall be paid by the said agent or one of his assistants for the flour or wheat furnished by such person in consequence of the said assessment

Assessments named void. Persons exempt.

And be it further enacted by the authority aforesaid That the several persons, so to be employed as aforesaid by the said agent or either of his assistants to receive wheat or money to be collected in pursuance of this act, shall deliver and pay the same to the said agent or one of his assistants, and the said monies shall in the first instance be applied by the said agent to the payment of flour and wheat which shall have been delivered in consequence of the assessments made pursuant to the said act passed the twenty second day of September last and the overplus of the said monies shall by the said agent be applied to the purchase of wheat on the account of this State or defraying the incidental expences of his office.

Delivery to agent, etc.

Penalty for neglect of official duty.

And be it further enacted by the authority aforesaid That if any supervisor, shall neglect or refuse to do or perform any of the duties required of him by this act, the person so neglecting or refusing shall for each neglect or refusal forfeit the sum of twenty pounds, to be recovered by the State agent, in any court of record within this State or in a summary way before any justice of the peace of the county and which penalty shall when recovered by the said agent be credited by him, in his account, to this State and shall be expended by him as aforesaid.

CHAP. 46.

AN ACT for emitting monies upon the credit of this State.

PASSED the 27th of March, 1781.

Preamble. WHEREAS the legislature did by act passed the fifteenth day of June last, make provision for carrying into effect the system of finance established by the act of congress of the eighteenth of March last

And whereas by reason, that the greater part of the produce of this State hath for a considerable time past been applied to the use of the army, upon certificates from the purchasing officers to the inhabitants and by reason that the ballance of trade hath been greatly against this State and owing to various other causes there is an inconsiderable sum of the former Continental currency now circulating within this State, inasmuch that a competent sum of the new bills to be issued pursuant to the said act of congress, cannot be drawn into circulation seasonably to answer the public exigencies.

Bills of credit to be emitted, etc.

Be it therefore 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 there shall be emitted upon the credit of this State, bills to the amount of the sum of four hundred and eleven thousand two hundred and fifty dollars being the amount of the sum now remaining unissued in the Continental Loan Office within this State of, the monies allotted to this State for emission and redemption in consequence of the said system recommended by the said act of congress—That the funds appropriated for the security and redemption of the bills to be issued upon the credit of this State pursuant to the said act of congress shall be and are hereby charged for the security and redemption of the bills to be emitted in pursuance of this act—That the bills to be emitted in pursuance of this act shall be of the respective various denominations, and shall bear a like interest from the fifteenth day of June one thousand seven hundred and eighty, and be redeemable, and be received in all payments due or to become due, and in all loans to this State in like manner as the bills issued upon the credit of this State pursuant to the said act of congress—That the face of the said bills to be emitted in pursuance of this act shall read as follows that is to say,

Form of bills.

“The possessor of this bill shall be paid Spanish milled dollar by the thirty first day of December one thousand seven hundred and eighty six with interest from the fifteenth day of June one thousand seven hundred and eighty, in like money, at the rate of five per cent per annum, by the State of New York, and the first payment of interest to be on the fifteenth day of June, one thousand seven hundred and eighty two according to an act of the legislature of the said State of the day of one thousand seven hundred and eighty one”—

That whenever any monies shall come into the treasury of this State, in order to be exchanged or in any manner whatsoever, consisting in the former Continental currency, it shall then be lawful for the treasurer of this State from time to time to pay the amount of such former Continental currency into the said loan office, on the account of this State, and to receive, for the same, from the loan officer, bills to be emitted pursuant to and in the mode prescribed by the said act of congress, and from time to time as bills emitted in pursuance of this act shall come to his hands to punch, with a circular punch of one inch diameter such bills to the amount of the bills which shall, in cases of such payment, issue from the said loan office, and the bills so punched shall be retained in the treasury, and hereby are declared to be cancelled.

Continental currency to be paid into loan office and bills received therefor.

Cancellation of bills.

Provided nevertheless that it shall not be lawful for the said treasurer to pay any monies consisting in the said former Continental currency into the said loan office on the account of this State, or to exchange any of the bills emitted on the credit of this State pursuant to the said act of congress for the said former Continental currency, until the further order of the person administering the government of this State for the time being any thing in this or any other law to the contrary thereof notwithstanding. That whenever the treasurer shall be possessed of any monies consisting in bills issued or to be issued upon the credit of this State, or of any other of the United States, pursuant to the said act of congress, it shall be lawful for the treasurer and he is hereby required to give such monies in exchange, for an equal sum in nominal value, in bills to be emitted in pursuance of this act, to any person who shall apply for the purpose.—That the said treasurer out of the monies to be emitted in pursuance of this act shall retain in the treasury the sum of one hundred and sixty four thousand five hundred dollars, and which said sum shall be by him paid to such person or persons only as the person administering the government of this State for the time being shall specially appoint and direct to receive the same any law to the contrary notwithstanding. That it shall be lawful for the said treasurer to receive from the Continental loan officer within this State, and on account of the State, any monies which the said loan officer may be authorized to pay to him, the said treasurer, and consisting only in such bills as were to be issued upon the credit of this State—pursuant to the said act of congress, and the act of this State passed in consequence thereof on the fifteenth day of June one thousand seven hundred and eighty, and the said monies when received into the treasury shall be paid out in exchange for bills emitted in pursuance of this act in like manner as is herein before provided, and in no other manner whatsoever,

Proviso as to further order of governor.

Payment to be made by treasurer on order of governor.

Bills to be received from Continental loan office.

Provided always that when such a sum of the said bills shall have come into his hands as shall be equal to the amount of the bills to be emitted pursuant to this act, and remaining uncanceled as aforesaid, it shall be lawful for him to appropriate the surplus of such bills, if any he should receive, to the payment of any debts of this State which he may be authorized to pay —That it shall be lawful for the said treasurer to receive in behalf of this State from any person who shall be authorized by congress to pay the same, any bill or bills of exchange to pay off the interest accrued on any bills to be emitted in pursuance of this act, or of the act aforesaid, passed the fifteenth day of June, one thousand seven hundred and eighty; and in like manner it shall be lawful for the said treasurer to pay the said interest out of any monies which may come into the treasury consisting in specie, and in pursuance of the act for procuring a sum in specie passed the fifth day of October last, any thing in the said act to the contrary notwithstanding— That whenever

Proviso as to application of surplus to payment of debts of the State, etc.

the said treasurer shall pay the interest for any bills emitted or to be emitted, out of the loan office within this State pursuant to the said act of congress of the eighteenth day of March one thousand seven hundred and eighty, he shall exchange such bills for other bills of equal nominal value in manner as in and by the said act of congress is directed. That whenever interest on the bills to be emitted in pursuance of this act shall be paid at any period prior to the redemption thereof, and on or after the said fifteenth day of June one thousand seven hundred and eighty two, such bills shall be exchanged for others of the like nominal value. And if such bills to be emitted in pursuance of this act shall at any time be exchanged for any bills emitted in pursuance of the said act of congress, the treasurer shall give in exchange of the bills last mentioned of equal nominal value and also pay to the person exchanging the same the interest due on the bills to be emitted pursuant to this act, to the day of the date of such bills, which he the said treasurer shall give in exchange, any thing in this act to the contrary notwithstanding.

Moneys consisting of bills received into treasury to be cancelled.

Commissioners for signing bills, etc.

Bills to be printed.

When printed, signed, etc., to be delivered to treasurer to be paid out as directed.

Compensation of commissioners.

Laws against counterfeiting, etc., to apply to bills emitted under this act.

And be it further enacted by the authority aforesaid That all monies which shall be received by the commissioners for procuring a sum in specie, consisting in bills to be emitted in pursuance of this act upon the sales of any lands mortgaged for the security and redemption of the bills issued upon the credit of this State pursuant to the said act of congress, shall, as the same shall from time to time be paid by the said commissioners into the treasury, be cancelled in like manner as is herein before directed. That the treasurer of this State for the time being and such four other persons as the person administering the government for the time being shall by and with the advice and consent of the council of appointment appoint for the purpose, or any three of them of which the treasury for the time being shall always be one, shall be commissioners for striking signing and numbering the said bills, and the said commissioners or any three of them as aforesaid, shall be and hereby are authorized and required to cause the said bills to be printed in such manner, and with such devices, and to administer an oath to the person or persons employed in printing the said bills, in such manner as the said commissioners shall be proper for preventing frauds and counterfeits; And the said bills when printed, signed, and numbered, shall be paid, by the respective other commissioners possessing the same, to the treasurer to be paid out of the treasury in all cases where payments are directed to be made in bills to be made in bills to be issued in pursuance of the said act of congress— That the treasurer shall out of the said bills to be issued in pursuance of this act, or any monies not specially appropriated, pay the expence of printing the said bills and the incidental expences which may accrue in or about the same. That the said bills shall be signed by any two of the said commissioners, and shall be numbred by any one of them— And the said commissioners shall be allowed for their services and expences in executing the business hereby committed to them such sum as the legislature shall hereafter deem just and reasonable. That all laws of this State heretofore made against counterfeiting, or passing knowing the same to be counterfeit, or bringing from any part of this State within the power of the enemy knowing the same to be counterfeit, any bills of credit issued by the authority of the convention of this State, shall and hereby are declared to extend to the cases of counterfeiting, or passing knowing the same to be counterfeit, or bringing from any part of this State within the power of the enemy knowing the same to be counterfeit, any of the bills of credit to be emitted in pursuance of this act; And although

such counterfeiting or passing, knowing the same to be counterfeit, any of the bills to be emitted in pursuance of this act may be done out of this State, it shall nevertheless be lawful for any grand jury within this State to present the same, and to set forth in the indictment the place where by the evidence it shall appear the felony was committed, which indictment is hereby declared to be good notwithstanding the place where the felony shall be alledged to have been committed shall be out of this State, and the petit juries for the trial of all such indictments, shall be returned from the body of the city or county where the indictment shall be found any law to the contrary notwithstanding. And further, the several persons charged with felony against this act may be indicted, tried and convicted at any special sessions of oyer and terminer and general gaol delivery; to be held in pursuance of the act entitled "An act for the more speedy trial of felonies without benefit of clergy; for subjecting the accessaries to such felonies to a like punishment with the principals, and for the trials of such accessaries although the principals may not be convicted," passed the eleventh March one thousand seven hundred and eighty.

Indictments, trial, jurors, etc.

CHAP. 47.

AN ACT to prevent delay by writs of replevin in cases of distress for taxes, assessments or fines.

PASSED the 29th of March, 1781.

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 all writs of replevin, in any case of distress made for any tax assessment or fine to be collected in pursuance of any law of this State, shall be returned and prosecuted in the supreme court only, any law, usage or custom to the contrary notwithstanding. And that in all such cases of replevin, the plaintiff in such replevin, shall, before the replevying of such goods or chattles, execute and deliver to the sherif of the county, a replevin bond, with two sureties, in the sum of fifty pounds, with a condition to prosecute his suit to effect, and shall pay to the officer having made such distress, the full amount of the tax assessment or fine, and also the costs and expence of taking and keeping of such distress, unless the time of making such replevin in default whereof the officer who shall have made such distress, shall and may proceed to sell and dispose of the goods and chattles so distrained.

Writs of replevin where to be returned and tried.

Bond.

And be it further enacted by the authority aforesaid That any plaintiff or plaintiffs who shall issue or prosecute a writ of replevin in any such case as aforesaid otherwise than by this act is directed, shall forfeit and pay the sum of forty pounds to be recovered by an action of debt with costs in any court of record in this State, the one moiety thereof to the use of the people of this Stnte, and the other moiety thereof to any person who will sue and prosecute for the same to effect.

Penalty for prosecuting writ other than as authorized by this act.

And be it further enacted by the authority aforesaid, That in every suit in replevin in such cases as aforesaid the officer who shall have made such distress as aforesaid, shall be made defendant, and give due notice and proper instructions to the attorney general of this State to make a defence therein or in default thereof be liable to be prosecuted by information or indictment for a neglect of the duty of his office.

Officer making distress to be made defendant and to give notice to attorney general.

That on such notices and instructions being given all such suits shall be defended by the attorney general on behalf of the people of this State, and at their expence; for the defence whereof he shall have the like aids as are given by the act entitled "An act for the amendment of the law directing the sales of forfeited lands."

Judgment
for plaintiff.

And be it further enacted by the authority aforesaid That in any such suit in replevin, if judgment shall be given for the plaintiff, the judgment shall be for the sum for which his goods and chattles were distrained, or so much thereof as shall appear to be justly due to him with costs to be taxed, and the judge or judges before whom such trial was had, or one of them shall give such plaintiff a certificate in writing directed to the treasurer of the county where such distress was made, of the amount of the sum or damages and costs adjudged to him, which shall be a sufficient warrant to the county treasurer to pay, and he shall thereupon pay the sum or sums mentioned in such certificate to the said plaintiff, out of any public monies in the county treasury, and charge the same to the district in which such plaintiff did reside at the time such tax assessment or fine was assessed or adjudged.

Ibid, for
defendant.

And be it further enacted by the authority aforesaid That in any such suit where judgment shall be given for the defendant, the plaintiff in replevin shall pay double costs to be taxed, for which a *feri facias* shall issue, one moiety thereof when levied to be paid to the attorney general for his own use, and the other moiety to the officer who shall have made the distress for which such replevin was brought, and if the same shall not be levied on or before the return of the execution, the bond given by the plaintiff and his sureties to the sheriff for the prosecuting such suit in replevin shall in such case, and upon the return of the execution be deemed forfeited to the people of this State, and be put in suit and prosecuted by the attorney general in the name of such sheriff; and one moiety of the penalty thereof when recovered shall be paid to the officer who made the distress for which such replevin was brought to his own use, and the other moiety thereof to be retained by the attorney general to his own use.

CHAP. 48.

AN ACT more effectually to punish adherence to the king of Great Britain within this State.

PASSED the 30th of March, 1781.

Preamble. WHEREAS, altho' adhering to the enemies of this State is by law high treason against the people of this State: yet in order more effectually to prevent an adherence to the king of Great Britain it is deemed requisite that farther provision should be made by law.

Persons
teaching,
etc. that
king of
Great
Britain
hath
authority,
etc., guilty
of felony.

Be it therefore 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 if any person, being a citizen or subject of this State or of any of the United States of America and abiding or residing within this State, shall maliciously advisedly and directly by preaching, teaching speaking writing or printing declare or maintain that the king of Great Britain hath or of right ought to have any authority or dominion in or over this State or the inhabitants thereof, or shall maliciously and advisedly seduce or persuade or attempt to seduce or persuade any in-

habitant of this State to renounce his or her allegiance to this State or to acknowledge allegiance or subjection to the king or crown of Great Britain, or shall maliciously and advisedly declare or affirm that he or she doth owe allegiance to the king or crown of Great Britain, and be convicted thereof shall he adjudged guilty of felony and shall suffer the pains and penalties prescribed by law in cases of felony without benefit of clergy and may be indicted tried and convicted at any special sessions of oyer and terminer and goal delivery to be held in pursuance of the act entitled "An act for the more speedy trial of felonies without benefit of clergy, for subjecting the accessaries to such felonies to a like punishment with the principals; and for the trials of such accessaries although the principals may not be convicted," passed the eleventh of March one thousand seven hundred and eighty, any law to the contrary notwithstanding:

Penalty.

Provided nevertheless that it shall and may be lawful for the court before whom such offender shall be convicted if such court shall deem it proper instead of giving judgment of death to order and direct that such offender shall be sent as soon as conveniently may be to serve for the term of three years on board of any ship of war belonging to this State or to the United States or to an ally of the United States and if any offender so ordered by any such court to be sent to serve on board any such ship of war for the term aforesaid shall desert from such service and be found within this State or any other of the United States the person so deserting shall be liable to be punished as a person attainted of felony without benefit of clergy and execution may and shall be awarded against such offender accordingly any thing in this act to the contrary notwithstanding.

Proviso as to sentence to serve on ships of war.

And be it further enacted by the authority aforesaid That at every term of supreme court and at every sessions of oyer and terminer and goal delivery the grand jury shall be specially charged to enquire of the felonies aforesaid.

Grand jury to be specially charged.

CHAP. 49.

AN ACT for the payment of certain contingent expences of this State.

PASSED the 30th of March, 1781.

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 the treasurer of this State shall out of the monies which now are or hereafter may be in the treasury not otherwise specially appropriated pay the following sums of money to the following persons viz:

Payments to be made

To the person administering the government of this State for the time being, to defray the incidental charges which may arise in and about administering the government and in and about the erection or completion of any fortification or works of security in this State which he may think necessary such sum or sums as he shall from time to time by warrants under his hand and the privy seal of the State draw from the treasury for the purpose not to exceed in the whole the sum of one thousand pounds.

To the governor.

To each of the delegates from this State in congress in addition to the sum of three hundred pounds mentioned in the act to provide for

Delegates in congress.

Contingent expenses.

the payment of certain contingent expences of this State, passed the tenth day of October last such further sum on account as they shall respectively require, not exceeding the sum of three hundred pounds to each.

Chancellor and justices.

To the chancellor and justices of the supreme court, on account of their respective sallaries for the present year each the sum of two hundred pounds.

Senators and members of assembly.

To the several members of the senate and assembly for each and every day they shall severally have attended in senate or assembly during the present meeting of the legislature each the sum of sixteen shillings, and for each and every day they shall be severally travelling from their respective places of abode to the place of meeting of the legislature and returning each the sum of twenty shillings, agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate or speaker of the assembly as the case may be; the account of the president of the senate, to be certified by the clerk of the senate, and the account of the speaker of the assembly to be certified by the clerk of the assembly

Clerks of senate and assembly.

To the clerks of the senate and assembly each thirty two shillings per day agreeable to such account thereof as they shall respectively produce, certified by the president of the senate and speaker of the assembly respectively.

To the said clerks for sundry sums by them respectively advanced for the use of the senate and assembly the amount of such account thereof as they shall respectively produce certified by the president of the senate or speaker of the assembly.

Secretary of State. Doorkeepers.

To the secretary of this State, one hundred pounds on account.

To the door-keepers of the senate and assembly, for their services, each twenty shillings per day, agreeable to such accounts thereof as they shall respectively produce certified by the president of the senate or speaker of the assembly.

Auditors.

To the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States the farther sum of two hundred pounds on account.

Commissioners.

To Samuel Dodge Esquire commissioner to have the care and superintendance of such poor as were removed from the city of New York the farther sum of five hundred pounds on account for the use of the said poor.

Clerk.

To John Daniel Gross clerk, for provisions procured by him in the county of Tryon, for certain distressed families, by order of Brigadier General Van Rensselaer, the sum of ten pounds sixteen shillings.

Other officers and persons.

To Lieutenant Colonel Henry K. Van Rensselaer the sum of thirty pounds to defray the expence accrued in the cure of a wound he received while serving in the militia of this State.

To Hendrick Oblinus a like sum to defray the expence accrued in the cure of a wound his son received while serving in the militia of this State.

To Jacob I. Lansing the sum of seven pounds for services rendered to this State.

To Colonel Goose Van Schaick and Colonel Philip Van Cortlandt each the sum of nine hundred and sixty pounds, five shillings towards the pay of their respective regiments, and that the said treasurer cause the pay master general to be notified of the said monies advanced to the said regiments, and that he receive the amount thereof from the said pay master general.

To John Holt in full of his account for printing for this State to the

seventeenth day of February last the sum of one thousand and eighty pounds and nine pence.

To John Tillman for his services and disbursements as serjeant at arms to both houses of the legislature, since the time of his appointment the sum of sixty pounds

Whereas Philip Schuyler Esquire did on the twenty fourth day of February last advance on behalf of the State to Abraham Cuyler Esquire one thousand dollars in bills of exchange on France for the purpose of procuring a quantity of blankets for the use of the Oneida and Tuscarora Indians,

Be it therefore farther enacted by the authority aforesaid That the treasurer of this State shall be, and is hereby authorized to purchase bills of exchange on France to the amount aforesaid and to deliver the same to the said Philip Schuyler in discharge of the said sum so advanced as aforesaid. That the said treasurer shall pay to the said Abraham Cuyler the farther sum of one hundred and six pounds four shillings with interest on the same from the eighth day of March instant in bills of credit emitted on the credit of the United States in consequence of the act of congress of the eighteenth day of March one thousand seven hundred and eighty in re-payment for the like sum advanced by him to purchase blankets and strouds for the said Indians; and the farther sum of six pounds thirteen shillings and eight pence for his commissions upon the making such purchases; and that the said treasurer charge the amount of the said monies specified in this clause to the United States.

Proviso as to advance made in bills of exchange on France by Philip Schuyler. Treasurer to purchase bills and deliver to him and to pay Abraham Cuyler sum advanced.

And be it further enacted by the authority aforesaid, That it shall be lawful for the said treasurer to pay to Udney Hay Esquire purchasing agent for this State, such sum or sums as he shall require not exceeding in the whole the sum of five thousand pounds to be expended by him in purchasing beef and beef cattle upon the account of this State, and not to be applied to any other purpose; and which beef or beef cattle shall be delivered by the said agent to any person or persons appointed to receive the same in behalf of the United States, and that the said agent shall purchase such beef or beef cattle at any prices for which the same can be purchased, any law to the contrary notwithstanding — And further, that the said agent shall pay either in money or in kind, to such of the inhabitants of the city of Albany and town of Schenectady upon whom troops have been billeted during the present winter, for the provisions furnished by the said inhabitants to the troops; and that the said provisions be considered as a part of the quota of provisions required of this State.

Payment to purchasing agent for State.

And be it further enacted by the authority aforesaid That the treasurer of this State shall out of any monies which now are or hereafter may be in the treasury pay the following sums of money to the following persons viz'.

Payments to be made to persons named.

To Henry Wisner Esquire, the sum of eight hundred pounds on account and in advance, to be by him expended in procuring a quantity of sulphur and salt petre, and for manufacturing gunpowder for the use of this State.

To Casper Stoudt for the ballance of his account two hundred and forty eight pounds one shilling and five pence.

To Nicholas Marselis for the ballance of his account for going express to congress twenty two pounds thirteen shillings and four pence.

To Abraham Yates jun^r Esquire for cash by him advanced to the said Nicholas Marselis for expences accrued in going to and returning from Philadelphia, fifty nine pounds five shillings.

And whereas sundry persons have engaged to purchase wheat and flour on their own credit for the use of this State, some part thereof hath already been delivered to the State agent or his assistants.

Agent to pay for wheat, etc.

Be it therefore enacted by the authority aforesaid That it shall and may be lawful for the said agent and he is hereby required to pay for all such wheat and flour as aforesaid, as already has been or may hereafter be delivered to him or his assistants, together with all reasonable expences which may have accrued to the said persons in purchasing and delivering the same, any law to the contrary hereof notwithstanding.

Proviso as to unpaid drafts, etc.

And whereas drafts have heretofore been made by or on behalf of the congress of the United States on the treasury of this State for large sums of money, some whereof have been in part paid, and others remain altogether undischarged.

And whereas by reason of the great debt due from the United States to the individuals of this State, it was deemed expedient to render certificates from the public officers payable for taxes, whereby the taxes have not been productive of money to discharge the said drafts

Treasurer not to pay drafts.

Be it therefore enacted by the authority aforesaid, That it shall not be lawful for the treasurer of this State for the time being, hereafter to pay any such drafts or bills drawn on him and he is hereby required not to discharge the remainder of any such drafts already drawn on him, and which he may have in part paid or any others on which he may not have made any payments.

CHAP. 50.

AN ACT directing a mode for the recovery of debts due to, and the settlement of accounts with, this State.

PASSED the 30th of March, 1781.

Preamble.

WHEREAS considerable debts are due to this State upon bond, recognizance and otherwise, heretofore entered into or contracted with committees, conventions, commissioners, and others, at a time when the government of this State was not organized.

And whereas no particular and competent mode hath been directed by law for the recovery of the said debts, and other debts due to the State, or to ascertain the value of such debts due to or from the State as were intended to have been paid in bills of credit issued by the provincial congress of the late colony of New York, or the convention of this State, or in the former Continental currency.

Debts due people to be sued for by treasurer.

Be it therefore 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 all debts due to the people of this State, shall be sued for and recovered, with costs, by and in the name of the treasurer of this State. That such suits shall not discontinue by reason of the death or resignation, or removal from office of the treasurer—That all debts due as aforesaid to the people of this State, other than on bond or recognizance, shall, if the same shall be sued for in a court of law, be sued for in an action of assumpsit for monies received to the use of the plaintiff. That it shall be lawful for the attorney general at any time before the issuing of an execution in any suit to be commenced, to receive the debt for the recovery whereof such suit shall have been commenced, and from

Attorney general may receive payment before

time to time to pay the amount of the monies so received into the treasury of this State. That the actual value of all debts due to this State as aforesaid, and intended to have been paid in the said bills of credit of this State, or in the said former Continental currency, if such debts became due before the first day of September one thousand seven hundred and seventy seven, shall be deemed to be equal to a like nominal sum in the present lawful money of this State and, if such debts became due after the said first day of September one thousand seven hundred and seventy seven, the actual value thereof shall be ascertained agreeable to the scale hereunto annexed: And that the value of all debts due on bond or recognizance, shall so far forth, as to ascertain the value thereof, be deemed to have been due on the date of the bond or recognizance. That besides bonds and recognizances taken to and in the name of the people of this State, all bonds or recognizances taken by, or entered into, at any time since the nineteenth day of April one thousand seven hundred and seventy five, to, any provincial congress of the late colony of New York, or to the president or treasurer of any such congress, or to any person in behalf of such congress or to any convention of this State, or to any committee of the said convention, or to the president, treasurer, or secretary of the said convention, or to any other person in behalf of the said convention, or to the chairman of such committee, or to the commissioners for detecting and defeating conspiracies, shall and may be prosecuted and sued for in manner aforesaid, as bonds or recognizances entered into and taken to the people of this State—And that all bonds or recognizances taken by, or entered into, to, any county, district, or precinct committee, or to the chairman, treasurer, or secretary, of such committees, of or concerning the public peace or safety, shall be deemed to have been taken to and for the use and on behalf of the people of this State, and shall and may be prosecuted and sued for in manner as aforesaid.

issuing
execution.
Actual
value of
debts.

Debts due
on bonds
or recog-
nizances to
officers
named to
be prose-
cuted the
same as if
entered
into to the
people of
this State.

Provided that no bond or recognizance taken by, or entered into to, any county, district or precinct committee, or to the chairman, treasurer or secretary of such committee as aforesaid, at any time before the ninth day of July one thousand seven hundred and seventy six, shall be put in suit until the further order of the legislature—That each and every bond or recognizance so to be prosecuted and sued for in the name of the treasurer of this State, to and for the use of this State, shall be and hereby is declared to be well taken and entered into, notwithstanding any defect in the form of such bond or recognizance. That all persons who may have received fines and forfeitures due to the State, or who may otherwise have received monies for the use or upon account of this State, are hereby declared to be indebted to this State for the amount of such fines forfeitures and monies, so by them had and received—And that all and every person or persons in whose hands or possession any such bond or recognizance or memorandum thereof taken by or entered into before any county, district, or precinct committee, or to the chairman, treasurer, or secretary of such committee, as aforesaid, shall be, and hereby are required, and it is hereby expressly made their duty to deliver such bond recognizance or memorandum thereof forthwith after the passing this act to the attorney general of this State.

Bonds, etc.
named not
to be put
in suit till
further or-
der of
legislature.

Persons in-
debted to
State.

And be it further enacted by the authority aforesaid, That in all cases of suits to be commenced for the recovery of all such bonds recognizances, fines and forfeitures or other debts in the supreme court of judicature of this State, the said court is hereby directed, authorized and empowered in any suit so commenced and prosecuted, to give judgment according to the laws usages and customs of a court of exchequer

Judgment,
how to be
rendered.

Proviso as to powers to be granted for settling accounts.

And whereas it is deemed impossible to devise a general mode, for the settlement of the accounts due to and from this State, which will apply to the great variety of cases which must necessarily arise, with respect to an allowance to be made to and by the State for the depreciation of the paper currency, and that therefore it is requisite that powers should be granted for settling the said accounts, according to the circumstances and merits of each particular case.

Auditor to make allowance for depreciation of paper.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for the auditor general of this State in the settlement of any pay or subsistence rolls of the militia, or of any other accounts due to or from this State, to make allowance for the depreciation of the paper currency, either with respect to the whole of the account or certain parts thereof, or with respect to the time from whence the depreciation ought to be computed, or with respect to the rates at which the depreciation ought to be computed, as he shall in each particular case deem just and reasonable: And that it shall be lawful for the said auditor general to revise any accounts which he may have heretofore audited, and the ballance whereof hath not been paid, and the same to audit in the manner aforesaid.

Rates contained in annexed schedule to be observed.

Provided that in ascertaining the relative value between the Continental currency and specie, at the respective periods; he shall in the general observe the rates contained in the said scale hereunto annexed. That if any person having an account with this State, and which shall be settled by the auditor general as aforesaid, shall deem himself or herself aggrieved by such settlement, it shall be lawful, for such person at his or her own expence, to apply, by way of petition, to the court of chancery for relief, and it shall be lawful for the chancellor, after the auditor general shall have been served with a copy of such petition, to take such order thereon, and direct such summary proceedings therein as he shall deem requisite and proper; and make such decree as shall be agreeable to equity and good conscience— That where by any law of this State any specific sum not intended as a salary and intended to have been paid in the said former Continental currency hath been granted to any person it shall be lawful for the treasurer to pay the whole or such parts of the said sums, as remain unpaid, in the present lawful money of this State, at the same rate with specie, and that the value of the said sums in specie at the time they became due be ascertained in the manner before prescribed.—

Proviso as to application of money in cases of emergency Credit to be given in such cases.

And whereas in many instances persons possessed of monies due to this State have upon certain occasions and emergencies applied the same, or part thereof, to public uses, without any express legal authority for the purpose.—

Be it therefore further enacted by the authority aforesaid, That if, in the settlement of any account, it shall appear to the auditor general, that any person possessed of monies due to this State, hath bona fide applied the same, or any part thereof, to any public use, it shall be lawful for the auditor general to credit such person for the monies so applied in such manner as he shall deem just and reasonable, notwithstanding the want of an express provision by law justifying such application of the said monies.

Auditor general to cause suits for debts named to be commenced. Proviso as to surplus

And be it further enacted by the authority aforesaid, That it shall be, and is hereby expressly made the duty of the auditor general, to cause all suits for debts due to this State, other than debts due on bonds or recognizances, to be commenced and prosecuted to effect.—

And whereas the loan officers appointed by the laws of the late colony of New York before the revolution have sold certain lands and tene-

ments mortgaged to them, and the equity of redemption whereof was in persons with the enemy, or who have been attainted for adhering to the enemies of this State, and no provision hath as yet been made by law with respect to the overplus of monies which the said loan officers may in consequence of such sales receive beyond the amount of the principal and interest.—

monies on certain mortgage fore-closures.

Be it therefore further enacted by the authority aforesaid, That the said loan officers shall be and hereby are declared to be indebted to this State for the amount of such overplus money, and the same shall be paid by the said loan officers respectively into the treasury of this State, without any allowance to be made in favor of this State for the depreciation of the paper currency.

Surplus to be paid into State treasury.

The scale referred to in the preceding act, shewing the value of one hundred dollars in specie, in Continental bills of credit at and between the several times therein expressed. vizt.

Schedule.

1777.		1779.	
September	1st..... 100	January	1st..... 742
	15th..... 104		15th..... 796
October	1st..... 109	February	1st..... 868
	15th..... 115		15th..... 932
November	1st..... 121	March	1st..... 1000
	15th..... 127		15th..... 1048
December	1st..... 133	April	1st..... 1104
	15th..... 139		15th..... 1156
		May	1st..... 1219
			15th..... 1272
	1778.	June	1st..... 1344
January	1st..... 146		15th..... 1404
	15th..... 152	July	1st..... 1486
February	1st..... 160		15th..... 1548
	15th..... 167	August	1st..... 1631
March	1st..... 175		15th..... 1709
	15th..... 186	September	1st..... 1800
April	1st..... 203		15th..... 1908
	15th..... 214	October	1st..... 2032
May	1st..... 230		15th..... 2151
	15th..... 245	November	1st..... 2340
June	1st..... 265		15th..... 2433
	15th..... 281	December	1st..... 2597
July	1st..... 303		15th..... 2741
	15th..... 332		
August	1st..... 348		1780.
	15th..... 370	January	1st..... 2932
September	1st..... 400		15th..... 3115
	15th..... 429	February	1st..... 3333
October	1st..... 464		15th..... 3533
	15th..... 500	March	1st..... 3732
November	1st..... 545		18th..... 4000
	15th..... 584		
December	1st..... 634		
	15th..... 679		

sioners aforesaid, may dispose of the same lands, and disputes may arise thereby — for prevention whereof.

Lands not to be sold after application to purchase and deposit of requisite sum by person possessed of certificates

VI. *Be it enacted by the authority aforesaid*, That whenever and as often as any person possessed of such certificates, shall apply to the commissioners of forfeitures for the purchase of forfeited lands, and shall have deposited with the said commissioners the requisite sum, the said commissioners shall thereupon certify by notice in writing under their hands, the commissioners for procuring a sum in specie, thereof, and the said commissioners for procuring a sum in specie shall not after such notice, sell or otherwise dispose of the lands specified therein; and in like manner if the said commissioners to procure a sum in specie, shall have sold, or otherwise disposed of, or contracted for the sale, or other disposal, of any forfeited lands, they shall notify the commissioners of forfeitures thereof, by notice in writing under their hands, and the said commissioners of forfeitures, shall not, after such notice, sell the lands specified therein.

Proviso as to sale of undivided rights.

And whereas in and by the act for the amendment of the law directing the sales of forfeited lands, it is declared that the commissioners of forfeiture should not sell or dispose of any undivided rights, or parts of any lands or tenements.

And whereas the commissioners of forfeitures for the western district, after the passing of the said act, and before they were notified thereof, had sold certain undivided rights in certain lands.

Sales legalized.

VII. *Be it therefore further enacted by the authority aforesaid*, That the sales so made by the said commissioners last mentioned, shall be, and are hereby declared, to be legal and valid, and that the respective purchasers, who shall have paid into the treasury the amount of the purchase money, on or before the said first day of May next, shall be entitled to conveyances for the same, anything in the said act to the contrary notwithstanding. And that such purchasers shall pay their respective purchase monies in such currency, or in such treasury certificates, and at the same rates, as are herein before mentioned.

And whereas no provision has been made in the law for the appointment of commissioners to procure a sum in specie with respect to tenants who have made or purchased improvements on lands.

Commissioners not to sell lands possessed by tenants named.

VIII. *Be it therefore enacted by the authority aforesaid*, That the commissioners appointed in pursuance of the said act for procuring a sum in specie, shall be restricted from selling or otherwise disposing of any lands possessed by tenants, who, or whose ancestors, testators or intestates, shall have made or purchased the improvements thereon, in like manner as the said commissioners of forfeitures are by law restricted.

Proviso as to tenants availing themselves of right of pre-emption.

And whereas by the laws heretofore passed relative to the sale of forfeited lands, a right of pre-emption is reserved to tenants, who, or whose ancestors, testators or intestates, shall have made or purchased the improvements thereon: therefore in order that the said tenants may be vigilant to avail themselves of the said benefit, and to prevent the sales of forfeited lands from being obstructed by the claims of such tenants.

Commissioners may join with tenant in appraisalment etc.

IX. *Be it further enacted by the authority aforesaid*, That if shall be lawful for the commissioners of forfeitures, upon the application of any such tenant, and who shall produce the certificate of his or her character required by law, to join with such tenant in the appraisalment of the lands, and to convey the same to the said tenant, in like manner as is directed by law; any law prohibiting the said commissioners of forfeitures from making further sales, to the contrary notwithstanding. And that each and every such tenant who shall not have made such application, within four months after the passing of this act, or within four

Time limited.

months after the attainder of the respective landlords, if such attainder shall happen after the passing of this act, or, after a lapse of either of the said several times, previous to an application by any other person for the purchase or mortgage of the said lands to the commissioners for procuring a sum in specie, or to the commissioners of forfeitures, shall be forever after barred and precluded from such right of preemption, any law requiring the said commissioners of forfeitures to give previous notice to such tenant, of an application for the purpose of the lands in possession of such tenant, by persons possessed of certificates granted to troops for the depreciation of their pay, to the contrary notwithstanding. And that each and every such tenant, who shall not within eight months after the appraisal, pay into the treasury the amount of the sum at which the lands possessed by such tenant (exclusive of the improvements) shall be appraised, the tenant so in default shall forfeit to this State one fourth part of the sum at which the said lands shall be so appraised, to be recovered by the said commissioners in their own names, in an action of debt, for costs: And that upon such payments as last aforesaid the certificates herein before specified, and the certificates granted or to be granted to the troops for the depreciation of their pay, shall be received; and that the said treasury certificates before mentioned, shall be received in payment from the possessors of them respectively, any former law to the contrary notwithstanding.

X. *And be it further enacted by the authority aforesaid,* That no lands for the sale or other disposal whereof any contract or engagement hath been heretofore made, or entered into by the commissioners for procuring a sum in specie, shall be subject to be located upon certificates granted to the troops for the depreciation of their pay, and all such former locations shall with respect to such lands be void; and that it shall be lawful for the commissioners for procuring a sum in specie to grant a further day of payment beyond the time limited by law not exceeding three months beyond such time to any person to or with whom any such engagement or contract hath heretofore been made or entered into.

Lands contracted to be sold not subject to location upon soldiers' certificates.

XI. *And be it further enacted by the authority aforesaid,* That neither the commissioners of forfeitures, or the commissioners for procuring a sum in specie, shall be authorized to proceed to the sale mortgage or other disposal of a certain farm or plantation, situate in the like Bosch in the district of Kinderhook in the county of Albany, forfeited by the attainder of Andries Kettle late of Kinderhook aforesaid yeoman, until the legislature shall by law make further provision in the premisses; and that until such provision shall be made, Catharine the wife of the said Andries Kettle, shall and may possess and enjoy the said farm or plantation, without paying any rent, or making any compensation for the same to the commissioners of sequestration, any law to the contrary hereof notwithstanding. Provided always, that if the said farm or plantation has been rented before the passing of this act, by the commissioners of sequestration, the tenant under them shall and may possess such farm or plantation, until the term for which the same was rented, is ended—

Farm described not to be sold; wife may possess same, etc.

And whereas by the act entitled “An act to procure a sum in specie for the purpose redeeming one sixth part of the bills emitted upon the credit of this State, pursuant to an act of congress of the eighteenth day of March seventeen hundred and eighty, for discharging the interest of such bills, and for other purposes therein mentioned,” the legislature made provision for rewarding the persons suggested to have apprehended and secured the British deputy adjutant general Major André.

Proviso as to act making provision for rewarding captors of Major Andre.

And whereas since the passing of the said act it hath appeared to the legislature, that David Williams, and not John Dean, was one of the persons who so apprehended and secured the said Major André; in order therefore to rectify the said mistake;

Act void as to John Dean, and David Williams declared entitled to bounty. XII. *Be it enacted by the authority aforesaid* That the said act as to John Dean shall be null and void, and that the said David Williams shall be entitled to the said bounty in like manner as if the name of him the said David Williams had been inserted in the said act, instead of the name of the said John Dean, any thing in the said act to the contrary notwithstanding.

Commissioners to collect rents. XIII. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the commissioners of forfeitures in the respective districts, and they are hereby required to collect and receive all rents now due, or which may hereafter from time to time become due, on any lands or tenements the reversion or remainder whereof shall have already or may hereafter become forfeited to the people of this State, and to commence and prosecute in their own names any action or actions in assumpsit for the recovery of such rents with costs, against any person from whom such rents were or may become due or owing, or their respective heirs, executors or administrators upon a quantum meruit for the use and occupation of the lands possessed by the said persons respectively; and the jury upon the trial shall find a verdict for the plaintiffs for such sum as shall be proved to them would have been a reasonable rent for the lands during the time they were possessed by the defendant, his or her ancestor, testator or intestate, so as the damages so to be assessed, shall not exceed the whole value of the rent which the defendant shall prove to have been reserved and to have become due while such defendant his or her ancestor testator or intestate was in possession of such lands, and to be then unpaid

Not to prosecute for rents paid commissioners of sequestration. Provided that nothing herein contained shall be construed to authorize the commissioners of forfeitures to receive or prosecute for any rents reserved by the commissioners of sequestration, but that such rents shall be received and recovered as if the act had never been made.

Proviso as to lands conveyed by John H. Slegt and indebtedness on part of sale to him. *And whereas* John H. Slegt of Rumbout precinct in Dutchess county in the year seventeen hundred and seventy seven conveyed a certain message and farm thereunto belonging in the precinct aforesaid and now in his possession, to John Kane since attainted of adhering to the enemies of this State; and the said John Kane at the time of the conveyance promised, to the said John H. Slegt that he should retain the possession of the said premises at a reasonable rent during the war.

And whereas this State is indebted to the said John H. Slegt for monies taken on loan, without the means conveniently to discharge either the principal or interest

Commissioners not to sell said lands XIV. *Be it therefore enacted by the authority aforesaid* That the commissioners of forfeitures for the middle district, or the commissioners appointed to procure a sum in specie, shall not sell or in any otherwise dispose of the said message and farm now in the possession of the said John H. Slegt, without the consent of the said John H. Slegt, until the legislature shall make further provision in the premises.

Proviso as to William Zimmer going to the enemy. *And whereas* the agent, of William Zimmer late of Schoharie in the county of Albany now with the enemy, and indicted for adhering to the enemies of this State, hath by petition represented to the legislature that the said William Zimmer went to the enemy by compulsion and not voluntarily and that proof hath been obtained by the said agent since the taking of the indictment.

XV. *Be it therefore enacted by the authority aforesaid,* That neither the commissioners of forfeitures, or the commissioners for procuring a sum in specie, or the commissioners of sequestration, shall proceed to the sale mortgage or other disposal of the real or personal estate of the said William Zimmer, forfeited in pursuance of the act entitled An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same, passed the twenty third of October, seventeen hundred and seventy nine, until the legislature shall by law make further provision in the premisses.

His real estate not to be sold.

LAWS PASSED AT POUGHKEEPSIE IN THE THIRD MEETING OF THE FOURTH SESSION OF THE LEGISLATURE.

CHAP. 52.

AN ACT for repealing the embargo laws, and for remitting all penalties under them, and to repeal the law prohibiting the distilling of spirituous liquors from grain.

PASSED the 27th of June, 1781.

I. *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 all laws of this State which lay an embargo on the exportation of flour meal or grain out of this State, so far forth as the same or either of them do lay such embargo, shall be and hereby are repealed — That all forfeitures and penalties under the said laws or any of them, for or by reason of an exportation, or an attempt to export any flour meal or grain out of this State contrary to the said laws, or either of them, except in cases where seizures have already been made, and except in case where suits have already been commenced, and are now depending for the recovery of any such forfeiture or penalty, shall be and hereby are remitted.— That in all cases where seizures have been made and no adjudication had thereon, it shall be lawful for the parties to compound, and the forfeiture which accrued to the State shall thereupon be and is hereby remitted. And in case such composition shall not take place, it shall be lawful for the party who made the seizure to prosecute to an adjudication in like manner as if this law had not been made; and the forfeiture which shall accrue to the State, if the flour meal or grain shall be condemned shall notwithstanding be and is hereby remitted — That in all cases where such suits are depending, it shall in like manner be lawful for the parties to compound, and such part of the penalty as accrued to the State shall thereupon be and is hereby remitted; and if * * * such composition shall not take place, it shall be lawful for the plaintiff to prosecute to judgment in like manner as if this law had not been made; and in case judgment shall pass for the plaintiff, such part of the penalty as accrued to the State, shall notwithstanding be and is hereby remitted, and the court shall award judgment only for such part of the penalty as accrued to the plaintiff, together with costs of suit, if the plaintiff would have been entitled to costs had this law not have been made — And that in all cases where flour meal or grain have been seized and adjudged forfeited under the said laws, or either

Laws repealed.

Penalties remitted.

Cases where parties may compound, etc.

Adjudications in

cases
named
legalized.

of them, every such adjudication, except in cases where writs of certiorari have already been brought for the removal of such adjudications shall be and hereby are declared good and legal, notwithstanding any defects or erroneous proceedings in such adjudication.

Act named
repealed.

II. *And be it further enacted by the authority aforesaid*, That the act entitled "An act to prohibit the distilling of spirituous liquors from grain" passed the second day of March seventeen hundred and seventy nine, shall be and hereby is repealed.

CHAP. 53.

AN ACT for the relief of Jonathan Brown.

PASSED the 27th of June, 1781.

Preamble.

WHEREAS Jonathan Brown of Fredericksburgh precinct, in the county of Dutchess yeoman, was by the act of God prevented from making payment in the time required by law for a farm in the said precinct by him purchased of the commissioners of forfeitures for the middle district, and hath by petition prayed relief in the premisses.

Discharged
from pen-
alties, etc.

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 the said Jonathan Brown shall be and is hereby discharged from all penalties and forfeitures incurred or forfeited by the nonpayment of the purchase money of the said farm, within the time limited by law for that purpose; And that the said commissioners do on receiving the said purchase money convey to the said Jonathan Brown the said farm in like manner as if the said purchase money, had been paid within the time by law limited for that purpose. Provided that the payments be completed within ten days after the passing of this act.

CHAP. 54.

AN ACT for obtaining a supply of flour for the army.

PASSED the 29th of July, 1781.

Act to be
carried
into exe-
cution,
subject to
altera-
tions.

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 the act entitled "An act for procuring a quantity of wheat by an equal tax in kind," passed the twenty seventh day of March last, shall forthwith be carried into execution, subject to the alterations herein after mentioned, that is to say:—That each person who shall not, within the time limited, deliver the quantity of wheat at which he or she shall be taxed, shall, instead of double the value of the wheat as specified in the said act, forfeit the sum of twelve shillings in gold or silver for each bushel not delivered, and in every case where a conviction shall be had a special clause shall be inserted by the justice of the peace in the execution requiring the said penalty to be levied in gold and silver — that in cases of abatements by the supervisor the respective persons shall notwithstanding be liable to pay the several quantities of wheat abated, under the penalty herein before mentioned, so as the said persons shall not be compelled to deliver the wheat so abated before the tenth day of

Forfeiture,
etc.

August next.—That such part of the said act as authorize's persons who may be taxed not exceeding one bushel of wheat, to pay paper currency instead of wheat shall be repealed — That in all cases it shall be lawful, at any time before the expiration of the said time limited to pay monies in gold or silver instead of wheat, at the rate of eight shillings in gold or silver for each bushel of wheat, and further that it shall be lawful for each person who shall be taxed exceeding five bushels of wheat, to deliver flour instead of wheat at the rate of one hundred weight of flour for every two and an half bushels of wheat. That the respective persons who have furnished wheat in pursuance of the act entitled "An act more effectually to draw forth the quota of supplies allotted to this State, to procure further supplies, and to repeal the laws prohibiting the exportation of flour meal and grain out of this State, and the purchases of flour meal and wheat with intent to be sold again" passed the twenty second day of September last, shall be liable to pay the several quantities of wheat at which they are respectively taxed notwithstanding the said persons may not have been paid for the flour or wheat furnished by them in consequence of the said act passed the twenty second day of September last, so as they shall not be compelled to deliver the flour or wheat at which they shall be taxed in consequence of the said act passed the twenty seventh day of March last before the first day of September next. * * And provided further that it shall be lawful for the said persons to pay the certificates which they may have respectively received for the flour or wheat furnished by them in consequence of the said act passed twenty second day of September last, instead of the wheat which they may be respectively taxed in pursuance of the said act passed the twenty seventh day of March last, at the rate of twelve shillings of the sum specified in such certificate for each bushel of wheat at which they may be respectively taxed—That such part of the said act passed the twenty seventh day of March last as directs the agent to apply the monies which may come to his hands in pursuance of the said act to the payment of the said certificates last mentioned shall be repealed and that the monies, which may come to the hands of the said agent in pursuance of this act and arising from payments in specie instead of wheat, shall be applied by the said agent, in purchasing wheat or flour, and to no other purpose whatever.

Part re-
pealed.Payments
may be
made in
gold or
silver in-
stead of
wheat.Persons
liable to
pay not-
withstand-
ing they
have not
been paid
for flour
or wheat
furnished
under act
named.May make
payment
in certifi-
cates.Part of act
repealed.

CHAP. 55.

AN ACT for the further direction of the auditors appointed to liquidate and settle the accounts of the troops of this, State in the service of the United States.

PASSED the 29th of June, 1781.

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 so much of an act entitled "An act to extend to the several persons therein named the benefit of the law for making compensation to the troops for the depreciation of their pay, and for other purposes therein mentioned," as prohibits the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States, from liquidating any accounts of, or granting certificates to any commission officers, other than such as belong to the line of this State be hereby revealed.

Part of act
named
repealed.

Proviso as to soldiers not having settled residence but credited to this State.

Their accounts to be settled.

Accounts of brigade major to be settled.

Ibid. of soldiers in invalid corps.

Ibid. of regiment commanded by Colonel Brown, &c.

And whereas it has been represented to the legislature, that several non-commissioned officers and privates now serving, or heretofore having served, in the corps of artillery and inlisted for three years or during the war, had no settled residence in this or any other of the United States, but being enlisted in this State, have been uniformly returned and credited as part of the quota of this State.

Be it therefore enacted by the authority aforesaid. That the said auditors shall and may liquidate and settle the accounts of the said non-commissioned officers and privates now serving or heretofore having served in the corps of artillery aforesaid, and issue certificates to them respectively or their respective representatives in like manner as the said auditors would have been authorized to liquidate and settle the accounts of the said non-commissioned officers and privates, and issue certificates to them or their representatives, if such service had been performed in the line of this State.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said auditors to liquidate and settle the accounts of the brigade major of the artillery, and grant certificates in like manner as they are directed to liquidate and settle the accounts of and grant certificates to the troops of this State, provided it shall appear to the said auditors that such brigade major was an inhabitant of this State at the time of his engaging to serve in the army of the United States.

And be it further enacted by the authority aforesaid, That the said auditors shall liquidate and settle the accounts of such officers, non-commissioned officers and privates as now are serving in any of the invalid corps, established by acts of the honorable congress of the United States, who were returned and credited as part of the quota of this State and were at the time they engaged or inlisted in corps in which they originally served inhabitants of this State, and grant certificates to such officers, non-commissioned officers and privates in like manner as if they respectively belonged to the line of this State.

And be it further enacted by the authority aforesaid, That the said auditors shall and may audit the accounts of, and grant certificates to such officers and privates of the regiment of artificers commanded by Colonel Baldwin, and of the company of artificers commanded by Captain Anthony Post and who are annexed to the corps of artillery, as were inhabitants of this State at the time they engaged or enlisted as officers or privates aforesaid, and who originally engaged or inlisted for the term of three years or during the war, and that the said auditors in settling the accounts aforesaid shall liquidate and settle the accounts of the officers and privates of Colonel Baldwin's regiment agreeable to the establishment of pay at which the State of Connecticut have settled with the regimented artificers of that State in the service of the United States, and that such accounts of the officers and privates of the said Anthony Post's company be liquidated and settled agreeable to what was the establishment of the pay of artificers in the month of July, in the year of our Lord one thousand seven hundred and seventy seven.

CHAP. 56.

AN ACT to carry into effect an act of the honorable congress of the United States of America, relative to the marking of certain bills of credit therein mentioned.

PASSED the 30th of June, 1781.

WHEREAS the honorable congress of the United States of America, Preamble. on the second day of this present month of June, did resolve in the words following, that is to say,

“Resolved That all bills of credit which issue in pursuance of the act of the eighteenth of March one thousand seven hundred and eighty, in any of the States after the expiration of one year from the time the interest on such bills begins to be computed, be marked by writing or stamping before they are issued, with the words or characters, “In^t. p^d. one year”—That such of the said bills as have already issued, or may issue in the course of a year, from the time interest begins to be computed on them, be, when such interest is paid, marked in like manner; to prevent the necessity and expence of exchanging them.” Resolution of congress recited.

In order therefore to carry the said act of the honorable congress of the United States into effect—

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 the treasurer of this State shall by stamping with the words or characters, “Int. p^d. one year,” mark, previous to their being paid out of the treasury, all such bills of credit as are above mentioned, which shall not previously have been marked by him the said treasurer, or by the loan officer of the United States within this State, and which may be paid out of the treasury of this State after the passing of this act, and that such bills as aforesaid as have already issued, when the interest thereof is paid, be marked in like manner, by the treasurer, and returned to the persons respectively, to whom such interest shall be paid, any thing in any former law, directing such bills on which interest shall be paid to be cancelled and new bills to be emitted in their stead, in any wise notwithstanding. Treasurer to stamp bills of credit before paying them out.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of this State forthwith after the passing of this act, out of any gold or silver which may be in the treasury to pay and discharge the interest on any of the said bills, which became due on the fifteenth day of June in the year of our Lord one thousand seven hundred eighty one, emitted as aforesaid previous to the passing of this act. To pay interest on bills.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall not, after the passing of this act pay out any of the bills of credit of this State, issued in pursuance of the “Act for emitting monies upon the credit of this State,” passed the twenty seventh day of March last, until he shall have marked every such bill in like manner as is above directed and in all payments thereafter to be made by him in the bills last aforesaid, the interest thereon shall be computed from the fifteenth day of June one thousand seven hundred and eighty one. Not to pay out any of the bills named till marked.

Proviso as to soldiers not having settled residence but credited to this State.

And whereas it has been represented to the legislature, that several non-commissioned officers and privates now serving, or heretofore having served, in the corps of artillery and inlisted for three years or during the war, had no settled residence in this or any other of the United States, but being enlisted in this State, have been uniformly returned and credited as part of the quota of this State.

Their accounts to be settled.

Be it therefore enacted by the authority aforesaid. That the said auditors shall and may liquidate and settle the accounts of the said non-commissioned officers and privates now serving or heretofore having served in the corps of artillery aforesaid, and issue certificates to them respectively or their respective representatives in like manner as the said auditors would have been authorized to liquidate and settle the accounts of the said non-commissioned officers and privates, and issue certificates to them or their representatives, if such service had been performed in the line of this State.

Accounts of brigade major to be settled.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said auditors to liquidate and settle the accounts of the brigade major of the artillery, and grant certificates in like manner as they are directed to liquidate and settle the accounts of and grant certificates to the troops of this State, provided it shall appear to the said auditors that such brigade major was an inhabitant of this State at the time of his engaging to serve in the army of the United States.

Ibid. of soldiers in invalid corps.

And be it further enacted by the authority aforesaid, That the said auditors shall liquidate and settle the accounts of such officers, non-commissioned officers and privates as now are serving in any of the invalid corps, established by acts of the honorable congress of the United States, who were returned and credited as part of the quota of this State and were at the time they engaged or inlisted in corps in which they originally served inhabitants of this State, and grant certificates to such officers, non-commissioned officers and privates in like manner as if they respectively belonged to the line of this State.

Ibid. of regiment commanded by Colonel Brown, etc.

And be it further enacted by the authority aforesaid, That the said auditors shall and may audit the accounts of, and grant certificates to such officers and privates of the regiment of artificers commanded by Colonel Baldwin, and of the company of artificers commanded by Captain Anthony Post and who are annexed to the corps of artillery, as were inhabitants of this State at the time they engaged or enlisted as officers or privates aforesaid, and who originally engaged or inlisted for the term of three years or during the war, and that the said auditors in settling the accounts aforesaid shall liquidate and settle the accounts of the officers and privates of Colonel Baldwin's regiment agreeable to the establishment of pay at which the State of Connecticut have settled with the regimented artificers of that State in the service of the United States, and that such accounts of the officers and privates of the said Anthony Post's company be liquidated and settled agreeable to what was the establishment of the pay of artificers in the month of July, in the year of our Lord one thousand seven hundred and seventy seven.

CHAP. 56.

AN ACT to carry into effect an act of the honorable congress of the United States of America, relative to the marking of certain bills of credit therein mentioned.

PASSED the 30th of June, 1781.

WHEREAS the honorable congress of the United States of America, **Preamble.**
 on the second day of this present month of June, did resolve in the words following, that is to say,

“Resolved That all bills of credit which issue in pursuance of the
 “act of the eighteenth of March one thousand seven hundred and
 “eighty, in any of the States after the expiration of one year from the **Resolution**
 “time the interest on such bills begins to be computed, be marked by **of con-**
 “writing or stamping before they are issued, with the words or charac- **gress re-**
 “ters, “Int. p^d. one year”—That such of the said bills as have already **cedited.**
 “issued, or may issue in the course of a year, from the time interest be-
 “gins to be computed on them, be, when such interest is paid, marked in
 “like manner; to prevent the necessity and expence of exchanging them.”

In order therefore to carry the said act of the honorable congress of the United States into effect—

Be it enacted by the People of the State of New York, represented **Treasurer**
in Senate and Assembly, and it is hereby enacted by the authority of the **to stamp**
same, That the treasurer of this State shall by stamping with the words **bills of**
 or characters, “Int. p^d. one year,” mark, previous to their being paid **credit be-**
 out of the treasury, all such bills of credit as are above mentioned, **fore pay-**
 which shall not previously have been marked by him the said treasurer, **ing them**
 or by the loan officer of the United States within this State, and which **out.**
 may be paid out of the treasury of this State after the passing of this
 act, and that such bills as aforesaid as have already issued, when the in-
 terest thereof is paid, be marked in like manner, by the treasurer, and
 returned to the persons respectively, to whom such interest shall be
 paid, any thing in any former law, directing such bills on which interest
 shall be paid to be cancelled and new bills to be emitted in their stead,
 in any wise notwithstanding.

And be it further enacted by the authority aforesaid, That it shall and **To pay**
 may be lawful to and for the treasurer of this State forthwith after the **interest on**
 passing of this act, out of any gold or silver which may be in the **bills.**
 treasury to pay and discharge the interest on any of the said bills, which
 became due on the fifteenth day of June in the year of our Lord one
 thousand seven hundred eighty one, emitted as aforesaid previous to the
 passing of this act.

And be it further enacted by the authority aforesaid, That the treasurer **Not to pay**
 of this State shall not, after the passing of this act pay out any of the **out any of**
 bills of credit of this State, issued in pursuance of the “Act for emitting **the bills**
 monies upon the credit of this State,” passed the twenty seventh day of **named till**
 March last, until he shall have marked every such bill in like manner as **marked.**
 is above directed and in all payments thereafter to be made by him in
 the bills last aforesaid, the interest thereon shall be computed from the
 fifteenth day of June one thousand seven hundred and eighty one.

CHAP. 57.

AN ACT for raising a tax in specie and a tax in paper currency

PASSED the 30th of June, 1781.

Tax levied. *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 there shall be levied by tax, agreeable to the apportionment which was made for raising the sum of two million five hundred thousand dollars directed to be raised between the first day of July and the first day of October, in the year of our Lord one thousand seven hundred and eighty, by the act entitled An act approving of the act of congress of the eighteenth day of March, one thousand seven hundred and eighty, relative to the finances of the United "States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress," * * * at the rate of eight shillings and six pence in specie, and four dollars in paper currency, for every hundred dollars of the tax which upon the said apportionment was apportioned to the respective wards towns manors districts and precincts—

**Super-
visors
clerks to
notify su-
pervisors
by special
messen-
gers.** That the supervisors clerks in the several counties, shall forthwith after the passing of this act, by special messengers to be employed for the purpose cause the several supervisors in the county to be served with a notice in writing containing the sum which upon such apportionment was apportioned to the respective wards town manors districts and precincts—

**Super-
visors to
convene
assessors ;
assess-
ments to
be made.** That the supervisor shall forthwith convene the assessors for the purpose of making the assessments— That the assessors shall immediately thereupon proceed to assess the several actual residents within the ward town manor district or precinct and shall assess each person, at what may be deemed the value of the real estate in the possession of such person within the ward town manor district or precinct, and at what may be deemed the value, over and above all debts or demands, of the personal estate of such person.

**Provide as
to persons
whose
buildings
have been
destroyed
by enemy,
etc.** Provided nevertheless that where any persons have had their houses or other buildings destroyed by the enemy during the war, or where any person is possessed of a farm so exposed to the incursions of the enemy as that the same cannot be improved to the usual advantage, it shall be lawful for the assessors, to assess the personal estate of such person at such sum as the assessors, upon consideration of the circumstances of such person, shall judge reasonable, although such sum may not amount to the value of such personal estate—

**Assess-
ment to be
completed
and de-
livered to
supervisor;
form of,
etc.** That the assessors shall compleat the assessment-roll with convenient speed and as soon as the same shall be compleated they shall cause the same to be delivered to the supervisor who shall thereupon make out a tax list agreeable thereto— That the assessment-roll and tax list shall be respectively of the form and upon the plan contained in the several schedules number one and number two hereunto annexed.— That the amount of the monies to be inserted in the tax list, as and for the tax in specie, to be paid by each respective person shall bear such proportion to the amount of the sum at which such person shall be assessed, as the whole sum in specie to be raised within the ward town manor district or precinct doth bear to the whole amount of the assessments thereof, and a like proportion shall be observed in inserting the amount of the monies to be paid as and for the tax in paper currency—

**Tax list to
be de-** That forthwith after the tax list shall be so compleated and the same shall be signed by the super-

visor, he shall cause the same to be delivered to the collector, who shall within six weeks thereafter collect the tax therein specified, and in default of payment, then to proceed to distress and sale of goods and chattles, or for the want of goods and chattles, then to a suit in his own name, in like manner as was directed with respect to the said sum of two million five hundred thousand dollars — That whenever distress and sale shall be made for non payment of the tax in specie, gold and silver only and no other kind of money shall be received in payment on such sales, and that whenever any suit shall be commenced by a collector, by reason of the non payment of the tax in specie, the justice shall give judgement for, and insert a special clause in the execution for levying, the sum for which judgment shall be given, exclusive of costs, in in gold or silver. That the collector shall pay into the county treasury the monies they may respectively receive as and for the taxes to be raised in pursuance of this act, never retaining in their possession respectively, of the tax in specie, a sum exceeding fifty pounds, and of the tax in paper currency a sum exceeding one hundred and fifty pounds—That the collectors shall severally be allowed, and hereby are authorized to retain the same in their hands, out of the taxes they shall respectively so collect, a poundage of six pence in the pound for their services in collecting the said several taxes, and paying the same into the county treasury—That the several county treasurers shall be allowed, and hereby are authorized to retain the same in their hands out of the monies they shall respectively receive from the collectors, a commission of one quarter per cent for their services in receiving the said several taxes and paying the same into the treasury of the State—That the several collectors shall retain their poundage for collecting the specie tax out of the specie collected for the same, and his poundage for collecting the tax in paper currency out of the said paper currency; and that the several county treasurers shall also in like manner retain their commissions out of the said specie and paper currency respectively — That the supervisors and assessors shall be allowed for their services, and exclusive of the expence of clerks, messengers and other incidental matters, each the sum of six shillings in specie or an equivalent in paper currency, for every day they shall be severally employed in the execution of this act, which wages and incidental expences, and the expence of the special messengers to be employed by the supervisor's clerk as above mentioned, shall be paid as the other contingent charges of the county, to be charged nevertheless to the ward town manor district or precinct in which the same shall arise — That if any supervisor, assessor, collector, or supervisor's clerk, shall refuse or neglect to do or perform any of the duties required of him by this act, the person so offending shall forfeit for each offence the sum of twenty pounds in gold or silver, to be recovered by the treasurer of the county by suit in his own name, with costs, before any justice of the peace of the county, in a summary way, and the justice before whom such suit shall be commenced shall by a special clause to be inserted in the execution direct the said penalty to be levied in gold or silver — That every such execution shall be directed to the sherif of the county and shall be made returnable in the court of common pleas for the county in the next term ensuing the test of such execution, and the plaintiff shall be entitled to a like remedy to enforce the service and return of such execution and for the recovery of the monies to be levied on such execution, as in case of his own private suit, and as if such suit had been originally commenced in the said court, and the sherif shall be allowed a poundage of two shillings in the pound upon the service of such execution—

Delivered to collector and collection made.

Moneys to be paid into county treasury.

Collectors' fees.

Treasurers' fees.

Allowance to supervisors etc.

Penalty for neglect of official duty; recovery of, etc.

Execution.

Return of. And if such execution shall be returned unexecuted, either in the whole or in part, it shall be lawful to and for such court to proceed and award farther process of execution, in like manner as if the judgment had been originally entered in such court—That the treasurer of the county may upon the recovery of any such penalty retain for his own use and as a compensation for his trouble and expences in the prosecution thereof, ten per cent on the sum recovered and received by him, and the residue of the said penalty is hereby declared to be forfeited to this State, and as such shall be paid by the said county treasurer into the treasury of the State — That if any person shall by the space of three days after a conviction persist in neglecting or refusing to do or perform any duty required by this act, the same shall be considered as a new offence — and it is hereby expressly made the duty of the county treasurer, in all cases of such refusal or neglect as aforesaid to sue and prosecute for such penalty — That continental bills issued previous to the eighteenth day of March one thousand seven hundred and eighty, bills of credit emitted by the authority of the late colony of New York, or by the authority of any provincial congress of the said late colony or by the convention of this State, prior to the fifteenth day of June one thousand seven hundred and eighty, at the rate of one hundred and twenty-eight dollars of the said bills for one dollar of the said tax, bills issued upon the credit of this State agreeable to the act of congress of the eighteenth of March, one thousand seven hundred and eighty, bills issued upon the credit of this State in pursuance of the act of the legislature entitled “An act for emitting monies upon the credit of this State,” passed the twenty seventh day of March last, certificates granted by the purchasing agent of this State, and certificates granted for horses purchased by this State for the use of the army in the year one thousand seven hundred and eighty, and no other kind of paper currency, or certificates shall be received in payment for the tax hereby directed to be levied in paper currency — And that where any or either of the certificates above mentioned shall be received in payment, the interest shall be computed and allowed thereon, in favor of the person from whom the same shall be received — That warrants granted by the governor for impressing wheat paid to privates who enlisted from the levies into the Continental battalions pursuant to the act passed for that purpose the first day of July one thousand seven hundred and eighty, shall also be received in payment of the said tax in paper currency at the rate of twelve shillings for every bushel of wheat specified in the receipt endorsed on such warrant.— That slaves between the ages of sixteen and forty five years, coaches, chariots, pheatons, four-wheel-chaises, curricules, two-wheel chaises, kittereens, riding-chairs, sulkies, metal-wheel clocks, watches and wrought plate which are directed to be specifically taxed in and by the act entitled “An act for the appointment of commissioners, to procure monies on loan, and clothing for the use of this State,” shall not be deemed or estimated as part of the personal estate of any person in ascertaining the value or amount of the personal estate of such person in pursuance of this act.

Compensation of treasurer.

Person neglecting for three days after conviction to perform duty guilty of new offense.

Continental bills, certificates, etc., to be received in payment of tax.

Interest.

Warrants of impress to be received.

Slaves, coaches, etc., not deemed part of personal estate.

Persons occupying lands in different wards, etc., deemed residents.

That where persons shall occupy and improve lands in different wards towns manors districts or precincts, they shall so far forth as to be assessed for the lands or tenements by them so occupied and improved, be deemed actual residents in such ward town manor district or precinct where such lands or tenements may lie, and it shall be lawful for such persons to elect in which of the wards towns manors districts or precincts, where they may so occupy and improve lands or tenements they will be assessed for their personal estates, and having made their

election, and upon producing a certificate thereof under the hands of the assessors of the ward town manor district or precinct, to the assessors of the other wards towns manors districts or precincts the assessors of such other wards towns manors, districts or precincts are hereby prohibited from assessing the persons making such election for their respective personal estates.

Whereas many inhabitants of the county of West Chester and of the precincts of Orange Town and Haverstraw in Orange county and of the district of Saratoga in the county of Albany have since the passing of the said act for raising the said sum of two million five hundred thousand dollars suffered by the depredations of the enemy and the operations of the war, and it is therefore requisite that an abatement on the whole amount of the tax to be raised within the places aforesaid should be made, and that the assessors should be authorized to make abatements in favor of the persons who have so suffered.

Proviso as to persons suffering from depredations of enemy.

Be it therefore further enacted by the authority aforesaid, That within the county of Westchester and the precincts of Orange Town and Haverstraw in the county of Orange and in the district of Saratoga in the county of Albany there shall be raised only four shillings and three pence in specie, and two dollars in paper currency, for every hundred dollars of the said sum of two million five hundred thousand dollars directed to be raised within the said places last mentioned any thing herein to the contrary notwithstanding. And farther that it shall be lawful for the assessors in the said places to assess the real or personal estates of the several persons who have so suffered as aforesaid at such sum as the assessors upon consideration of the respective circumstances of the said several persons shall judge reasonable although such sum may not amount to the value of such real or personal estates any thing herein to the contrary notwithstanding.

Rate of tax in county and precincts named.

And whereas the counties of Tryon and Charlotte, the united districts of Duanesburgh and Schoharie and the district of Balston, in the county of Albany have been so injured by the incursions of the enemy, that the legislature have deemed it reasonable to exempt them from the taxes to be raised by this act.

Proviso as to counties and districts named.

Be it therefore further enacted by the authority aforesaid, That this act shall not extend to the counties of Tryon or Charlotte, or to the united districts of Duanesburgh and Schoharie, or to the district of Balston, in the county of Albany.

Act not to extend to.

And be it further enacted by the authority aforesaid, That no minister of the gospel of any denomination whatsoever, shall be subject to be taxed for their respective salaries any thing herein contained to the contrary notwithstanding.

Ministers not to be taxed for salaries.

And be it further enacted by the authority aforesaid, That in case of the absence sickness or death of any supervisor, the clerk of the supervisors shall notify and require any justice of the peace residing next adjacent to such supervisor to carry into execution the duties required by this act of the supervisor and such justice to whom such notice shall be directed shall and is hereby required to execute all the duties required by this act of a supervisor and under the penalties inflicted by this act on a supervisor, for neglecting the duties enjoined on him.

Justice of the peace to be notified and to act in case of sickness, etc., of supervisor.

Schedules.

SCHEDULE No. I.

ASSESSMENT ROLL.

PERSONS ASSESSED.	Real Estates.			Personal Estates.		
	£.	s.	d.	£.	s.	d.
A. B.	100	.....	.....	50	.....	.....

SCHEDULE No. II.

TAX LIST.

PERSONS ASSESSED.	Assessment of Real Estate.			Specie Tax.			Paper Currency Tax.			Assessment of Personal Estate.			Specie Tax.			Paper Currency Tax.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
A. B.	100	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...

CHAP. 58.

AN ACT to repeal such of the laws of this State which make several emissions of bills of credit, a legal tender.

PASSED the 1st of July, 1781.

Laws repealed.

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 all laws of this State making or declaring any bills of credit a legal tender, so far forth as the said laws make or declare such bills of credit a legal tender, and also the third clause of the act entitled "A supplementary act to the act entitled an act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit, to be emitted in pursuance of the said act of congress," passed the thirtieth day of June in the year of our Lord one thousand seven hundred and eighty, creating certain offences, shall be and hereby are respectively repealed; and that every such offence heretofore committed, and every fine and penalty thereby incurred, shall be, and hereby is and are remitted.

CHAP. 59.

AN ACT pardoning Richard Everitt.

PASSED the 1st of July, 1781.

Preamble.

WHEREAS Richard Everitt of the precinct of Poughkeepsie in the county of Dutchess yeoman at the last court of general sessions of the peace held at the precinct and in the county aforesaid was indicted for adhering to the enemies of the people of this State.

And whereas the legislature for certain special reasons, hath deemed it proper that the said Richard Everitt should be pardoned:

Be it therefore 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 Pardon granted.
That the said Richard Everitt shall be and he is hereby fully and absolutely discharged acquitted and pardoned of the offence aforesaid and of and from all convictions attainders forfeitures and executions which may be had thereon; and that the said Richard Everitt shall be and he is hereby fully and wholly restored in person and estate to the same state and condition wherein he would have been on the day of the passing of this act if he had not committed the said offence whereof he stands indicted as aforesaid Provided that if the commissioners of sequestration have demised any lands to the said Richard Everitt, that the lessees of the said commissioners shall hold any such lands against the said Richard Everitt until the expiration of the term for which the said lands were so demised any thing in this act notwithstanding.

CHAP. 60.

AN ACT for a further levy of troops for the defence of this State

PASSED the 1st of July, 1781.

I. *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* Troops to be raised and brought into the field from the militia upon the plan prescribed in the act named.
That there shall be immediately raised and brought into the field from and out of the militia of this State so many able bodied and effective men including commissioned and noncommissioned officers and privates as the plan herein after mentioned will produce; to be subject to the command of the commander in chief of the army of these United States, and to be employed by him in such offensive and defensive operations as he shall conceive most conducive to the service of the State. That the said troops to be levied by virtue hereof shall be raised and brought into the field on the plan prescribed in and by the act, entitled "An act to raise troops for the immediate defence of the State" passed the tenth day of March last and the act entitled "An act to raise troops for the defence of the frontiers" passed the eleventh day of March one thousand seven hundred and eighty, which shall be and are hereby declared to extend to and be laws for raising the troops hereby intended to be raised, which troops shall continue in service until the first day of December next unless sooner discharged, except and it is hereby enacted and provided that each class shall consist of twenty men and shall be respectively responsible for their several men until they shall severally be delivered and mustered at the place or places of rendezvous to be appointed in general orders by the person administering the government of this State for the time being and that on failure of a sufficient muster at such place or places either of an able bodied man or of arms and other appointments the class so delinquent shall be subject to a detachment from among them of such an able bodied man properly armed and appointed as aforesaid who shall in such case be detached by the commanding officer of the regiment wherein such class shall be within five days after notice of such delinquency given to him by the person or persons to be appointed by the person administering the government to muster the said levies at such place or places as aforesaid; and except also and it is hereby further enacted and provided that

every colonel or commanding officer of a regiment shall cause such returns as by the said two acts is required, to be made by him forthwith after the passing of this act and every militia commissioned or non-commissioned officer or assessor who shall willfully neglect or delay to do and perform the duties required of him by this act and the said other two acts or either of them, shall in such case incur the forfeitures respectively provided thereby to the use of the people of this State to be sued for and recovered with costs by the attorney general in any court of record within this State by information or indictment and to be paid into the treasury of this State.

Proviso as to necessity for further arrangements for security of frontier.

And whereas the exigencies of the present campaign may render it necessary for the person administering the government for the time being from time to time to make further arrangements with the said commander in chief as well for the protection and security of the frontiers of this State as for drawing out and bringing into service over and above the said levies to be raised by virtue hereof, more of the militia of this State including the associated exempts

Further drafts from militia provided for.

Be it further enacted by the authority aforesaid That the person administering the government of this State for the time being shall and may draw out into actual service during the present campaign such further parts of the militia of this State as he shall from time to time think proper and is enabled to do by the militia law of this State, brigaded, regimented and officered by such officers as he shall think proper taken at large out of the militia of this State.

Proper credits to be made.

Provided always that notwithstanding any thing herein contained a proper credit allowance and deduction shall be made out of the levies to be raised by virtue hereof for the men which have been raised and are now actually in service in the counties of Orange and Ulster pursuant to general orders of his excellency the governor of the second of May last in favor of the several and respective corps of militia and exempts in the said counties respectively which have furnished the said men.

CHAP. 61.

AN ACT relative to the office of State agent.

PASSED the 1st of July, 1781.

Preamble.

WHEREAS by the act for the appointment of the said agent he is authorized to employ assistants and no provision is made for ascertaining the pay or allowances to be made to them

Allowance to assistant agents.

Be it therefore 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 be lawful for the said agent together with such four other persons as the person administering the government shall approve of, to ascertain and determine from time to time the pay and allowances to be granted to the said assistants respectively, for their respective services and expences heretofore performed or incurred or hereafter to be performed or incurred.

Proviso as to controversy with Daniel Parker.

Whereas the said agent entered into a contract in behalf of this State with Daniel Parker of the State of Massachusetts, and a controversy hath arisen between the said agent and the said Daniel Parker relative to the said contract.

Be it further enacted by the authority aforesaid, That it shall be lawful for the said agent to settle the said controversy either by composition, reference or arbitration as he shall deem most advantageous for the State

How to be settled.

And whereas by the act more effectually to collect the deficiencies in assessments of wheat and to lay an embargo on the exportation of flour meal and wheat out of this State passed the tenth day of March last, such parts of the act to procure supplies for the army passed the twenty fourth June one thousand seven hundred and eighty, as inflict a penalty on persons neglecting or refusing to deliver quantities of articles assessed on them, are repealed. *And whereas* considerable quantities of forage assessed in pursuance of the said act passed the twenty fourth of June one thousand seven hundred and eighty, still remain uncollected:

Proviso as to forage, etc.

Be it therefore further enacted by the authority aforesaid, That all persons who were assessed any article of forage in pursuance of the said act passed the twenty fourth day of June one thousand seven hundred and eighty, and who shall not have delivered the same shall be liable to deliver the same or an equivalent in wheat and upon refusal or neglect to deliver the quantities of forage assessed upon them respectively as aforesaid or such part thereof as shall not heretofore have been delivered shall forfeit treble * * * * the value of the articles not delivered estimated at the several prices mentioned in the said act passed the twenty fourth day of June one thousand seven hundred and eighty, to be recovered in a summary way by the said agent or either of his assistants in the name of the said agent before a justice of the peace of the county and whose jurisdiction is extended to every such suit, notwithstanding the sum in demand may exceed the sum of ten pounds, and the justice shall issue execution forthwith after judgment— That the said forfeiture shall be deemed to be in bills of either of the new emissions on the credit of this State and when received shall be expended by the said agent in the execution of his office and for which he shall be accountable

Persons assessed to deliver forage; forfeiture in case of neglect.

Provided that no person shall be compelled to deliver any forage so assessed and not delivered as aforesaid before the tenth day * * of September next any thing in the said act passed the tenth day of March last notwithstanding.

Time for delivery.

And be it further enacted by the authority aforesaid That the said agent shall lay out and expend the sum of three thousand pounds in specie, appropriated for that purpose by the act for the payment of the salaries of the several officers of government passed at this meeting of the legislature, in procuring beef or beef-cattle on the account of this State for the use of the army upon such contracts or by purchases or in such manner as he shall deem most advantageous for the State.

Sum to be expended in procuring beef.

And whereas there is no provision as yet made specially authorizing the said agent to make purchases on the account of this State beyond the quota of supplies required by the act of Congress of the twenty fifth February one thousand seven hundred and eighty.

Proviso as to law regarding purchasers beyond quota.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for the said agent to make farther purchases of flour, beef, beef-cattle and pork, on the account of this State for the army and for the person administering the government to grant warrants on the treasury in favour of the said agent for such sum or sums as he shall deem adequate for the purpose so as the said agent shall not be authorized to make such further purchases after he shall have furnished to the whole amount of the requisition in the act of congress of the twenty

Agent may make further purchases.

fifth February one thousand seven hundred and eighty, beyond the amount of thirty thousand pounds estimating the several articles at the prices mentioned in the said act of congress and that it shall, also be lawful for the said agent in making such farther purchases, to allow the current prices, and also to purchase on certificates.

Proviso as to purchases made by Dirck Swart on credit of State, etc.

Whereas both houses of the legislature of this State by concurrent resolutions did on the thirty first day of January last resolve. That it be recommended to Dirck Swart Esq, one of the assistant purchasing agents of this State to purchase within his purchasing district from any person who hath heretofore purchased forfeited lands from the commissioners of forfeitures any quantities of provisions at the stipulated prices to be delivered within twenty days from the date of the said resolution giving certificates for the same; and the public faith was thereby pledged to the said persons respectively, that the legislature would by law make the said certificates receivable from the said persons in payment for the lands by them respectively purchased. And it was thereby recommended to the said assistant agent to return from time to time to the treasurer an abstract of the certificates granted in consequence of that resolution."

And whereas it has been represented by the humble petitions of John Williams, Samuel Hodges, Edward Wells and Nathan Nicoll that the said John Williams hath delivered to the said Dirck Swart several head of cattle and certain quantities of flour and wheat in part payment of of the purchase money of a certain farm situate in the district of Hoesick in the county of Albany purchased by the said petitioners of the commissioners of forfeitures for the western district

Further day of payment granted.

Be it therefore enacted by the authority aforesaid, That a farther day be and it is hereby granted to the said purchasers until the first day of September next to pay and satisfy the amount of the residue of the said purchase money in the manner herein after directed and the purchase made as afore said upon making such payment within the time herein before limited shall be and hereby is declared to be in full force and the said persons shall be entitled to conveyances for the said farm and shall be indemnified against the penalties incurred by a non-payment of the said purchase money in like manner as if such payment had been made within the time limited by the law in pursuance of which the sale of the said lands was made.

Proviso as to payment, etc.

Provided that such payment shall be made to the agent of this State or any of his assistants in cattle, wheat or flour at the stipulated prices aforesaid, and the certificate of such agent or any of his assistants specifying the article furnished, the value thereof at the stipulated prices aforesaid, and on what account delivered shall be received by the treasurer of this State in like manner as bills of credit might or could be received by him in payment of such purchase within the time limited by law as aforesaid.

Commissioners to allow agent to collect forage, etc.

And be it further enacted by the authority aforesaid, That the commissioners of sequestration for the county of West Chester do permit the State agent or either of his assistants to collect any forage or other supplies for the army which may be found on any sequestered or confiscated estates in the county of Westchester, and which otherwise it would be the duty of the said commissioners to collect and dispose of, and that the said forage and other supplies shall be disposed of by the said agent as other supplies furnished by this State for the use of the army. And further that it shall be lawful for the commissioners of sequestration in the several counties, and they are hereby required to deliver to the State agent or one of his assistants all such beef-cattle, sheep or swine

as they now have, or hereafter shall have in their possession as sequestered goods, to be delivered and disposed of by the said agent, as other supplies furnished by this State for the use of the army.

CHAP. 62.

AN ACT farther to suspend the act for raising a sum equal to one hundred and fifty thousand dollars in specie.

PASSED the 1st of July, 1781.

WHEREAS it was intended that the tax to be raised by the said act should be a mean for redeeming the certificates to be granted to the creditors of the United States, within this State, upon the settlement of their respective accounts, and that the said certificates shall be receivable in payment for the said tax agreeable to the act of congress passed for that purpose the sixth day of August last. Preamble.

And whereas the said accounts still remain unsettled, whereby it hath become requisite that the said tax should be farther suspended —

Be it therefore 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 the levying and collecting the said tax shall be, and is hereby farther suspended until thirty days after the rising of the legislature at their next meeting. Levying of tax suspended.

CHAP. 63.

AN ACT to encourage the apprehending of deserters from the troops of this State, serving in the army of the United States.

PASSED the 1st of July, 1781.

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 if any person shall apprehend any non-commissioned officer or private being a deserter from either of the Continental regiments of infantry or the regiment of artillery composing the quota of troops of this State in the army of the United States, and deliver such deserter to any commissioned officer of the said regiments of infantry or artillery stationed at any post or place in this State, the person so apprehending and delivering a deserter as aforesaid, shall upon producing a certificate thereof, setting forth the name and rank of such deserter, and the regiment to which he belonged, and the name of the person apprehending him and the time and place when, and where such deserter was delivered, under the signature of such officer, to the colonel or commanding officer of the regiment or corps in which such person so apprehending and delivering a deserter is subject to militia duty, and upon making affidavit before a justice of the peace of the county, who is hereby authorized to take the same, that such apprehension and delivery was bona fide made, and the certificate duly granted, and upon filing such certificate and affidavit with such colonel or commanding officer of militia as aforesaid, the said colonel or commanding officer shall grant to such person an exemption, and such person shall accordingly thereupon Exemption granted to persons apprehending deserters.

be exempted from being classed, drafted, or detached from or in the militia, or performing any duty in the militia, for the space of one year, to be computed from the date of such exemption—

Copies certificate and affidavit to be furnished State treasurer.

And be it further enacted by the authority aforesaid, That whenever such certificate and affidavit shall be filed with any colonel or commanding officer of any regiment or corps of militia, such colonel or commanding officer shall furnish the person so filing the same with copies of such certificate and affidavit and certify the same under his hand, and such person shall upon producing such copies and certificate as last aforesaid to the treasurer of this State, be entitled to receive, and the said treasurer is hereby required to pay the said person to whom such certificate shall be granted, out of any unappropriated monies in his hands, the sum of ten pounds in bills emitted on the credit of this State —

Payment to be made.

Proviso as to persons who have not complied with formalities of this act; payments, etc., to.

And whereas it may so happen that persons may have apprehended and delivered a deserter within the true intent and meaning of this act, and may not have complied with the formalities thereby required with respect to procuring the necessary vouchers to entitle them to exemptions and the reward from the treasury.—

Be it therefore further enacted by the authority aforesaid, That it shall be lawful in all cases where it shall appear to the person administering the government on such proof as he shall deem satisfactory, that any person hath *bona fide* apprehended and delivered any such deserter as aforesaid, to grant to the said person so having apprehended and delivered a deserter, such exemption as aforesaid, and a warrant on the treasury for the reward aforesaid.

Penalty for knowingly harbouring deserters, etc.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall knowingly harbour, aid or comfort, any deserter from the army or navy of the United States, or the army or navy of any prince or State being an ally of the United States, or shall persuade or procure any person belonging to the army or navy of the United States, or to the army or navy of such ally as aforesaid, to desert, the person so offending, shall and may be prosecuted for the same as for a misdemeanor, and the courts of quarter or general sessions of the peace in the several counties shall also have cognizance of the said offence.

CHAP. 64.

AN ACT for the payment of the salaries of the several officers of government and of certain debts due from this State.

PASSED the 1st of July, 1781.

Salaries, etc., to be paid.

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 there shall be allowed and there shall be paid by the treasurer to the several officers and persons herein after mentioned the several salaries and sums herein after specified: that is to say.

To the governor.

To his excellency the governor for administering the government of this State from the first Monday in July last to the first Monday in July then next at and after the rate of two thousand pounds per annum.

To the person administering the government of this State for the time being to defray the incidental charges which may arise in and about administering the government such sum or sums as he shall from

time to time require not exceeding in the whole the amount of one thousand pounds.

To the honorable Robert R. Livingston Esquire chancellor of this State for his services in that station from and to the respective times aforesaid at and after the rate of four hundred pounds per annum. Chancellor

To the honorable Richard Morris Esquire chief justice of this State for his services in that station from and to the respective times aforesaid at and after the rate of four hundred pounds per annum. Chief justices.

To the honorable Robert Yates and John Sloss Hobart Esquires puisne justices of the supreme court of this State, for their services in that station from and to the respective times aforesaid each the sum of three hundred and fifty pounds. Puisne justices.

To the said Richard Morris, Robert Yates and John Sloss Hobart Esquires, exclusive of the above salaries, for each day they have respectively attended from and to the respective times aforesaid on the execution of commissions of oyer and terminer and gaol delivery in the several counties or have been travelling for that purpose each the sum of twelve shillings per day agreeable to such accounts thereof as they shall produce audited by the auditor general of this State.

To the several members of the senate and assembly for each and every day they shall severally have attended in senate and assembly during the present meeting of the legislature, and for each and every day they shall have been or may be travelling to and from their respective places of abode from and to the place of meeting of the legislature, each the sum of twenty shillings in bills emitted on the credit of this State in pursuance of the Act for emitting monies on the credit of this State passed the twenty seventh day of March last agreeable to such account thereof as they shall respectively produce certified by the president of the senate or speaker of the assembly in the usual manner, the accounts of the president of the senate and speaker of assembly to be certified by the clerks of the senate and assembly in the usual manner— Senators and members of assembly.

To the honorable John Morin Scott Esquire secretary of this State for attending the legislature during their present session for the purpose of receiving laws, and for attending the council of appointment from the first Monday in July last to the first Monday in July then next, at and after the rate of fifty pounds per annum. Secretary of State.

To the said John Morin Scott for his services in recording the laws, making copies thereof with marginal notes for the press, and making several copies by the direction of the governor or of the senate or assembly, and for engrossing the minutes of the council of appointment from and to the respective times aforesaid at the rate of one shilling and sixpence per folio, each folio to consist of one hundred and forty four words agreeable to such account thereof as he shall produce audited as aforesaid.—

To Comfort Sands Esquire auditor general of this State for his services in that station from and to the respective times aforesaid at and after the rate of three hundred pounds per annum. Auditor general.

To Robert Benson Esquire one of the aids de camp to his excellency the governor the amount of Continental pay and rations as a lieutenant colonel from and to the respective times aforesaid, and exclusive of the time he shall be employed as clerk of the senate, agreeable to such account thereof as he shall produce audited as last aforesaid — Aides de camp.

To Stephen Lush Esquire the other aid de camp to his excellency the governor from and to the respective times aforesaid the like pay and rations agreeable to such account thereof as he shall produce audited as aforesaid.

Clerks of
senate and
assembly.

To Robert Benson Esquire clerk of the senate, and John M^c Kesson Esquire clerk of the assembly severally for their services in these stations during the present meeting of the legislature forty eight shillings per day in the bills of credit above mentioned and for sundry sums by them severally advanced for the use of the senate and assembly respectively the amount of such accounts thereof respectively as they shall severally produce certified by the president of the senate or speaker of the assembly as the case may be.

Door
keepers.

To the door keepers of the senate and assembly for their services in these stations during the present meeting of the legislature each thirty two shillings in the said bills per day agreeable to such certificates thereof as they shall respectively produce, the account of the door keeper of the senate to be certified by the president thereof, and the account of the door keeper of the assembly to be certified by the speaker of the assembly.—

Mainten-
ance of the
poor.

To Samuel Dodge Esquire on account to be applied to the maintenance of the poor under his care the sum of five hundred pounds in the said bills.

Treasurer
to retain
his salary.

II. *And be it further enacted by the authority aforesaid,* That Gerard Bancker Esquire treasurer of this State shall be and is hereby authorized out of such monies as may be in the treasury of this State, to retain in his hands as a salary for his services in that station from the first Monday in July last to the first Monday in July in this present year at and after the rate of three hundred pounds per annum.

Sums
allowed to
be deemed
to be in
specie.

III. *And be it further enacted by the authority aforesaid,* That the said several sums herein before mentioned to be allowed as salaries or as a compensation for services performed (except such as are expressed to be payable in the bills of credit aforesaid) so far forth as to ascertain the value thereof shall be deemed to be in specie and the treasurer of this State is hereby required upon application of any of the persons entitled to such sum to pay the same in the said bills of credit agreeable to their current value so that no payment shall be made to any of the said persons in the said new bills to an amount in the said new bills of credit exceeding double the nominal value of such salary or compensation.

Proviso as
to draft of
congress
for paying
troops.

Whereas John Pierce Esquire paymaster general of the army of the United States is possessed of a draft from congress for the sum of seventy seven thousand five hundred and eighty nine dollars of the new Continental emission upon the Continental loan officer within this State to be applied to the paying of the line of this State in the service of the United States

Loan offi-
cer not in
cash to
pay same.

And whereas the said loan officer is not in cash to satisfy the said order and the said John Pierce hath consented to receive the amount of the said draft from the treasurer of this State in bills of the late emission of this State and in consideration thereof to assign the said draft to the said treasurer on behalf of this State upon indemnification from the State.—

Treasurer
to make
payments
and take
assign-
ment of
drafts.

IV. *Be it therefore further enacted by the authority aforesaid* That it shall be lawful for the said treasurer to pay to the said John Pierce or his order the said sum of seventy seven thousand five hundred and eighty nine dollars in bills issued on the credit of this State pursuant to the law of this State passed the twenty seventh day of March last, and thereupon to take an assignment of the said draft to him the said treasurer in behalf of this State and to receive from the loan officer of the United States within this State for the use of this State, when he shall be in cash sufficient to discharge the same, the amount of the said draft in bills issued on the credit of this State pursuant to the act of congress

of the eighteenth March one thousand seven hundred and eighty and the faith of this State is hereby pledged to the said John Pierce for an indemnification in case he should be questioned by reason of his assigning the said draft or receiving any moneys thereon in manner aforesaid, —And in case the said John Pierce at the time of such assignment should not receive the whole amount of the said draft from the treasurer it shall be lawful for the treasurer to give to the said John Pierce a certificate for the ballance which may remain unpaid of the sum mentioned in the said draft and at any time thereafter to discharge such ballance when he shall be in cash sufficient for the purpose, in bills issued upon the credit of this State pursuant to the said act of congress of the eighteenth of March seventeen hundred and eighty.

If whole amount is not paid certificate of ballance to be given.

And be it further enacted by the authority aforesaid That it shall and may be lawful to and for the commissioners of sequestration for the county of Westchester to furnish Mary Williams, Daniel Requa and John Drake of Westchester county and their respective families with such provisions and in like quantities as the commissioners of sequestration for the county of Tryon are directed to furnish provisions to certain distressed families in the said county of Tryon with provision by the act entitled "A supplementary act to the act entitled, "An act for the relief of certain distressed families therein mentioned" passed the twenty sixth day of March last.

Commissioners to furnish families with provisions.

And be it further enacted by the authority aforesaid, That from the time of the last settlement of their respective accounts by the auditor general, thirty four shillings in specie be allowed to each of the delegates per day from the time of their arrival at congress to the day on which they left the same together with an addition of six days for going from the State to Congress and of the like time for returning to the State in lieu of all charges and expences whatsoever.

Allowance to delegates in congress.

And be it further enacted by the authority aforesaid, That the auditor general in setling accounts with such delegates, charge them with all advances made to them or either of them by this State, or the Continental treasury agreeable to such accounts as they shall deliver thereof, and computing the paper money advanced at the current exchange between such paper money and specie at the time and place of its expenditure—And if it shall appear on settlement of the said accounts that any ballance is due to all or either of the said delegates the auditor general shall certify such ballance to the treasurer who shall credit the delegates respectively for the same—And he is hereby further directed and empowered to pay to the said delegates respectively for the same out of such money as may be hereafter in the treasury unappropriated by the laws of this State and consisting in bills issued on the credit of this State such sum as they shall respectively require not exceeding in the whole to each delegate double the nominal amount of his draft.

Advances to be charged, etc.

And be it further enacted by the authority aforesaid, That with respect to all monies which may come into the treasury consisting in specie arising from the sales of forfeited lands (except lands mortgaged for the redemption of the bills of credit) or from loans by the commissioners appointed to procure monies on loan for the use of this State, or from the tax to be raised in pursuance of the act passed at this present meeting for raising a sum in specie and a tax in paper currency he pay and allot the same as follows. That is to say—

Further payments to be made.

That he shall retain a sum sufficient to discharge the interest on such bills issued on the credit of this State pursuant to the act of congress of the eighteenth of March seventeen hundred and eighty, that when he shall have set apart a sum sufficient for that purpose he shall then

Interest on bills.

Delegates in congress. pay to each of the delegates from this State who shall attend congress, (not exceeding two) the sum of one hundred and twenty pounds, to defray the expence of their attendance at congress—after the passing of this act until the twelfth day of September next

James Duane. And to the honorable James Duane the farther sum of one hundred and twenty pounds on account to defray expences heretofore incurred by him—

State agent. That the treasurer shall then pay to the State agent three thousand pounds to be expended in purchasing beef or beef-cattle.

Paymaster general. That he shall then pay to the paymaster general of the army of the United States such sum as the person administering the government shall certify is requisite for the pay of one month exclusive of subsistence to Major General McDougal and Brigadier General Clinton and their respective suits to John Gano chaplin to the brigade under the command of the said brigadier general and to the officers and privates of the regiment of artillery commanded by Colonel John Lamb and the two regiments of infantry of this State commanded by Colonels Van Schaick and Cortlandt—

Governor. That he shall then pay to his excellency the governor on account of his salary four hundred pounds—

Chancellor, etc. That he shall pay to the chancellor and judges of the supreme court on account of their respective salaries each one hundred pounds.

Treasurer. That he shall retain in his hands for his own use one hundred pounds on account of his salary.

Delegates in congress. That he shall then pay to such persons who are or have been delegates from this State in congress and who shall have had their respective accounts audited in manner aforesaid the ballance due to them respectively.

Interest on bills. That after he shall have paid off and satisfied the several appropriations aforesaid, he shall pay off and discharge the interest for one year, in such bills emitted on the credit of this State pursuant to the said act passed the twenty seventh day of March last, as may remain in circulation and not marked in manner as by law directed and upon the payment of such interest, to mark such bills, and return the same to the several persons to whom such interest shall be paid in like manner as is directed with respect to the bills issued on the credit of this State pursuant to the act of congress of the eighteenth of March seventeen hundred and eighty.

Proviso as to clothing procured on account of State. *Whereas* the commissioners for procuring monies on loan and clothing for this State have procured a quantity of clothing on the account of this State and it is requisite that special provision should be made with respect to the said clothing and also that further provision should be made with respect to such other clothing as the said commissioners shall procure—

Temporary employment to receive clothing. Prices, how to be ascertained. *Be it therefore further enacted by the authority aforesaid,* That it shall be lawful for the said commissioners occasionally to employ a person to receive such clothing: as they have procured or shall procure and to deliver such clothing to the sub-clothier of this State—That whenever any clothing shall be delivered to the said sub-clothier, the said commissioners or any two of them shall ascertain the prices computed in specie at which such goods at the place of the delivery thereof to the said sub-clothier shall have cost the State and the person delivering the said clothing shall at the same time deliver to the said sub-clothier a list of the prices aforesaid—And that it shall be lawfull for the said commissioners to make such allowance to the said person so to be employed by them for his occasional services as they shall deem reasonable to be allowed as incidental charges in the execution of their commission—

And that the said clothing so to be procured by the said commissioners and delivered to the said sub-clothier shall be served out by him to Brigadier General James Clinton, and the two battalions of infantry, and the regiment of artillery of this State in the service of the United States at the said respective prices and he shall make returns to the pay master general of the army of the United States of such clothing as he shall so issue, specifying the quantity and amount of what shall be issued to each person respectively to the end that the same may be stopped out of their pay.

To be served out to General Clinton, etc.

And be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer to pay to the State clothier of this State the sum of two hundred pounds in such bills of credit as above mentioned on account—And the like sum to Samuel Loudon on account—

Payment to State clothier.

Whereas the legislature did by act passed the first day of July seven-teen hundred and eighty, grant to Moses Cantine the sum of seven thousand one hundred and thirteen pounds twelve shillings and six-pence and to Daniel Graham the sum of eight thousand two hundred and eighty four pounds eight shillings payable in the former Continental currency, and the said several sums still remain unpaid in the whole —

Proviso as to grant to Moses Cantine and Daniel Graham.

Be it therefore further enacted by the authority aforesaid, That it shall be lawful for the treasurer to advance to the said Moses Cantine and Daniel Graham each the sum of four hundred pounds in the said bills of the last emission of this State on account of the said respective grants and the legislature will provide at a future day for liquidating the same.—

Advances to be made to.

And be it further enacted by the authority aforesaid, That it shall be lawful for Gilbert Livingston and Augustine Lawrence commissioners appointed in pursuance of the law for emitting monies on the credit of this State to pay off and discharge the accounts of the members of the senate and assembly for attendance at any meeting since the first day of May seventeen hundred and eighty, and the accounts of the clerks and doorkeepers of the senate and assembly, out of such bills emitted in pursuance of the said law as they may now have in hand; to take receipts on such accounts in the name of the treasurer, to transmit such accounts to the treasurer, and to compute the interest for one year only on the bills they may pay out for the purpose aforesaid; any law requiring the said bills to be marked previous to their being paid out, or any other law notwithstanding; so as the said Gilbert Livingston and Augustine Lawrence shall not be authorized to pay any account unless payment for the same shall be demanded within three days from the passing of this act.

Commissioners to pay accounts of members of the senate and assembly, etc.



L A W S

OF THE

STATE OF NEW YORK

PASSED IN THE

FIFTH SESSION OF THE SENATE AND ASSEMBLY OF THE SAID STATE, BEGINNING THE NINTH DAY OF AUGUST, 1781, AND CONTINUED BY ADJOURNMENTS.

CHAP. 1.

AN ACT further to amend the laws relative to night watch and to repeal an act therein mentioned.

PASSED the 6th of November, 1781.

WHEREAS doubts have arisen concerning the fines imposed for refusal Preamble. neglect or delay of night watch duty, and whether all the male inhabitants above sixty years of age residing within the district of the regiment commanded by Colonel Abraham Cuyler and those in the town of Schenectady are exempted from watching: in order therefore to remove such doubts.

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 Persons liable to duty as watchmen
That no male inhabitant or resident above sixty years of age (ministers of the Gospel and such male inhabitants or residents in the said district as shall by a majority of the members of the corporation of the mayor aldermen and commonalty of the city of Albany in common council convened, be deemed personally incapable of watching and in such indigent situations as not to be able to procure a substitute to serve in their stead, and such male inhabitants or residents in the said town as shall by a majority of the justices, residing in the said town, be deemed incapable and unable as aforesaid excepted) shall be exempted from watching in the district and town aforesaid; but every such male inhabitant or resident shall be and hereby is subjected, in point of watching, to the same duties fines and forfeitures with the militia. That the members of the said corporation and the said justices shall respectively notify the colonel or commanding officer of the regiment of the district and town respectively by a notice in writing of the persons whom they shall deem proper to exempt as aforesaid, and that in lieu of pecuniary Commanding officer to be notified of persons exempted.

finer imposed for refusal neglect or delay of duty, by either of the laws relative to night watch, the fine for refusal, neglect or delay of duty shall be six shillings in gold or silver.

Act named repealed.

And be it further enacted by the authority aforesaid That the act entitled "An act to amend the laws relative to night watch" passed the seventh day of October one thousand seven hundred and eighty, shall be and is hereby repealed.

CHAP. 2.

AN ACT further to continue the treasurer of this State in office.

PASSED the 7th of November, 1781.

Preamble.

WHEREAS by the act continuing Gerard Bancker Esq., treasurer of this State, the time of his continuance in the said office was limited to sixty days after the present meeting of the legislature.

Gerard Bancker continued in office as treasurer.

Be it therefore 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 the said Gerard Bancker Esquire, shall be, and he is hereby further continued in office as treasurer of this State, until sixty days after the rising of the legislature, at their next meeting after the first Monday in July, which will be in the year of our Lord one thousand seven hundred and eighty two.

Official oath and bond.

And be it farther enacted, by the authority aforesaid, That the said Gerard Bancker Esq., shall on, or before the twentieth day of December next, give such security and take such oath as were directed and required by the second and third clauses of the act, entitled "An act to appoint a treasurer of this State," passed the first day of April in the year of our Lord one thousand seven hundred and seventy eight.

CHAP. 3.

AN ACT to enable the treasurer of this State to exchange the old Continental money for the new in the loan office of this State.

PASSED the 13th of November, 1781.

Treasurer may exchange Continental bills for money in loan office.

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 the treasurer of this State shall and may from time to time exchange any Continental bills of credit, issued before the eighteenth day of March, one thousand seven hundred and eighty, which he has or may receive into the treasury by exchange or otherwise for any money still remaining in the Continental loan office within this State of the new emission to be issued agreeable to the act of Congress of the eighteenth day of March one thousand seven hundred and eighty, any law to the contrary notwithstanding

At what rate to be exchanged

And be it further enacted by the authority aforesaid That in all exchanges of the said money of the new emission with any individual for the said Continental currency the said treasurer is hereby required to exchange the same agreeable to the rate of one hundred and twenty eight dollars of the said emission issued before the said eighteenth day of

March for one dollar of the said new emission, or at such other rate or rates as shall from time to time be established by virtue of the act entitled "An act for the better establishing the rate of exchange between the bills emitted upon the credit of this State pursuant to the act of congress of the eighteenth day of March one thousand seven hundred and eighty and the Continental currency theretofore issued" passed the twenty second February last.

CHAP. 4.

AN ACT to remedy the mistakes and defects in the proceedings for conviction of persons, who have adhered to the enemy, grounded on an act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State and for declaring the sovereignty of the people of this State in respect to all property within the same."

PASSED the 13th of November, 1781.

WHEREAS divers errors, misprisions, deviations from the forms prescribed by the said act, misdescriptions of justices before whom the indictments were taken and divers incertainties as to the times of charging the facts in several of the indictments grounded on the said act have taken place in many cases as well in the indictments as in the sherifs notices grounded thereon; and also divers mistakes have been made in not returning into the supream court of judicature of this State the examinations whereon some of the indictments have been found. Preamble.

And whereas public justice requires that in all such cases as aforesaid as well those in which judgment has been rendered, as those in which judgments still remain to be rendered, all such mistakes defects and deviations from the requisites of the said act should be remedied

Be it therefore 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 all such errors misprisions misdescriptions and deviations, and also all such incertainties as aforesaid as to the times of charging the facts in any of the said indictments and in the sherifs notices thereon be and each and every of them are hereby fully and absolutely remedied and that the proceedings in all such cases respectively shall be deemed as effectual in the law to all intents constructions and purposes whatsoever as if the said act had been fully and strictly pursued in every instance and particular in such proceedings and as if no such errors, misprisions, misdescriptions or deviations in any of the said proceedings, had taken place. Errors, etc., remedied.

And whereas doubts have arisen whether between the first day of April last and the twenty ninth day of September last Henry I. Wendell or John Ten Broeck was the lawful sheriff of the county of Albany, the said persons having both officiated in the said office between the said days, and the said Henry I. Wendell having published all the notices on such indictments aforesaid as have been found in the county of Albany. In order to remove all doubts with respect to such notices as last aforesaid, the same and each and every of them are hereby enacted and declared to have been duly published to all intents constructions and purposes in the law whatsoever as if he was during the time aforesaid lawful sheriff of the said county. Notices legalized.

CHAP. 5.

AN ACT farther to suspend the act for raising a sum equal to one hundred and fifty thousand dollars in specie.

PASSED the 17th of November, 1781.

Preamble. WHEREAS the reasons which induce the legislature to suspend the collection of the said tax still exists—

Time for collection extended. *Be it therefore 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, the levying and collecting of the said tax shall be and is hereby farther suspended until thirty days after the rising of the legislature at their next meeting.

CHAP. 6.

AN ACT to ascertain the fees to be allowed in causes tried in the justices courts.

PASSED the 17th of November, 1781.

Costs allowed.

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 after the passing of this act no greater or other costs shall be allowed taxed or taken in actions brought by virtue of an act entitled an act to empower justices of the peace mayors recorders and aldermen to try causes to the value of one hundred pounds and under, and for suspending an act therein mentioned as the same is amended and continued than the following, vizt. A summons nine pence, a warrant one shilling, a judgment one shilling, administering every oath or affirmation six pence, every execution one shilling and six pence, subpœna for each witness six pence, a venire facias to summon a jury one shilling, swearing the jury one shilling and six pence, witnesses, attending on summons or otherwise two shillings per day, and so in proportion for a longer or shorter time, constable or other officer for serving every warrant summons or execution for one miles travel or under one shilling, for every mile more six pence, serving every execution for every pound one shilling, summoning every jury three shillings, the person serving a subpœna on a witness one shilling, jurors for all causes tried, one shilling per man, provided that the whole costs to be recovered or allowed in any one action shall not exceed the sum of forty shillings.

Amount.

CHAP. 7.

AN ACT to enable the supervisors of the county of Ulster to levy a tax in grain or in specie, for defraying the contingent charges of the county.

PASSED the 17th of November, 1781.

Preamble. WHEREAS several sums of money are due to individuals from the said county for services done and monies advanced, the accounts whereof have been stated in Continental currency and justice requires that such

compensation should be made to those creditors, as will be adequate to the services done or monies advanced.

Be it therefore 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 the said supervisors shall meet on the second Tuesday in January next at the house of Evert Bogardus in Kingston; and that previous to such meeting the supervisors clerk shall by public advertisements in the several towns manors and precincts in the said county notify all persons who have demands against the said county to bring in their accounts to the supervisors aforesaid on that day, in order to enable them to ascertain what sum may be necessary to defray the contingent charges.

Meeting of supervisors; notice to persons having claims.

And be it further enacted by the authority aforesaid That the said supervisors when so met shall proceed to apportion the sum which shall by them be deemed necessary to defray the contingent charges aforesaid, to and among the several towns manor and precincts respectively within the said county; and the said supervisors shall and may add to such apportionment, such sum or sums as may be necessary for the maintenance and support of the poor in each respective town manor and precinct: And that upon such apportionment the said supervisors shall issue their warrants to the assessors of the several towns manor and precincts respectively, to rate and assess the sums so apportioned on the estates real and personal of the freeholders and inhabitants of the respective towns manor and precincts, in the manner prescribed by an act entitled "An act to raise a tax in specie and a tax in paper currency," passed the twenty seventh day of June last.

Amount to be apportioned among towns, etc.

And be it further enacted by the authority aforesaid, That the assessors shall return the assessment rolls that shall be made in pursuance of this act, on a day and at a place to be appointed by the said supervisors for that purpose, at the time they shall issue such warrants to the assessors. And that on the return of the said assessment rolls the supervisors shall cause the several tax lists to be made out, and the sums therein assessed to be charged at specie value.

Assessment rolls, return of tax lists, etc.

Provided nevertheless that it shall be at the election of every person to be assessed by virtue of this act to pay the tax so assessed, either in gold or silver coin, or in wheat at the rate of six shillings per bushel, or in rye or Indian corn at the rate of four shillings per bushel.

Payments to be made in coin or wheat or corn.

And be it further enacted by the authority aforesaid That the supervisors of the several towns manor and precincts respectively, shall when the said tax lists are completed order and direct the collectors aforesaid to collect the sums contained in such tax lists to be collected, and also direct the grain that may be delivered in payment, to be delivered at such place or places as the supervisor or supervisors of each town manor or precinct respectively, shall deem most convenient. And that each of the said tax lists being signed and completed, shall be a sufficient warrant to the collector or collectors in the respective towns manors and precincts, to levy and collect the sums that shall be thereby assessed.

Order to collectors to collect tax.

Tax warrant.

And be it further enacted by the authority aforesaid, That the collectors of the several towns manor and precincts, within the said county, are hereby vested with the same powers to recover the taxes that shall be assessed by virtue of this act; and subjected to the same penalties, as are vested imported and inflicted in and by the above mentioned act entitled "An act for raising a tax in specie and a tax in paper currency." And each of the said collectors respectively shall be entitled to receive, and may retain in his hands nine pence in the pound in value, out of

Collectors, powers vested in.

the monies and grain proportionally which he shall have collected, for his services in collecting the same.

Return to be made to supervisors.

And be it further enacted by the authority aforesaid That the collector or collectors of each town manor and precinct respectively shall within twenty days after receiving the tax lists before mentioned, make return to the supervisor or supervisors of such town manor or precinct, of the money and grain by them respectively collected, notice of the amount and value whereof shall be given in writing by such supervisor or supervisors to the clerk of the supervisors. And that when by such notices it shall appear to the said clerk that the collection of the said tax is completed as far as the same can be collected, he shall and is hereby required to give notice thereof to the supervisors within the said county to assemble at a time and place to be by him for that purpose in the said notice appointed. And the supervisors or a major part of them, being so assembled, shall by writing direct the said clerk to take charge of the monies and grain so collected, and out of the same forthwith to pay and discharge the several sums due from the said county.

Notice to supervisors to meet.

To direct clerk to take money and pay claims. Claims to be paid in lieu of money.

And be it further enacted by the authority aforesaid, That all persons having demands against the said county when the same shall have been audited and allowed by the supervisors, shall receive the amount of the accounts due to them respectively in grain at the prices herein before stated, in lieu of money.

CHAP. 8.

AN ACT for the further defence of the frontiers of this State.

PASSED the 17th of November, 1781.

Preamble. WHEREAS the time for which the levies were raised for the defence of this State, will expire on the thirty first day of December next, and the exposed situation of the frontiers may render it necessary that forces should be raised for their further protection.

Governor may draft men into actual service from militia.

Be it therefore 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 the person administering the government for the time being; shall and may draw out into actual service from all or any of the districts of the brigades or regiments of the militia of this State, when and as often as he shall deem it necessary for the defence of this State, such and so many able bodied and effective men, not exceeding one thousand five hundred, for any term or time, not exceeding one year from the first day of January next, as he shall deem most conducive to the safety of the State, on the plan prescribed in and by the act entitled "An act to raise troops for the defence of the frontiers," passed the eleventh day of March seventeen hundred and eighty, subject to such alterations as are made in the said plan, in and by an act entitled "An act to raise troops for the immediate defence of the State," passed the tenth day of March last, and subject to such alterations as are herein after mentioned; and which acts shall be and hereby are declared to extend to, and be laws of this State, for raising the troops hereby intended to be raised. That the classes shall consist of so many men as the person administering the government shall deem proper for raising the troops necessary for the defence of the frontiers; and that the person administering the government, if troops shall be drawn out at different periods in pursuance of this law, shall apportion such troops among the

Draft made on plan prescribed in act named.

Classes.

different brigades and regiments so that the burden in the rotation of service may as nearly as possible be equally borne among the inhabitants of this State. That the men to be raised in pursuance of this act shall be officered, arranged into corps, and be subject to the Continental articles of war, and trial, and be provided with arms and accoutrements in like manner as was directed in and by the said two last mentioned acts—That classes neglecting or refusing to furnish a man, shall incur a like penalty to be levied and applied in the same manner, and the person or persons of a class furnishing a man shall have a like remedy for recovery against the other persons composing such class, as in and by the said laws are directed —That each class shall be responsible for the man by them respectively enlisted, until they shall severally be delivered and mustered at the place or places of rendezvous to be appointed in general orders by the person administering the government of this State for the time being; and on a failure of a sufficient muster at such place or places, either of an able bodied man, or of arms, or other appointments, the class so delinquent shall be subject to a detachment from among them of such an able bodied man, properly armed and appointed as aforesaid, who shall in such case be detached by the commanding officer of the regiment wherein such class shall be within five days after notice of such delinquency given to him by the person or persons to be appointed by the person administering the government to muster the said levies at such place or places as aforesaid.

How to be officered.

Penalty.

Class responsible till man is mustered, etc.

And be it further enacted by the authority aforesaid, That every colonel or commanding officer of a regiment shall cause such returns as by the said two last mentioned acts are required, to be made to him forthwith after the passing of this act; and every commissioned officer or assessor who shall willfully neglect or refuse to do and perform any of the duties required of him by this act, and the said other two acts as hereby extended, shall instead of the penalty mentioned in the said acts forfeit the sum of twenty pounds, to be recovered in the manner prescribed in and by the said acts, in gold or silver only.

Commanding officer to make returns.

And be it further enacted by the authority aforesaid That whatever measures may be necessary to carry this law into execution, shall be executed on the general orders to be issued for the purpose by the person administering the government from time to time, and whenever he shall deem it expedient; and that every commissioned officer of the militia of this State, shall make such returns respecting the said levies to such officers in the militia and within such time as the person administering the government shall from time to time direct and appoint. That every commissioned officer of the militia of this State shall make such returns respectively relative to any levies which were directed to be raised by any law of this State passed after the first day of March seventeen hundred and eighty, to such officers of the militia and within such time, as the person administering the government shall from time to time appoint; and that any commissioned officer disobeying such general orders, shall and may be tried by a general court martial, to be convened by order of the person administering the government; and if such commissioned officer shall be convicted of wilful neglect or refusal to execute any of the duties imposed on him by this act, he shall and may be adjudged in like manner as is directed in and by an act entitled "An act for regulating the militia of this State," provided that such trial or conviction shall not exempt such offender from a prosecution for the penalty herein before mentioned, in the manner prescribed in and by the said act entitled "An act to raise troops for the immediate defence of the State."

When necessary to carry act into execution; general orders to be issued; officers to make returns.

Officers named may be tried by court martial for neglect of duty.

Where person procures at his own expense man to serve, sum to be apportioned among class.

And be it further enacted by the authority aforesaid, That whenever any person or persons shall procure a man for any class, at his or their own proper expence to serve in such levies, and all the persons composing such class cannot agree to a mode for the apportionment of such sum, the assessors residing within the district or any two or more of them shall and may apportion the sum paid as and for a bounty to such man, and assess the persons composing such class agreeable to their circumstances and abilities—And that the assessment or apportionment so to be made in pursuance of this law, shall upon any suit to be commenced for the recovery of any part of such bounty, be deemed conclusive evidence to entitle the plaintiff to recover the sum assessed against the defendant, and the justice or jury shall give a verdict and judgment accordingly.

CHAP. 9.

AN ACT declaring the rates at which French crowns and guineas shall be received in payment of taxes and other public monies due to this State; and making it felony to counterfeit any silver French coins.

PASSED the 20th of November, 1781.

French coins to be received in payment of taxes.

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 be lawful for the treasurer of this State, and all other public officers concerned in the receipt of taxes, or other public monies on account of this State, to receive in payment of such taxes or other public monies, the silver coins commonly called French crowns at the rate of nine shillings lawful money of this State for each crown; and the gold coins commonly called French guineas, weighing five pennyweight and four grains, at the rate of thirty six shillings and four pence of like money, for each guinea.

Proviso as to counterfeiting.

Whereas the laws of the late colony of New York, which are still in full force, making it felony to counterfeit certain gold and silver coins current in this State, or to pass the same knowing them to be counterfeit, have not made provision for the punishment of counterfeiting or passing silver French coins current in this State.

Felony to counterfeit same.

Be it therefore further enacted by the authority aforesaid, That any person or persons who shall hereafter counterfeit any of the French crowns aforesaid, or other silver French coins, or shall pass any such counterfeit crowns or other silver coins, knowing the same to be counterfeit, shall for any such offence, being thereof convicted, suffer the pains of death without the benefit of clergy as in cases of felony.

CHAP. 10.

AN ACT for levying a tax within this State.

PASSED the 20th of November, 1781.

Tax levied. County quotas.

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 there shall be raised by tax within this State the sum of

twenty five thousand pounds in specie—That the quota of the county of Albany of the said sum shall be ten thousand eight hundred and ten pounds; the quota of the county of Dutchess seven thousand pounds; the quota of the county of Ulster three thousand six hundred pounds; the quota of the county of Orange two thousand six hundred and forty three pounds; the quota of the county of Tryon five hundred and eleven pounds; the quota of the county of Westchester, three hundred and thirty six pounds, and the quota of the county Charlotte one hundred pounds.—That the quota's hereby assigned to the several counties, shall by the supervisors of the respective counties be apportioned to and amongst the cities, towns manors districts and precincts, within such counties respectively, according to what may be deemed their respective circumstances and abilities at the time of making such apportionment—That the supervisors clerks of the several counties shall forthwith after the passing this act, by circular letters call a meeting of the supervisors for the purpose aforesaid—That the supervisors clerk in each respective county as soon as such apportionment shall be made, shall cause the several supervisors who shall not be present at such meeting to be served with a notice in writing of the sums at which the quotas of their respective cities, towns, manors, districts or precincts shall have been so apportioned. That in case of the death or absence of the supervisor, such notice shall be served on any of the assessors—That the several supervisors forthwith after such apportionment shall be made, or in case such notice as aforesaid shall be served upon an assessor, then such assessor shall convene the assessors in order that they may proceed to make the assessment of the city, town, manor, district, or precinct—That the assessors shall thereupon immediately proceed to make assessments on the several inhabitants, residents and persons holding or possessing real or personal estate within the city, town, manor, district, or precinct, according to the estate and other circumstances and ability to pay taxes of each respective person collectively considered, distinguishing in such assessment roll, between the real and personal estate of such persons respectively—That after the assessors shall have made out the assessment roll they shall thereupon cause notifications thereof in writing to be affixed in at least four public places in the city, town, manor, district, or precinct, and shall in such notifications assign a time and place, when and where they will meet, and that all persons who will attend may inspect the assessment roll—That if upon hearing the proofs or allegations of any person it shall appear that any person or persons are assessed at an higher or lower rate than they respectively ought to be, that the assessors shall add to or deduct from the respective assessments in such manner as they shall deem reasonable, and make the necessary alterations in such assessment's roll accordingly. That the assessors shall be authorized to adjourn the said meeting to such and so many different places as they shall deem most convenient, and such meeting shall be continued from day to day (and not exceeding six days Sunday excepted) until it shall appear to the assessor that there hath been reasonable time for the inhabitants of the city, town, manor, district or precinct, to have appeared before them and have had respectively an hearing—That as soon as the assessors shall have completed the assessment roll, the same shall be delivered to the supervisor or supervisors of the city, town, manor, district, or precinct, or in case of his or their death or absence to a justice of the peace of the county, whom the assessors shall notify for the purpose—That the supervisor or supervisors or such justice of the peace, shall thereupon within five days after it being so delivered

Supervisor's clerk to call meeting and apportionment made; notice of, how served.

Assessors to be convened.

Assessment to be made.

Notice of meeting to hear grievances.

Proofs and allegations to be heard.

Adjournments.

Roll to be delivered to supervisor.

Tax list.

from a tax list agreeable to such assessment roll; that the assessment-roll and tax list shall respectively be of the form and upon the plan contained in the schedule number one and two hereunto annexed—

Amount to be inserted. That the amount of the monies to be inserted in the tax list, as and for the tax to be paid by each respective person shall bear such proportion to the amount of the sum at which such person shall be assessed, as the whole sum to be raised within the city, town, manor, district, or precinct, doth bear to the whole amount of the assessment thereof— That the supervisor shall insert in such tax list opposite to each respective name, the quantity of wheat to be furnished by each person in payment of his or her tax, computing the wheat at the rate of six shillings per bushel.

Proviso as to precincts named. Provided always that in the precincts of Orange Town and Haverstraw in the county of Orange, it shall and may be lawful to and for the supervisors to insert in the tax list of such districts opposite to each person's name the quantity of wheat and the quantity of rye to be furnished in lieu thereof by each person in payment for his or her tax, computing the rye at the rate of four shillings per bushel— That the supervisor or supervisors or justice who shall make such tax list, shall within four days after completing and signing it, appoint a person at each place or places, not exceeding three, in the city, town, manor, district, or precinct for the receipt of the grain to be delivered in payment of the tax, and shall deliver such tax-list to the collector; and if there are more than one collector in such city, town, manor, district, or precinct, a tax list to each of the collectors— That the collector shall within fourteen days after such delivery notify every person whose name is contained in such tax list, and living within such part part of the city, town, manor, district, or precinct, for which such collector was elected, of the sum which he or she shall be taxed, and the quantity of grain as aforesaid which he or she may deliver in lieu thereof, the place at which, in what time and to whom the same shall be delivered— That a notice left with any person of the age of discretion at the dwelling house of the person taxed shall be deemed a sufficient notice, if such person so taxed shall reside in the city, town, manor, district, or precinct; and if such person shall not reside in the city, town, manor, district, or precinct, a notice in writing specifying the amount of such tax the quantity of grain which may be delivered in lieu thereof, the place at which such delivery should be made, and to whom put up on some part of the lands belonging to the person so taxed, in the city, town, manor, district or precinct where the said lands are taxed and directed to him or her, shall be deemed a sufficient notice. That the collector shall forthwith after having notified such persons respectively in the manner herein before mentioned, deliver such tax list, or a copy thereof to the person or persons appointed by the supervisor or supervisors or justice, to receive the grain to be delivered in lieu of the tax assessed on the city, town, manor, district, or precinct— That the person so appointed to receive such grain shall from time to time make a mark on such tax list or copy opposite to the names of such persons who shall deliver grain in lieu of their tax, and shall keep an account of the quantity of grain received and from whom the same was respectively received— That the person appointed to receive such grain shall forthwith after the expiration of fourteen days after the time limited in and by this act for notifying the persons taxed in the city, town, manor, district or precinct return such tax-list or such copy thereof to the collector who shall forthwith proceed to collect the arrears of such tax in gold or silver only— That if any of the persons so taxed shall neglect or refuse to pay the tax imposed on them when thereunto required, the collector shall levy the

Places for receipt of grain to be appointed.

Collector to notify tax payers.

Notice left at dwelling sufficient.

Tax list or copy to be delivered to persons appointed to receive grain, etc.

Return of tax list to collector, etc.

same by distress and sale of the goods and chattles of the person, so refusing or neglecting. That where distress and sale shall be made in either of the cases above mentioned the overplus after deducting the charges of such distress and sale shall be returned to the person by reason of the neglect or refusal of whom such distress and sale shall be made — That for want of goods and chattels whereon to levy the tax, the collector shall be and is hereby authorized and required to commence a suit in his own name before any justice of the peace of the county where at the time of the commencement of such action the defendant shall happen to be, and the justice or jury shall give a verdict and judgment for the amount of the sum at which the defendant shall be so taxed with costs upon the tax list being duly proved to have been signed by the supervisor or justice which is hereby declared to be conclusive evidence to entitle the plaintiff to recover, and the authority and jurisdiction of such justice is hereby extended to all such actions, notwithstanding the sum to be sued for shall exceed the sum of ten pounds — That the collectors shall respectively pay into the county treasury the monies they shall from time to time collect, never retaining in their possession respectively a sum exceeding the sum of one hundred pounds — That the collectors shall be allowed and are hereby authorized to retain in their hands out of the taxes by them collected a poundage of six pence in the pound for their services in notifying the persons taxed, in collecting the said tax and paying the same into the county treasury — That the county treasurers shall pay the monies they shall respectively from time to time receive from the collectors into the treasury of this State, never retaining in their possession respectively a sum exceeding five hundred pounds — That the several county treasurers shall be allowed and hereby are authorized to retain the same in their hands out of the monies they shall respectively receive from the collectors, a commission of eight shillings for every hundred pounds for their services in receiving the said monies and paying the same into the treasury of this State — That the collectors shall collect the arrears of such tax and pay the same into the county treasury within thirty days after the time limited for paying the same in grain is expired — That the collector shall be allowed one bushel and an half for every hundred bushels of grain delivered, for his services in notifying the persons taxed, which allowance the person who shall have received the grain is hereby authorised to deliver to such collector, taking such collector's receipt for the same.

Overplus on sale to be returned.

Suits to collect tax.

Evidence.

Moneys to be paid to county treasurers.

To State treasurer.

Allowance to county treasurers.

When arrears of tax to be collected and paid over.

Allowance to collector.

And be it further enacted by the authority aforesaid, That the respective supervisor or supervisors, or such justice of the peace as aforesaid, shall be vested with the following powers and authority viz. From time to time to assign a place or places at which the grain shall be delivered, and persons to whom the same shall be delivered; in case of the death, removal, or refusal to accept or inability to serve of a collector to call a special town meeting for electing a collector, in the stead of the person so dying, removing or refusing to accept, or becoming unable to serve, as the case may be; to cause the assessment rolls and tax list to be fairly made out, and when so made out, to sign the tax list and cause the same to be delivered to the collector, and a copy thereof to be filed with the treasurer of the county. To cause the collectors to appear before him or them the said supervisor or supervisors, or justice from time to time, and at such time and at such place within the city, town, manor, district or precinct, as he or they shall appoint, to render an account of the monies they shall have respectively collected and of the taxes which shall remain unpaid and to direct the collectors

Powers vested in supervisor or justice of the peace.

to pay the monies which they shall severally have in hand into the county treasury, and from time to time to return to the treasurer of the county an account of the monies and grain received in payment for the tax imposed in and by this act.

Allowance to supervisors, justices and assessors.

And be it further enacted by the authority aforesaid, That the supervisors or such justices of the peace, as aforesaid shall be severally allowed for their respective services and expence for every day they shall be severally employed in executing the business by this act committed to them, the sum of five shillings, besides the expences of clerks, messengers, papers and other incidental matters, and that the assessors shall each be allowed and paid for their services and expences for each day they shall be respectively actually employed in making the assessments in pursuance of this act, the like sum of five shillings and incidental expences as aforesaid; which wages and incidental expences of the supervisors justices of the peace and assessors as aforesaid shall be allowed and paid as the contingent charges of the county are allowed and paid; to be charged nevertheless to the city, town, mannor, district and precinct, in which the same shall respectively arise.

Penalty for neglect of duty.

And be it further enacted by the authority aforesaid, That if any supervisor or justice of the peace or supervisors clerk shall neglect or refuse to execute any of the duties enjoined on him in and by this act, or if any collector shall refuse or neglect to appear before the supervisor, or supervisors of the city, town, manor, district or precinct, or such justice of the peace as aforesaid; when duly notified by writing under his or their hand or hands, or if any collector shall refuse to render an account to the said supervisors or such justice of the peace as aforesaid in manner herein before directed when thereunto required by the said supervisor or supervisors or such justice of the peace as aforesaid, or if the assessors shall neglect to compleat the assessments within the time by the said supervisor or supervisors or such justice of the peace as aforesaid, from time to time to be assigned, the person or persons so offending shall for each and every such offence forfeit the sum of twenty five pounds to the people of this State to be recovered by action in the name of the treasurer of this State in assumpsit for monies received to the use of the plaintiff in the supreme court of this State, with costs of suit; and when recovered shall be paid into the treasury of this State. And it is hereby expressly made the duty of the supervisor or supervisors, or such justice of the peace as aforesaid, to report every such offender to the attorney general; and it is hereby also expressly made the duty of the attorney general to sue and prosecute for the recovery of every such penalty, and to pay the same when recovered into the treasury of this State, and such suit shall and may be prosecuted to effect altho the treasurer in whose name the same shall be commenced should die, resign or be displaced.

Offenders to be reported to attorney-general.

Collector liable for moneys which ought to have been paid to county treasurer and for tax which ought to have been collected.

And be it further enacted by the authority aforesaid, That if upon rendering such account as aforesaid it shall appear to the said supervisor or supervisors, or such justice of the peace as aforesaid, that any collector shall be possessed of any monies which he ought to have paid into the hands of the county treasurer, or that any of the said tax shall be in arrear, and which such collector could have levied and collected; such collector shall be liable to pay all such monies which he shall then be possessed of and which he ought to have paid into the hands of the county treasurer, and all such arrears of tax with interest for the same at the rate of fifteen per cent per annum, from the time when such arrears of tax could have been levied and collected, to be recovered with costs, by action, in the name of the treasurer of the

county in assumpsit for monies received to the use of the plaintiff, and to which suit the defendant may plead the general issue and give any special matter in evidence. And it is hereby expressly made the duty of the said supervisor or supervisors or such justice of the peace aforesaid, to report every such case to the treasurer of the county for the time being, who is hereby expressly required and authorized to sue and prosecute such suit as aforesaid.

And be it further enacted by the authority aforesaid That the assessors or a majority of them may by writing under their hands summon any person actually resident within the city, town, manor district or precinct to appear before them at such time and such place within the respective city, town, manor, district or precinct, as they may think proper, to be examined on oath, or if of the people called Quakers on affirmation; which oath or affirmation the assessors or a majority of them, are hereby authorized to administer touching the value or amount of any personal estate and if the person so to be summoned shall not upon being served with such summons appear before the assessors, or appearing shall refuse to answer to interrogatories upon oath; or if of the people called Quakers on affirmation touching the value or amount of the personal estate of any person within such city, town, manor, district or precinct, the person or persons so offending shall for every such offence forfeit the sum of ten pounds, to be recovered with costs action of debt in the name of the treasurer of the county and when recovered paid in like manner as last aforesaid, so as the person to be summoned shall not be compelled to answer to any interrogatories touching the value or amount of his or her property. And provided always that no such evidence shall be conclusive for forming any assessment, but that the assessors shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means which in their judgment may be deemed most proper for estimating such actual value.

Assessors, power of to summon persons to appear and be examined on oath as to property.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall be and he is hereby authorized to advance on the warrant, of the person administering the government, under the privy seal of this State such sum of the monies arising from the tax directed to be levied in and by this act, as shall from the returns to be made to the person administering the government, for that purpose appear to be necessary for the discharge of two months pay of Major General M^o Dougal, and Brigadier General James Clinton and their respective suits, of John Gano chaplain to the brigade under the command of the said brigadier general and of the officers and privates of the regiment of artillery commanded by Colonel John Lamb, and the two regiments of this State commanded by Colonels Vanschaik and Cortlandt — That the person administering the government, shall and may grant a warrant for such monies in favour of such person as he shall deem proper, and that the persons paying the monies to the officers and soldiers aforesaid, shall and they are hereby required to pay the same to them respectively without any deduction whatsoever.

Treasurer may advance monies to discharge two months' pay to officers and privates named.

And be it further enacted by the authority aforesaid, That if it shall appear to the person administering the government to be most for the interest of the State, to have the whole or any part of the wheat to be raised by virtue of this act manufactured into flour, it shall and may be lawfull for him to direct the agent of this State to cause the same to be done — That the said agent shall be and he is hereby authorized to dispose of the bran produced from manufacturing the said wheat into flour, for flour casks.

Governor may have wheat manufactured into flour.

Bran may be disposed of for flour casks.

Governor may direct removal of flour and wheat.

If money enough is not received to discharge said two months' pay grain, etc., may be sold.

Receipts to be in duplicate and one to be transmitted to treasurer. Persons exempt.

When tax for contingent charges to be collected in Dutchess county.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to the person administering the government from time to time, and whenever he shall think it necessary to direct the State agent to cause any part of the grain delivered in pursuance of this act, or flour manufactured therefrom, to be removed to any place or places he may think proper to prevent the same from being destroyed by, or falling into the hands of the enemy — That in case the tax hereby directed to be levied should not, be so productive of money as to amount to the sum necessary for the discharge of two months pay as aforesaid, that then it shall and may be lawfull to and for the person administering the government to direct the agent of this State to enter into a contract or contracts for the disposal and sale of so much of the grain to be delivered in pursuance of this act, or flour to be manufactured therefrom, as shall be necessary to procure a sum of money equal to the amount of such pay — That the agent shall immediately pay the monies arising from the sales of such grain—or flour to the treasurer of this State, to be applied in the manner herein before mentioned — That the agent shall give duplicate receipts for the quantity of grain received from each respective person — That the person to whom such receipts shall be given shall transmit one of the duplicates to the treasurer of the county and retain the other as and for his voucher for such delivery.

And be it further enacted by the authority aforesaid, That no person serving in the line of the army of the United States, shall be subject to be taxed by virtue of this act, for his personal estate.

And be it further enacted by the authority aforesaid That the collectors in the several precincts in the county of Dutchess shall be and they are hereby authorized and required, to collect the tax assessed on the inhabitants of the said precinct for the payment of the contingent charges of the county between the first day of June in the year of our Lord one thousand seven hundred and eighty, and the first day of June last past, in bills of credit emitted on the credit of this State since the eighteenth day of March one thousand seven hundred and eighty.

Form of roll.

No. I. Form of assessment roll.

An assessment roll for in the county of

	Real estate.	Personal estate.
A B.....	£	£
C D.....	£	£

Of tax list.

No. II. Form of tax-list.

Tax list for in the county of

	Real estate.	Personal estate.	Amount of tax.	Quantity of wheat.
A B.....	£	£	£	
C D.....	£	£	£	

CHAP. 11.

AN ACT requiring the county treasurers to make return of the State of the taxes.

PASSED the 20th of November, 1781.

WHEREAS from the state of the taxes paid into the treasury of this State it appears that great sums are in arrear from several counties Preamble.

And whereas justice requires that the legislature should make provision that the arrears of the said taxes be duly collected and paid by the several delinquents in each ward, town, manor district and precinct

Be it therefore 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 the treasurer of each county within this State do, within three days after the legislature shall have formed a quorum of both houses at their next meeting, lay before the same an account of the several sums assessed upon each ward town manor district and precinct in pursuance of the several acts of the legislature, passed since the Declaration of Independence, for levying and collecting the same, together with an account of the sums paid by the collectors respectively into the county treasury and the date of each payment; and that if any of the said treasurers shall neglect or refuse to comply with the requisitions of this act, the treasurer so offending shall for every such offence forfeit the sum of fifty pounds to the people of this State to be recovered with costs of suit by the attorney general of this State in the name and on behalf of the people of this State. Treasurer to lay account before legislature.

CHAP. 12.

AN ACT to exempt certain persons in the township of Rochester, from paying the taxes therein mentioned.

PASSED the 20th of November, 1781.

WHEREAS by a late incursion of the enemy into the township of Rochester many of the inhabitants are so reduced in property as to render them unable to pay the taxes which now are due from them, by virtue of an act entitled "An act for raising a tax in specie and a tax in paper currency," passed the twenty seventh day of June last; or the quota or proportion of the tax of the said township of Rochester, which was to be raised by the first day of April last, by virtue of an act entitled "An act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty, relative to the finances of the United States and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress," passed June fifteenth one thousand seven hundred and eighty, which said last mentioned tax was suspended by an act of the legislature of this State until thirty days after the rising of the legislature at their first meeting after the first day of July last; and it is conceived to be just to exempt those persons in the said township whose buildings or crops have been destroyed by the enemy from the payment of the said taxes. Preamble.

Persons referred to exempted from paying tax.

Be it therefore 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 all such persons who reside within the limits of the township of Rochester aforesaid whose buildings or crops have been destroyed by the enemy in their late incursion into the said township be and they are hereby exempted from paying the sums assessed on them in pursuance of the two before mentioned acts, any law to the contrary notwithstanding.

Instructions to collectors.

And be it further enacted by the authority aforesaid, That the supervisor of the said township be and he is hereby directed to instruct the collector in writing to collect the said taxes from such persons only who have not suffered as aforesaid by the said late irruption of the enemy; and that the names of the persons who shall be exempted by virtue of this act, shall be inserted in the said instructions, which shall be a sufficient warrant to the collector for omitting to collect the said taxes from the persons who shall be named in his instructions.

CHAP. 13.

AN ACT to amend an act passed the ninth day of October one thousand seven hundred and seventy nine relative to attorneys sollicitors and counsellors at law.

PASSED the 20th of November, 1781.

Preamble.

WHEREAS no person is authorised or required to attend on behalf of the people of this State, at the execution of a writt of inquiry, to be issued in pursuance of the act entitled "An act making it necessary for the attorneys, sollicitors and counsellors at law who have been licensed to plead or practise in any of the courts at law or equity within the late colony of New York to produce certificates of their attachment to the liberties and independence of America.

Time and place of execution of writ of inquiry to be given attorney-general.

Be it therefore 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 whenever any writt of inquiry shall be issued in pursuance of the said act, the person at whose instance the same is granted shall cause notice of the time and place of its execution to be served on the attorney general of this State at least twenty days previous to such intended execution thereof: and the attorney general or some person authorised by him for that purpose by writing under his hand is hereby required to attend the execution of such writt of inquiry and to prosecute for and on behalf of the people of this State.

That officer or some person authorized by him to attend on behalf of people.

Attorneys, etc., to take official oath.

And be it further enacted by the authority aforesaid That each and every attorney solicitor or counsellor at law whose suspension heretofore has been or hereafter shall be taken off and who hath not been duly qualified before the passing of this act according to the directions of an act entitled An act requiring all persons holding offices or places under the government of this State to take the oaths therein prescribed and directed passed the fifth day of March seventeen hundred and seventy eight, shall before he shall be admitted to plead or practise in any court within this State, take and subscribe the oath prescribed by an act, entitled "an act for the better securing the independence of this State and to that end requiring all public officers and electors within this State to take the test oath therein contained," passed the twenty sixth

day of March last; and that if any attorney solicitor or counsellor whose suspension is already taken off and who has not before the passing of this act been duly qualified pursuant to the directions of the said act passed March fifth seventeen hundred and seventy eight, and being at present an inhabitant of this State shall not within three months after passing of this act or if such suspension shall be hereafter taken off shall not within ten days after such suspension shall be taken off take the oath in and by the last mentioned act prescribed shall be forever hereafter precluded and barred from pleading or practising in any of the courts of law or equity in this State. And in order to compel the attendance of witnesses.

On failure to take same to be barred from practicing.

Be it further enacted by the authority aforesaid That process of subpoena may issue to convene witnesses before the sheriff on the execution of such writts as aforesaid as is usual on the execution of writts of inquiry of damages.

Subpoenas to issue.

CHAP. 14.

AN ACT to explain an act, entitled " An act for the more speedy trial of felonies without benefit of clergy, for subjecting the accessories to such felonies to a like punishment with the principals, and for the trial of such accessories although the principals may not be convicted passed March eleventh seventeen hundred and eighty.

PASSED the 21st of November, 1781.

WHEREAS doubts have arisen whether persons convicted as accessories to any murder burglary grand larceny or robbery are by the said act deprived of the benefit of clergy; to remove which.

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted and declared by the authority of the same, That every accessory to either of the felonies above mentioned who shall be proceeded against under the said act the principal or principals not being convicted; and every person who shall be proceeded against as an accessory to either of the said offences, the principal or principals being convicted shall on conviction be adjudged to suffer the pains of death without the benefit of clergy, as if the same had been so expressly declared in the said law.

Persons convicted as accessory to crimes named to suffer death.

CHAP. 15.

AN ACT for the relief of John Platt, and farther to grant relief to the tenants of confiscated lands.

PASSED the 22d of November, 1781.

WHEREAS from the representation of John Platt of Fredericksburgh precinct by his humble petition to the legislature among other things, it appears that he hath purchased of the commissioners of forfeitures the reversion of a farm which was formerly in Roger Morris Esquire, and which farm is now in the possession of the said John Platt. That part of the consideration money remains unpaid. That no payment can be

Preamble.

accepted but specie or military certificates. That this State is indebted to the said John Platt, for beef cattle, in the sum of sixty seven pounds four shillings which he delivered to the State agent and for which he has a certificate. That at the time of the delivery of the said cattle he had an opportunity to sell them for specie; but that from a great desire to supply the army which at that time was in great want, he disabled himself from making payment for the said farm. In order therefore to relieve the said John Platt in the premisses

Commissioners to receive certificate in part payment for farm.

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 the commissioners of forfeitures for the middle district of this State be and they are hereby directed to receive from the said John Platt the said certificate given by the said State agent to the above amount as part payment for the said farm and the said commissioners are hereby directed to pay the same into the treasury of this State in like manner as they are directed with respect to the certificates granted to the troops in pursuance of the act entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States" passed the fourth day of October seventeen hundred and eighty; and the treasurer is hereby required to receive the same into the treasury of this State.

Further time granted tenants for completing certificates.

And be it further enacted by the authority aforesaid That such tenants who became entitled to a right of preemption by virtue of the ninth section of an act entitled "An act for the further amendment of the laws directing the sales of forfeited estates" and who have procured certificates sworn to before any justice of the peace before the expiration of the time limited in and by the said act but have not presented the same to the said commissioners, shall have further time for completing the certificates required by law until the first day of April next any thing in any former law to the contrary hereof in any wise notwithstanding.

CHAP. 16.

AN ACT for the further direction of the State agent.

PASSED the 22d of November, 1781.

Preamble. WHEREAS it is necessary for the promoting of a speedy and effectual settlement of the accounts of the agent of this State, that such persons who have delivered flour wheat or other grain, on assessments, to persons employed to receive or store the same, should deliver the receipts given or to be given for such flour, wheat or other grain, to the assistant agents appointed for the district in which such flour, wheat, or other grain, were respectively delivered, in exchange for certificates to be granted in pursuance of an act passed the twenty fourth day of June seventeen hundred and eighty entitled "An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy."

Persons who have delivered flour or grain to return their certificates to agent and re-

Be it therefore 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 all such persons who have delivered flour, wheat or other grain, in pursuance of any assessments made in consequence of any act or acts of the legislature of this State, and who have received or shall hereafter receive any receipt or voucher (the agents certificates excepted) for

such flour wheat or other grain so delivered, shall on or before the first day of April next, return such receipt or voucher so received or to be received to the person who acted as assistant agent in the district in which such delivery was made, at the time the same was so delivered, or in case of the death or absence of such assistant agent, to his successor in office, at such place in the purchasing district of such assistant agent, as shall be appointed for that purpose, by advertisements to be published on or before the first day of January next by the assistant agents of the purchasing districts respectively in four or more publick places in each city, town, manor, district, or precinct within the purchasing district of such assistant agents respectively to the end, that the said assistant agents may respectively give in exchange for such receipts or vouchers, certificates issued in pursuance of the act above mentioned, and that if any person having made such delivery as aforesaid, shall not within the time herein before limited and at the place mentioned in such advertisements return the receipt or voucher for the articles so delivered to such assistant agent for the purpose aforesaid, the person having made such delivery shall be and hereby is precluded of and from all compensation or allowance for the flour, wheat or other grain by him or her delivered as aforesaid, any former law to the contrary hereof in any wise notwithstanding.

oelve in exchange certificates to be granted pursuant to act named.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall be and he is hereby authorized and required to deliver to the said agent such certificates signed by the said agent as he may have received before the passing of this act, or which hereafter may come to his hands in payment for taxes, taking the receipt of the said agent specefyng the number and amount of such certificates exclusive of the interest which has accrued thereon — That the agent shall return such certificates forthwith after having settled with his assistants, to the treasurer, previously expunging his own name, and that of the assistant by whom they were respectively countersigned.

Treasurer to deliver certificate to agent, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to and for the agent of this State, when and as often as it shall be necessary, to sell such quantities of wheat or flour as shall be sufficient to enable him with the monies arising from such sales to purchase and procure such barrels or bags, and to pay for such carriage which now are, or hereafter may be necessary to put up and convey any flour, beef, pork or forage, to such place or places as shall be appointed for that purpose by the commander in chief of the army of the United States, or the person administering the government of this State, in pursuance of any laws of this State; and that it shall and may be lawful to and for the said agent when and as often as the person administering the government shall deem it necessary for the subsistance of any troops stationed for the defence of the frontiers, to sell or exchange wheat or flour for such quantity of beef or pork, as the person administering the government, shall from time to time deem necessary to supply such troops.

Agent authorized to sell wheat, etc.

And whereas it has been represented to the legislature of this State that large quantities of forage have been taken and consumed by the allied army, since the twentieth day of June last in the county of Westchester, part of which forage was the property of this State, and the remainder the property of the subjects of this State.

Proviso as to forage.

And whereas the officers of the United States, not having taken legal measures to ascertain the quantity of forage so taken and consumed at the time of the taking thereof, and no compensation having been received for the same, the United States in congress assembled on the seventh day of September last, resolved that Major General Heath, or the

commanding officer of the eastern department should cause immediate and equitable measures to be taken for ascertaining the quantity of forage expended by the allied army under the command of General Washington in the county of Westchester in the State of New York during the present campaign, which had not been accounted for. And that he should direct the deputy quarter master in that department to give certificates accordingly to the State agent of New York, or any other person or persons authorized to receive the same. In order therefore to ascertain the quantity of forage taken and consumed by the army as aforesaid;

Agent and commanding officer to adopt measures to ascertain quantity of forage taken, etc.

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the agent of this State to adopt such measures with the commanding officer of the eastern department for ascertaining the quantity of forage taken and consumed by the allied army in the county of Westchester as aforesaid, as to the person administering the government shall appear equitable, and best calculated to ascertain the the same—That all the forage taken and consumed by the army as aforesaid, as well the property of this State, on any of the lands confiscated or sequestered by reason of the former proprietors having joined the enemy, as the forage, the property of any of the subjects of this State, shall be ascertained in one aggregate sum— That if the commanding officer of the eastern department shall refuse or neglect to adopt the measures to be proposed to him as aforesaid; it shall and may be lawful to and for the person administering the government, from time to time to devise such mode for ascertaining the quantity of forage taken and consumed by the army as aforesaid, as to him shall appear most equitable, and for determining what proportion of such forage was the property of this State, and what proportion the property of the subjects thereof — That the agent of this State, shall be and he is hereby authorized to cause the quantity of forage taken and consumed as aforesaid, to be ascertained agreeable to such mode to be devised as aforesaid — That the agent make return of his proceedings in consequence of the powers in and by this clause vested in him, to the legislature at their next meeting, to the end, that further provision may be made in the premisses for compensating the several persons who were proprietors of such part of the said forage as was not the property of this State.

Proviso as to resolution instructing State agent to seize hogs fit for pork, etc.

And whereas both houses of the legislature, did by concurrent resolutions, on the fifth day of November instant, among other things, “resolve. That the State agent should be directed immediately to order one or more of his assistants, with the aid of such other persons as he should think proper to employ, to seize and convey to such place of safety within this State, as he should deem most convenient, all the hogs fit for pork, and the grain and forage (excepting such hogs as should be necessary for the subsistence of the families, and such grain and forage as should be necessary for the subsistence of the families and stock of the proprietors thereof respectively) which should be found in that part of the county of Westchester in the said resolution mentioned — That the assistant agent so employed should be directed to give certificates, specifying the number and weight of hogs, and the quantity of grain and forage so taken from each person respectively, the weight of the hogs respectively to be ascertained by careful estimation by the assistant agent or agents, or such other person or persons to be employed as aforesaid, so as that oath might be made thereof, if required — That such grain and forage as might be taken in pursuance of the said resolutions (except so much as might be necessarily expended in the execution of such resolutions) should be delivered by the assistant agent to the commissary of forage of the United States in the said county.

Be it therefore further enacted by the authority aforesaid, That the said agent, and his assistants, and every other person aiding him or them in pursuance of the said resolution, shall be and hereby are declared to be indemnified for such seizures. That the assistant agent shall cause a list to be made specifying the number and weight of the hogs taken, and the names of the persons who were proprietors thereof respectively, and the person or persons who have respectively estimated the same shall make oath before some justice of the peace, who are hereby authorized to administer such oath, that the estimate by him or them made was just and true, to the best of their skill and knowledge; And such justice shall on such list certify that such oath was taken before him; which list shall be delivered to the agent as a return of the certificates issued in consequence of the said resolutions—That the assistant agent shall give to the proprietors of such hogs, grain, and other forage respectively, certificates specifying the number and weight of such hogs, and the quantity of grain and other forage so taken, and the said hogs grain and forage shall be paid for, in like manner as the certificates given by the agent for specific supplies impressed, are directed to be paid, agreeable to the prices stipulated by the United States in congress assembled, in their act containing the requisitions for the specific supplies required of this State.— That the grain and forage seized in consequence of such resolutions, and which has been delivered to any of the officers of the United States, shall be by the agent charged as part of the specific supplies aforesaid.

Agent and assistants indemnified for such seizure.

List to be made of number and weight; oath to be taken, etc.

Certificates to be given owners.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to and for the agent to dispose of such hogs for such purposes, as he shall deem necessary, and most advantageous to this State.

Lawful for agent to dispose of hogs.

CHAP. 17.

AN ACT to provide for the payment of certain contingent expenses of this State and for other purposes therein mentioned.

PASSED the 22d of November, 1781.

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 there shall be allowed to the several persons herein after mentioned, the sums herein after particularly specified; and the treasurer of this State is hereby authorized and required, out of any monies which now are or hereafter may be in the treasury of the State unappropriated, to pay the said several sums to the said persons accordingly; that is to say to the several members of the legislature for each and every day they shall have respectively attended during the present meeting of the legislature in senate or assembly, and for each and every day they shall respectively have been travelling from their respective places of abode to the place of meeting of the legislature, and returning, each the sum of eight shillings per day, agreeable to such accounts thereof as they shall severally produce, certified by the president of the senate, or speaker of the assembly, as the case may be; the account of the president of the senate to be certified by the clerk of the senate, and the account of the speaker of the assembly, to be certified by the clerk of the assembly. To Robert Benson Esquire, clerk of the senate, and to John McKesson Esquire, clerk of the assembly, severally, for their ser-

Appropriation, treasurer to pay sums named.

To members of the legislature.

Clerks of the senate and assembly.

vices in those stations, during the present meeting of the legislature, twenty shillings per day, and for sundry sums, by them severally advanced for the use of the senate and assembly respectively, the amount of such accounts thereof respectively, as they shall severally produce, certified by the president of the senate, or speaker of the assembly, as the case may be.

Benjamin Clapp for salt.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to and for the treasurer of this State, to pay to Benjamin Clapp such sum as shall appear by the certificate of the auditor of this State to be a reasonable allowance, for a quantity of salt borrowed of the said Benjamin Clapp by Daniel Dunscomb Esquire, in the year of our Lord one thousand seven hundred and seventy six, out of any monies which may be in the treasury, not specially appropriated.

Preamble as to exhausted condition of treasury

And whereas the exhausted situation of the treasury of this State, renders it impracticable to advance a sufficient sum of money to enable the commissioners of forfeitures to proceed to the execution of conveyances to the holders of certificates granted for the depreciation of the pay of the troops of this State;

Purchasers to pay expenses of surveying, etc., and be allowed same as part payment of purchase money.

Be it therefore further enacted by the authority aforesaid, That it shall and may be lawfull to and for such persons who have applied or hereafter shall apply for the purchase of any lands for such certificates as aforesaid, to pay the expence of surveying, appraising, and other contingent expences attending the compleating of such purchases, including the pay of the commissioners; such pay to be computed at the rate of ten shillings per day, for every day they shall be employed in such services respectively; and the amount of such expences, shall be allowed in payment for such lands as part of the purchase money.

State agent to sell wheat or flour and make payment to persons named herein.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the State agent, forthwith to sell six thousand bushels of the wheat which now is or may hereafter be in his possession, or a proportionate quantity of flour, and of the monies arising from such sales to pay to the persons herein after mentioned, the respective sums herein after mentioned, and particularly specified, to the person administering the government for the time being the sum of five hundred pounds on account, towards defraying the contingent expences of

Delegates in congress.

government— To such two of the delegates of this State, who shall first go to congress, each the sum of one hundred and fifty pounds, on account of their expences in going to, attending in, and returning from

Chief and puisne justices.

congress— To the honorable Richard Morris Esquire, chief justice of this State, and the honorable Robert Yates and John Sloss Hobart Esquires, puisne judges of the supreme court, each the sum of sixty pounds, on account of their respective salaries and travelling expences,

Members of the legislature.

in their respective stations, since the first Monday of July last— To the several members of the senate and assembly for each and every day they shall severally have attended in senate and assembly, during the present meeting of the legislature, and for each and every day they shall severally have been travelling from their respective places of abode to the place of the meeting of the legislature, and returning, each the sum of four shillings on account, agreeable to such accounts thereof as they shall respectively produce to such agent, certified as

Court of forfeitures

aforesaid. To the commissioners of forfeitures of the middle district, the sum of fifty pounds, and to the commissioners of forfeitures of the western district, the sum of fifty pounds on account. To the said Robert Benson and John McKesson Esquires, clerks of the senate and assembly, each the sum of ten shillings per day, on account of their services in that station, during the present meeting of the legislature,

Clerks of senate and assembly.

agreeable to such accounts thereof as they shall produce, certified as aforesaid—To the several doorkeepers of the senate and assembly, each the sum of ten shillings per day for their services in that station, during the present meeting of the legislature, agreeable to such accounts thereof as they shall produce, certified as aforesaid — To Zephaniah Platt and Robert Harpur Esqrs, one hundred pounds to enable them to have the laws of this State, passed since the end of the third session of the legislature of this State, printed; for the expenditure of which sum they shall be accountable to the legislature.

Door
keepers.

Printers.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said agent, to apply any of the public monies now in his hands, to the payment of any of the said sums above mentioned, which he is in and by this act directed to pay, and such sums to replace with any of the monies arising from the sale of the wheat, in and by this act, directed to be disposed of—That the said agent shall take receipts for the monies by him paid to the several persons above mentioned, which receipts he shall cause to be delivered to the treasurer of this State, who shall charge the sums paid to the said several persons, to their respective accounts; and the receipt of the treasurer specifying the number and amount of such receipts and by whom the same were respectively given, shall be deemed a sufficient voucher to the said agent, for such payments respectively. *And whereas* Gilbert Livingston Esquire, did in the year one thousand seven hundred and seventy seven, by order of the council of safety of this State, take and impress a certain sloop, the moiety whereof was the property of Philip Jacobs, to be used as a prison vessel in the Roundout creek in the county of Ulster, for the reception and confinement of the prisoners of this State, to which use she was applied, and was afterwards, in the same year, and before she was duly returned to the owners, burnt, together with other vessels in the said creek, by the enemy — *And whereas* the said Philip Jacobs did, afterwards by petition, apply to the legislature for payment of the said moiety of the said sloop; and doubts arising whether, from the peculiar circumstances of the case, the said Philip Jacobs was justly entitled to such payment; and difficulties also arising with respect to ascertaining the value of the said moiety, should the said Philip Jacobs be deemed entitled to payment for the same; the legislature from a regard to the rights of property, did forbear to decide on the claim of the said Philip Jacobs to such payment, and did refer the said Philip Jacobs to the laws of the land to decide between him and the public, and did recommend to the said Gilbert Livingston, in case a suit should be commenced against him by the said Philip Jacobs for the recovery of the value of the said moiety, to contest such suit and that the State would indemnify him — *And whereas* the said Philip Jacobs did commence a suit in trover in the supreme court of this State against the said Gilbert Livingston, for the recovery of the value of the said moiety of the said sloop, which suit was brought to trial in the term of October last, when the jury after a full and fair hearing, found a verdict in favor of the plaintiff for three hundred and ten pounds damages; and the costs in the present stage of the suit amount to seven pounds seven shillings and four pence — *And whereas* there are at present no monies in the treasury of this State wherewith to satisfy the damages and costs aforesaid.

Lawful for
State agent
to apply
any
monies in
his hands
to such
payment.
Receipts
to be takenPreamble
as to Imp-
ress of
sloop of
Philip
Jacobs by
Gilbert
Livingston
and re-
covery
therefor.

Be it therefore enacted by the authority aforesaid, That in satisfaction for the damages and costs aforesaid, it shall be lawful for treasurer of this State, and he is hereby required, on the application of the said Philip Jacobs, to grant to him a certificate in writing, and to be

Treasurer
to grant
certificate
to said
Jacobs for
sum named

subscribed by the said treasurer, purporting that this State is indebted to the said Philip Jacobs in the sum of three hundred and seventeen pounds seven shillings and four pence, payable to him his executors administrators or assigns, in gold or silver, with interest thereon at the rate of five per cent per annum, from the twenty seventh day of October last: And farther that it shall not be lawful for the said Philip Jacobs his executors administrators or attornies, to cause a judgment roll to be signed, or an execution to be issued, or in any other manner whatsoever farther to proceed in the said suit.

No judgment to be entered in suit.

Proviso as to moneys advanced by the governor.

And whereas his excellency the governor has represented to the legislature, that he has from time to time procured considerable sums in gold and silver to be advanced for the payment of the subsistence of such of the troops or militia of this State, who became prisoners to the enemy, and has advanced several sums of his own monies, for the purpose aforesaid —

Faith of State pledged to payment and treasurer authorized to pay same.

Be it therefore enacted by the authority aforesaid, That the faith of this State shall be and it is hereby pledged for the payment of such sums so procured by the governor to be advanced as aforesaid; and that the treasurer of this State shall be, and is hereby authorized, to pay the sum of two hundred and seventy two pounds five shilling and three pence, advanced as aforesaid, to his excellency the present governor, his executors administrators or assigns out of any monies which may be in the treasury of this State, not specially appropriated, with interest for the same at the rate of five per cent per annum from and after the first day of January one thousand seven hundred and seventy eight.

Assessors not to include in assessment value of articles subjected to taxation under act named.

And be it further enacted by the authority aforesaid, That the assessors in laying the tax to be raised by virtue of the act entitled an act for levying a tax within this State, passed at this present meeting of the legislature, shall not include in their assessments the value of the articles subjected to taxation by the act entitled an act for the appointment of commissioners for procuring monies on loan and clothing for the use of this State.

LAWS PASSED AT POUGHKEEPSIE IN THE SECOND MEETING OF THE FIFTH SESSION OF THE LEGISLATURE.

CHAP. 18.

AN ACT for taking the number of white inhabitants within this State.

PASSED the 20th of March, 1782.

Rectal.

In compliance with the act of congress of the eleventh day of December last recommending to the legislatures of the several States to cause to be taken and transmitted to congress as soon as practicable the number of white inhabitants thereof pursuant to the ninth article of the confederation.

Sheriff to direct constables to take number of white inhabitants, etc.

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 the sheriff of each county within this State shall forthwith after the passing of this act, direct the constables within the several wards, towns, manors, districts and precincts to take the number of

To report
to legisla-
ture.

VIII. *And be it further enacted by the authority aforesaid*, That the said auditor shall from time to time make report to the legislature of the progress he shall have made, and of any difficulties or impediments which he may meet with, in the execution of the duties prescribed to him in and by this act.

Powers to
be exer-
cised by.

IX. *And be it further enacted by the authority aforesaid*, That all the powers and authority vested in the auditor general of this State by virtue of any act for the recovery of debts due to, and the settlement of accounts with this State, or for any other purpose whatsoever, shall and may be exercised by the auditor of this State hereafter to be appointed in pursuance of this act.

Treasurer
to pay
accounts
audited by
auditor.

X. *And be it further enacted by the authority aforesaid*, That the treasurer of this State shall pay any demands on account due from this State and audited by the auditor to be appointed by this act, in like manner as by law he was heretofore directed to pay such debts, audited by the auditor general of the State.

CHAP. 22.

AN ACT for raising troops to complete the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands and for the further defence of the frontiers of this State.

PASSED the 23^d of March, 1782.

Preamble.

WHEREAS by a law of this State passed on the seventeenth day of November one thousand seven hundred and eighty one, entitled "An act for the further defence of the frontiers of this State" the person administering the government of this State for the time being was authorized to direct the raising of fifteen hundred men in the manner in the said law directed to serve to the first day of January in the year of our Lord one thousand seven hundred and eighty three.

And whereas there is a deficiency in the three regiments of this State serving in the army, of the United States, and it is necessary to compleat the said regiments to their full establishment

Class en-
titled to
gratuity of
six hun-
dred acres
of land for
furnishing
abled
bodied
men to
serve
three
years.

I. *Be it therefore 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 every class within the limits of every regiment of militia in this State which may by virtue of the before recited law be required to furnish a man to serve to the first day of January one thousand seven hundred and eighty three, and which shall engage such man being able bodied to serve for the term of three years or during the war in any of the said three regiments and shall obtain a certificate of the delivery of such man to any person, authorized to receive the same by the person administering the government of this State for the time being, such class shall be intitled to a gratuity of six hundred acres of land out of the unappropriated lands belonging to this State in like manner as by the seventh section of an act intituled "An act for raising two regiments for the defence of this State on bounties of unappropriated lands," passed March twentieth: seventeen hundred and eighty one, persons were entitled to such lands who should engage an able bodied man to enter into either of the said two regiments. And that every class who shall so deliver an able bodied man to serve for the

Acreeage
for man to

term of two years in either of the said two regiments shall in like manner as aforesaid be entitled to a gratuity of three hundred and fifty acres of land as aforesaid. serve two years.

And whereas it may happen that a sufficient number of men may not be obtained in the manner herein before directed to serve in either of the said three regiments for the term of three years or during the war. Provide if sufficient number is not obtained.

II. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the person administering the government of this State for the time being to detach out of the remainder of the said fifteen hundred men, not engaged to serve in either of the said two regiments, such and so many men as may be sufficient to compleat the said three regiments to be annexed to and to serve with the said regiments until the first day of January next and no longer. Governor may detach enough men to compleat three regiments.

Provided always if a greater number of men than what is requisite to compleat the said three regiments should be so engaged as aforesaid to serve for the term of three years or during the war, it shall and may be lawfull for the person administering the government of this State for the time being, to cause such supernumary men to be embodied and serve in a seperate corps or to annex them to the two regiments or either of them in his discretion, and for such time and times as he shall judge proper. Provide as to supernumary men.

And whereas the inhabitants of this State are so greatly distressed for the want of specie, that it is become indispensibly necessary, that further aid should be afforded them to raise such of the said fifteen hundred men as may not enter into any of the regiments aforesaid. Provide as to want of specie.

III. *Be it therefore enacted by the authority aforesaid,* That every class which shall before the expiration of twenty days next after such class shall be notified and directed to raise a man, deliver the man to be furnished thereby in manner aforesaid shall be entitled to a gratuity of two hundred acres of land out of the unappropriated lands belonging to this State in like manner as classes delivering a man to serve in any of the said regiments are entitled to. Every class delivering man before expiration of twenty days entitled to two hundred acres.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any class or the major part thereof to grant or transfer for the benefit of the whole, the whole right of such class to any lands it may become entitled to by this act, to the person whom the class shall engage to serve in any of the corps aforesaid or to any other person or persons whatsoever, whether of the class or not, and to the heirs and assigns of such person or persons, and such grant or transfer being made in writing and acknowledged or proved by the oaths of one or more of the witnesses to such grant or transfer before any one of the judges of the supreme court, or, before any one of the judges of the inferior court of common pleas shall be a sufficient voucher whereby the person or persons to whom such grant or transfer is made, may locate and be entitled to receive a grant for such lands in manner directed in and by the said "Act for raising two regiments for the defence of this State, on bounties of unappropriated lands passed March twentieth seventeen hundred and eighty one. Class may transfer right to land to person engaged to serve.

And whereas several of the persons to whom warrants were issued in pursuance of the act for raising of the said two regiments for the defence of this State on bounties of unappropriated lands have not within the time limited inlisted the requisite number of men in order to entitle themselves to commissions, and have notwithstanding hitherto continued to inlist men for the said regiments, and it hath been suggested that if a farther day was granted for the purpose they would compleat their inlistments. Provide as to failure to enlist requisite number.

Commis-
sion and
bounty to
enlisting
such num-
ber of men
as gover-
nor shall
assign, etc.

IV. *Be it therefore enacted by the authority aforesaid,* That each and every person to whom a warrant hath been or shall hereafter be granted who shall inlist and cause to be mustered into the said regiments on or before the first day of June next such number of men for the said regiments as the person administering the government hath assigned or appointed or shall assign or appoint, such persons shall respectively be entitled to and receive commissions in the said regiments and be entitled to and receive the bounties by the said act to be granted, in like manner as if they had respectively inlisted the requisite number of men within the time by the said act limited: But if such officers so appointed or to be appointed should not raise the men by the time last above limited, that then and in such case it shall and may be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to issue his warrant to such of the officers of the levies, as he shall approve to recruit for the said two regiments, or the corps which may be formed out of the same; which officers upon raising the number of men assigned on or before the first day of January next shall be entitled to commissions and the bounty in lands agreeable thereto:

Provido as
to time of
service.

Provided always, that if any of the said levies should be enlisted they shall continue to serve for the term of two years from the said first day of January next.

Bounty of
five hun-
dred acres
to persons
enlisting.

V. *And be it further enacted by the authority aforesaid,* That every person already inlisted since the first day of August last, or that shall inlist, on or before the first day of June next and who shall continue to serve for the term of two years to be computed from the day on which such person shall be mustered, or who shall be inlisted as aforesaid, after the said first day of June by such officers of the levies as shall be appointed as aforesaid to recruit to serve from the first day of January next and delivered to such person or persons as the person administering the government of this State for the time being hath appointed or shall appoint to muster and receive the men for the said two regiments shall be intitled to the bounty of five hundred acres of unappropriated land in the manner as in and by the said act, passed twentieth of March seventeen hundred and eighty one, persons inlisting before the said first day of August are intitled to. That the person appointed or hereafter to be appointed to muster the said two regiments shall be allowed at and after the rate of twelve shillings per day for every day he shall be actually employed in the said service agreeable to such account thereof as he shall produce audited by the auditor for this State.

Compensa-
tion for
mustering.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person administering the government of this State for the time being at his discretion, to annex all such men the residue of the said fifteen hundred men who shall engage to serve to the first day of January next only, and not by him detached to serve with the said three regiments, to the said two regiments, or to either of them, to serve therewith until the first day of January next and no longer. And in order more effectually to compleat said three regiments with permanent troops.—

Governor
may annex
short term
men to
two regi-
ments.

Persons
furnishing
man to
serve three
years en-
titled to
six hun-
dred acres
and for
two years
to five
hundred.

VII. *Be it further enacted by the authority aforesaid,* That every person who shall engage and deliver as aforesaid an able bodied man to serve for the term of three years or during the war in any of the said three regiments shall be entitled to and receive a gratuity of six hundred acres of unappropriated land in manner as by the seventh section of the said act passed on the twentieth of March seventeen hundred and eighty one, is directed, and that every person who shall so engage and

deliver an able bodied man to serve in either of the said two regiments for the term of two years shall be in like manner entitled to and receive a gratuity of five hundred acres of unappropriated lands. That whenever any persons entitled to lands by virtue of this act shall associate in a sufficient number, to take a whole township of seven miles square, the same shall be laid out in manner directed by the said act passed the twentieth of March seventeen hundred and eighty one, and each persons lott shall contain the quantity of acres such person may be entitled to by virtue of this act.

Provided always that in every such township there shall be laid out one lott containing four hundred acres for the support of the gospel, and two other lotts containing each two hundred acres for the use of schools; and if any number of acres less than the least right shall remain they shall in like manner be appropriated to the use of schools.

Proviso as to gospel and school lotts.

And whereas many of the inhabitants residing within the limits of several of the regiments of militia within this State have not furnished a man or men nor paid the fine or fines for delinquency in not furnishing such man or men as they were required to furnish or pay by the several acts following towit "An act to raise troops for the defence of the frontiers," passed the eleventh March, seventeen hundred and eighty, "An act for raising levies to reinforce the army of the United States," passed June twenty fourth seventeen hundred and eighty, "An act to compleat the quota of the troops of this State to serve in the army of the United States," passed ninth October seventeen hundred and eighty, "An act to raise troops for the immediate defence of the State," passed March tenth seventeen hundred and eighty one, and "An act for a further levy of troops for the defence of this State," passed July first seventeen hundred and eighty one.

Ibid. as to failure to furnish men or pay fines.

Be it therefore enacted by the authority aforesaid, That the field officers of every regiment of militia who have not heretofore classed the inhabitants as in and by the said acts respectively or any of them they were required and directed to do shall and are hereby strictly enjoined and required immediately to proceed to class the regiment of which they are respectively the field officers in the manner in and by the said recited acts respectively directed, except in such regiments counties, towns and districts, herein after excepted, so as that such classing shall be compleated on or before the first day of May next. That the colonel or commanding officer of every regiment of militia within this State (except as before excepted) shall on or before the fifteenth day of May next order and direct the head of each delinquent class within the limits of his regiment whether to be classed by virtue of this clause, or heretofore classed, and which has not furnished the man or men due therefrom, nor paid the fine or fines imposed by the said recited acts respectively, to furnish and deliver to him the man or men so to be furnished on or before the first day of June next to serve for the term of five months, or to pay for each man so deficient to the said colonel or commanding officer the sum of fifteen pounds in specie, if such class was delinquent from a non compliance with the said acts of the twenty fourth of June seventeen hundred and eighty, or first July seventeen hundred and eighty one; and for ever such non compliance with the said acts of the eleventh March seventeen hundred and eighty, or tenth of March, seventeen hundred and eighty one, to deliver such man or men to serve for the term of nine months, or to pay for each man so deficient the sum of twenty pounds in specie; and for every such non compliance with the said act of the ninth of October seventeen hundred and eighty, to deliver such man to serve for and during the present war

Field officers to class regiments in manner required by act named.

Commanding officer direct head of delinquent class to furnish man or pay sum named.

with Great Britain, or to pay for such men so deficient the sum of thirty pounds in specie,

Proviso as to removals.

Provided always, that where any part of such class hath removed out of the limits of the regiment, the class shall be excused from the payment of so much of the said several sums, as the head of the class shall on oath declare was or would be the amount to be paid by such person or persons so removed.

Proviso exempting class having paid amount named.

And provided also that if any class shall on or before the twenty first day of February one thousand seven hundred and eighty one, have *bona fide* paid into the hands of the collector or other person legally authorized to receive the same the fine of thirty pounds in new emission as by the said act of the ninth of October seventeen hundred and eighty they were required to do in default of furnishing a man, such class shall be exempt from furnishing the man required by the said last mentioned act and from paying the said fine of thirty pounds in specie imposed by this clause, any thing in the said act, or in this or in any other act to the contrary notwithstanding.

Ibid.

And provided also that if any class shall at any time since the passing of the act entitled "An act to amend an act entitled an act to compleat the quota of the troops of this State to serve in the army of the United States during the war," passed the twenty first February seventeen hundred and eighty one, have *bona fide* paid into the hands of the collector or other person legally authorized to receive the same, the fine of eighty pounds in new emission as by the said last recited act they were required to do in default of furnishing a man, such class shall in like manner be exempt from the said fine of thirty pounds in specie—That the collector or other person to whom such fines as last aforesaid shall have been paid, shall on or before the first day of June next pay the same to the colonel or commanding officer of the regiment, unless he shall produce a receipt that he has paid the same into the treasury of the county, or the treasury of the State. That it shall and may be lawful for the head of every delinquent class to raise, levy and collect from every individual of his class, actually resident within the limits of the regiment to which such class shall belong, the share and proportion of such individual of the sum or sums so to be raised by virtue of this clause in like manner as a person furnishing a man might have done by either of the said recited acts—That if any of the said delinquent classes shall not have furnished the man or men in which such class is deficient or shall not have paid the fine or fines imposed and made payable by this clause on or before the fifteenth day of June next, it shall be lawful for the colonel or commanding officer of the regiment, and he is hereby strictly enjoined and required, to levy such fine or fines so due from each delinquent class, together with usual costs, by distress and sale of the goods and chattles of the head of such delinquent class, and by warrant under his hand, directed to any sergeant of the regiment, any thing in any of the said acts or any other act to the contrary notwithstanding, and the commanding officer of every regiment of militia within this State shall on or before the fifteenth day of May next, make return on oath to the treasurer of the county, of every delinquent class within the limits of his regiment, of which return the treasurer shall transmit a certified copy to the commander in chief of the militia. That the field officers of every regiment which hath heretofore been classed shall if the head of any class hath since removed, or hath been otherwise rendered incapable, appoint another of the said class who shall be subject to all the duties enjoined by this clause on heads of classes, and be liable to the same penalties, and have the same powers as if he had been heretofore appointed the

Collector to pay fine over to commanding officer unless already paid to county treasurer. Head of class may collect from each member share of sum raised. On failure to furnish man or pay fine, commanding officer to collect fine with costs.

Head of class, new appointment in case of removal, etc.

head of a class. That all monies arising by virtue of the said acts, or either of them, or by virtue of this clause, which may come into the hands of the commanding officers of regiments respectively, shall be by him or them paid unto the treasury of the county whereof he is resident, on or before the first day of July next, and by the said treasurers respectively unto the treasurer of the State, on or before the twentieth day of July next. That the individuals of every delinquent class may in lieu of money pay to the head of the class in discharge of their respective proportions, wheat at the rate of five shillings and six pence per bushel, or rye or Indian corn at the rate of three shillings and six pence per bushel; and the head of each class may in like manner pay unto the commanding officer of the regiment in lieu of money, wheat at six shillings per bushel, and rye and Indian corn at four shillings per bushel. That all grain which may be received by any commanding officer of a regiment, by virtue of this clause, may by him be disposed of for cash only, and the monies arising therefrom be paid as aforesaid. That every commissioned officer of the militia who shall neglect or refuse to perform any of the duties enjoined by this clause, being thereof convicted before a court-martial, shall be cashiered, and fined the sum of one hundred pounds, to be recovered in any court of record in the name of the treasurer of the county; one half of which said sum shall be paid to the treasurer of the county for his own use, and the other half to be applied to the use of the county. That it shall and may be lawful for the person administering the government for the time being, to direct the disposition of any men which may be raised by virtue of this clause, and to annex them to any corps in the service of or belonging to this State, for the times for which they shall be respectively engaged to serve.

Moneys to be paid into county treasury.

Payments by individuals may be made in wheat.

Officers neglecting duty, on conviction to be cashiered.

Governor may direct disposition of men.

And whereas several of the inhabitants of this State residing in parts exposed to incursions from the enemy, have been subject to more militia duty than those residing in the more interior parts of the State, and have therefore an equitable claim to indulgence.

Proviso as to militia duty.

Be it therefore further enacted by the authority aforesaid, That the inhabitants residing within the limits of the regiment commanded by Colonel A. Hawke Hay, in the county of Orange, shall be and they are hereby exempted from raising the men or paying the fines directed to be raised or paid in the next preceding clause of this act so far as it respects the men to be raised by the said act of the tenth of March, one thousand seven hundred and eighty one, that such of the inhabitants within the limits of the regiment commanded by Colonel William Allison in the county of Orange who reside west of the Wall Kill, shall in like manner be exempted, as far as respects the men to be raised by the said act of the ninth of October one thousand seven hundred and eighty, that the inhabitants of the precinct of Mamakating and of such parts of the township of Rochester in the county of Ulster as have had their houses and other buildings burnt by the enemy before the month of September last. Shall in like manner be exempted as far as respects the raising of men by the said act of the tenth of March one thousand seven hundred and eighty one. That the inhabitants in the counties of Westchester Tryon and Charlotte, the united districts of Duaneburgh and Schoharie, the districts of Balls Town, Saratoga, Cambridge, Hosis, Schachtakoke and in that part of the district of Schenectady which lies on the north side of the Mohawk river shall be and hereby are exempted in manner aforesaid as to all and every man to be raised or fine imposed by virtue of all or any of the said acts recited in the said preceding clause, any thing in this or any other act to the contrary notwithstanding.

Inhabitants named exempted from raising men or paying fines.

CHAP. 23.

AN ACT to divide the district of Claverack, in the county of Albany into two districts.

PASSED the 26th of March, 1782.

Preamble. WHEREAS the district of Claverack in the county of Albany, is so extensive, that it is become very inconvenient for the people to assemble in order to transact public business at their annual meetings, and the discharge of the duties of the several district officers is become difficult and burdensome; for remedy whereof,

Claverack divided into two districts. *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 the said district of Claverack in the county of Albany, shall be and is hereby divided into two districts, by the following line, to wit, Beginning at the south-east corner of the district of Kinderhook and running thence south, fourteen degrees west, to the north bounds of the manor of Livingston.

Claverack district. *And be it enacted by the authority aforesaid,* That all the lands heretofore comprehended within the said district of Claverack, lying to the west of the aforesaid division line, shall continue to be called by the name of Claverack district; and that all the lands heretofore comprehended within the said district of Claverack, lying to the east of the aforesaid division line, shall be called Hillsdale district.

Hillsdale district. **Power to hold town meeting and elect officers.** III. *And be it further enacted by the authority aforesaid* That the freeholders and inhabitants of each of the aforesaid two districts called Claverack and Hillsdale, shall have full power and authority to assemble and hold annual meetings within their respective districts, and then and there by a plurality of voices to elect and choose a supervisor, town clerk, and all other civil officers which by the laws of this State are incident to a district, who when so chosen and elected, shall respectively be vested with and have the like powers and authority, and be subject to the like rules regulations and penalties, as are by law prescribed for such officers respectively, in the other districts in the said county: That the inhabitants of the said district of Hillsdale shall hold their first meeting on the third Tuesday in April next, at or near the present dwelling house of John McKinstry, and from time to time thereafter, on the annual days prescribed by law for town meetings in the other districts in the said county, at such place or places within the said district, as the inhabitants of the said district at their annual town meetings shall by plurality of voices determine.

When and where town meeting to be held in Hillsdale. *IV. And be it further enacted by the authority aforesaid,* That on the said division line between the said districts of Claverack and Hillsdale being run, if the dwelling house of any inhabitant, or the greatest part thereof, shall be situated in one of the said districts, and his farm or improvements, or any part thereof, with the other, such inhabitant shall be deemed and taken to be a resident in the district in which his dwelling house or the greatest part thereof is situated, and the lands and improvements in the possession and occupation of such inhabitant, shall be assessed, taxed and rated in the district in which he shall as aforesaid be deemed a resident.

Residence to be in district where dwelling is situated and lands assessed therein. **Collection of taxes now due.** V. *And be it further enacted by the authority aforesaid* That all State and other taxes now due from the said district of Claverack shall be collected by the collectors thereof in both the said districts as tho'

the said district had not been divided, unless the board of supervisors of the said county shall otherwise direct; and they are hereby authorized to divide all taxes now due from the said district of Claverack, and which have not been assessed, and also the contingent charges thereof, between the said two districts, or not, in their discretion.

CHAP. 24.

AN ACT to enable the secretary of this State to deliver the records and papers in his possession belonging to the court of probates to the judge of the said court

PASSED the 26th of March, 1782.

WHEREAS several of the records and papers belonging to the court of probates are in the possession of the secretary of the State. *And whereas* the said secretary is in doubt whether he can deliver up the said records and papers belonging to the said court unless a law be passed expressly to authorize him thereto. Preamble.

Be it therefore 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 secretary of this State and he is hereby required on his oath of office, to deliver up all such records and papers now in his possession and custody as belong to the said court to the judge of the said court, or to such person, being a sworn officer of the said court as the said judge shall authorize to receive the same together with the chests trunks or boxes in which they are contained. That the said judge shall make out a list of all such original wills as shall from time to time be delivered to him by the said secretary; which list shall remain in the office of the said judge for the inspection of any person who may apply to examine the same; and if it should so happen that after such delivery as aforesaid the said secretary should discover in his possession any records or papers belonging to the said court which at the time of such delivery he did not know to be in his possession or custody it shall and may be lawful for him and he is hereby enjoined from time to time as occasion shall offer to deliver them up as aforesaid, and if it should so happen that after the receipt of such records and papers by the said judge of probates he shall discover that any records or papers have been delivered as aforesaid which do not belong to his office he shall and is hereby enjoined from time to time as he shall discover the same to return them to the Secretary of the State. Secretary of State to deliver records of court of probates to the judge of said court.
List of wills to be made, etc.

CHAP. 25.

AN ACT to alter the name of the precinct of Hanover in the county of Ulster.

PASSED the 30th of March, 1782.

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 from and after the publication of this act, the precinct of Hanover in the county of Ulster, shall be called and known by the name of the precinct of Montgomery, any thing in any former acts contained to the contrary hereof in any wise notwithstanding. Name of precinct changed to Montgomery.

CHAP. 26.

AN ACT for the relief of John L. Hardenbergh.

PASSED the 30th of March, 1782.

- Preamble.** WHEREAS the certificates given by the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States to the said John L. Hardenbergh for the depreciation of his pay while in the said service, are alledged to be lost or destroyed
- Auditors to grant other certificates to John L. Hardenbergh.** *Be it therefore 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 said auditors or any two of them, to grant to the said John L. Hardenbergh other certificates for the depreciation of his pay while he served in the regiments of this State in the service of the United States, amounting to the value of the certificates formerly given to him at the time they were made, and bearing interest on that amount; on the said John L. Hardenbergh with two sufficient freeholders as his sureties having first sealed and delivered in the presence of three witnesses, of which at least one of the said auditors to be one, a joint and several bond to the treasurer of this State in treble the amount of the said certificate, with condition, that the said John L. Hardenbergh his heirs executors or administrators shall and will save harmless and keep indemnified the people of the State of New York from any costs charge claim payment or demand, or the location of any lands tenements or real estate, for by reason or on account of the said certificates which are alledged to be lost or destroyed.
- Bond to be given.**
- Condition.** *And be it further enacted by the authority aforesaid* That the said auditors who may subscribe the certificates to be given to the said John L. Hardenbergh in pursuance of this act, shall before they deliver the said certificates last mentioned to the said John L. Hardenbergh, or to any other person for his use, make such memorandum as they shall think proper on the margin remaining in the book from whence the certificates alledged to be lost were indented and taken out, and also on the margin from whence the certificates to be given in pursuance of this act shall be taken out, purporting that the last mentioned certificates are given in lieu of those alledged to be lost or destroyed; and shall also indorse on each certificate to be given in pursuance of this act, a memorandum, that the same is or are given in lieu of those alledged to be lost or destroyed, specifying in such memorandum the number and amount in value of the certificates alledged to be lost or destroyed.
- Entry to be made on margin remaining in book.**

CHAP. 27.

AN ACT to regulate the militia.

PASSED the 4th of April, 1782.

- Preamble.** WHEREAS it is necessary to put the militia on such an establishment as will most effectually encourage a martial spirit among the people, provide for the internal and external security of the State and enable it most vigorously to co-operate with the other United States in a cause no less noble and exalted than the defence of the common rights and liberties of America against hostile tyranny and oppression.

I. *Be it therefore 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 every able bodied male person (Indians and slaves excepted) residing within this State from sixteen years of age to fifty (except such persons as are hereinafter excepted) shall immediately after the passing of this act, unless he shall have been heretofore enrolled by the captain or in his absence the next commanding officer of the beat wherein he shall reside, be enrolled in the company of such beat. That every captain or commanding officer of a company shall also enroll every person who shall from time to time arrive at the age of sixteen years or come to reside or sojourn within his beat and without delay notify such enrollment to each person so enrolled by some inferior officer of the company who on oath shall be a competent witness to prove such notice. That if any dispute shall arise with respect to the age or ability to bear arms of any person, it shall be determined by the colonel or commanding officer of the regiment whose determination in the case shall be final. That every person so enrolled and notified shall within twenty days thereafter furnish and provide himself at his own expence with a good musket or firelock fit for service, a sufficient bayonet (unless he shall be provided with a good rifle) with a good belt or pouch or cartouch box containing not less than sixteen cartridges suited to the bore of the musket or firelock, each cartridge containing a proper quantity of powder and ball or in lieu of such pouch cartouch box or cartridges, with a quantity of powder and ball respectively disposed of in a powder horn and shot bag, and wadding sufficient for the same and two spare flints, a blanket and knapsack; and shall appear so armed, accoutred and provided, when called out to exercise, or duty, as herein after directed; except that when called out to exercise only, he may appear without blanket or knapsack; and if any such person shall appear to the captain or commanding officer of the company to be too indigent to arm, accouter and provide himself in manner aforesaid, he shall be furnished with arms and accoutrements out of the monies to arise from such fines as shall from time to time accrue in the regiment to which he shall belong, and in case of deficiency thereof, out of the public magazines or stores of this State, by order of the person so administering the government of this State for the time being.

Persons to be enrolled

Commanding officer to determine disputes.

Person enrolled to provide himself with equipments etc., and appear with same when called out.

II. That the commander in chief for the time being shall by general orders arrange the militia of this State into brigades, regiments, and companies, and by and with the advice and consent of the council of appointment, appoint such and so many brigadiers general and other officers as he shall think most conducive to the public service; copies of such general orders to be filed in the office of the clerk of the county where the regiment, or company shall be.

Commander in chief to arrange militia into brigades, etc.

III. That each brigadier general shall have one brigade major of his own choice, to rank as major in the militia and receive pay on the certificate of his brigadier for the time he shall be in service.

Brigade major.

IV. That in case of the death, resignation or other inability to serve of any colonel now commanding a regiment, no colonel shall thereafter be appointed thereto, but that such regiment and all others not now commanded by a colonel shall henceforth be commanded by a lieutenant colonel.—That each regiment shall have one major (unless in cases where it shall be thought necessary to appoint two majors— That each company shall be officered with one captain, one first lieutenant, one second lieutenant and one ensign, as commissioned officers (That in case of the death, resignation or other inability to serve of any second lieutenant it shall be in the discretion of the governor by and with the

Commandants of regiments.

Company officers.

Regimental staff.

advice and consent of the council of appointment to appoint another or not) and by four serjeants, four corporals one drummer and one fifer — And the staff of each regiment shall be, one adjutant and one quarter master who shall respectively rank as first lieutenants, and the serjeants, corporals, drummers and fifers, shall be appointed from time to time by the captains or other commanding officers of the several companies; and if any non commissioned officer so to be appointed shall refuse to accept the office to which he shall be appointed he shall forfeit the sum of forty shillings, to be adjudged levied and disposed of, in manner as is herein after directed with respect to fines for neglecting or refusing to appear to train and exercise as is herein after mentioned.

Colors, drum and fife.

V. That each regiment shall be provided with a standard of colours at the expence of the field officers, and each company with a drum and fife at the expence of the commissioned officers thereof —

Troops of horse and grenadiers.

VI. That there may be a troop of horse in each brigade and two troops of horse in the county of Westchester and a company of grenadiers in each regiment of foot which may conveniently furnish the same—

Of whom to be composed.

That the said troops of horse and companies of grenadiers shall respectively, be formed and composed of volunteers in the respective brigades and regiments residing at such convenient distances from each other that they may with ease and dispatch be called out for training, discipline or other service. Provided that no troop of horse shall be established without the consent of the brigadier or commanding officer of the brigade; and that no grenadier company shall be established in any regiment without the consent of all the field officers; and that no troop of horse or grenadier company shall exceed fifty men officers included; and that no person shall hereafter enlist in any troop of horse or grenadier company without the consent of the commanding officer of the regiment in which he shall reside.—

Proviso as to consent of brigadier, etc.

Enlistments to be certified.

VII. That on every such enlistment of a volunteer the captain of a troop of horse or company of grenadiers do immediately certify to the captain of the beat from which such volunteer shall enlist, the enlistment of the said volunteer.—

Equipment of troopers and grenadiers.

VIII. That each trooper shall be equipped and provided with a good serviceable horse at least fourteen hands high, a good saddle, housing, holsters, breast plate and crupper, a case of good pistols, a good horseman's sword, a pair of boots and spurs, and a carbine well fixed with a good belt, swivel and bucket, and a cartridge box to contain twelve cartridges at least; and that each grenadier shall be equiped and provided with a grenadier's cap, a good musket and bayonet, a broad sword, a belt and pouch or cartridge box, and so equipped and provided the troopers and grenadiers shall respectively be called out under the direction of their respective officers as is hereby required with respect to the rest of the militia.

To be called out.

Regimental parades.

IX. That each colonel or commanding officer of a regiment shall in the months of May and October in every year, call out his regiment to his regimental parade, (which shall be the place in the district of the regiment the most convenient for that purpose,) and having paraded the same, shall require from the captain or commanding officer of every beat in the regiment a return thereof, expressing the exempts and the absentees, and the causes of the respective exemptions and absences; cause the said regiment, except the exempts then paraded, to be called by the company rolls; and the arms, ammunition and accoutrements of each man to be examined, and the defaulters to be noted, and shall cause them to be sufficiently exercised, trained and disciplined; and shall within two weeks there after make or cause to be made a true regimental

return (excepting therein by name the exempts or absentees) to the brigadier general or commanding officer of the brigade — That the captain or commanding officer of each company shall and may call out his company to such place within his beat as shall be most convenient for that purpose at least four times in every year, and shall cause them when so called out to be well and sufficiently exercised, trained and disciplined.

Company parades.

X. That every commissioned officer of the militia in this State who shall omit or neglect to perform any of the duties by this act enjoined on him, of enrolling training or disciplining in and to the use of arms the militia of this State, or of making perfect returns of the militia, or of not calling out to actual service the militia or any part thereof when necessary, and shall, if under the rank of a brigadier be thereof convicted by a brigade court martial from the brigade to which he shall belong, consisting of at least thirteen members (which court martial the brigadier is hereby authorized and required to appoint and direct to sit) and the sentence thereon be confirmed by the brigadier general or the officer commanding the said brigade with the right of appeal to the commander in chief to whom the proceedings shall be immediately reported. Be *ipso facto* removed from his office and reduced to do duty in the ranks as a foot soldier; any exemption from duty to the contrary in any wise notwithstanding. And all brigadiers general, for offences, not particularly provided for in this act, shall be tried by a general court martial to be appointed by the commander in chief; and if on conviction the sentence thereof be confirmed by the commander in chief, that there upon such brigadier general shall be removed from his office.—That all sentences of courts-martial so confirmed shall be by the commander in chief from time to time, laid before the council of appointment, to the end, that the person administering the government of this State for the time being by and with their advice and consent may appoint others instead of the officers so found guilty.

Officers neglecting to perform duty to be tried by court martial, etc.

Sentence to be laid before council of appointment.

XI. That every commissioned officer of the militia of this State, who shall be cashiered, or who shall resign his commission, not being superseded in rank in the company to which he belongs, or being a major, or captain, not being superseded in the regiment to which he belongs, or commanding a regiment not being superseded in the brigade to which he belongs or unless his resignation shall be accepted by the governor by and with the consent of the council of appointment, shall be obliged to do the duty of, and in every respect, be put on a footing with a private soldier, any thing contained in this act, to the contrary thereof notwithstanding.

Officers cashiered, etc., to do duty as private soldiers.

XII. That every non commissioned officer or private of the said militia who shall neglect to appear when called out to train or parade as herein before mentioned, without sufficient excuse, shall for every such offence forfeit the sum of ten shillings; and if he shall appear wanting any of his arms, ammunition, or accoutrements prescribed for him by this act, without sufficient excuse, he shall for every deficiency forfeit the sum of two shillings—and if any non commissioned officer or private in any troop of horse, or company of grenadiers, shall be charged with either of the said offences and shall not have sufficient excuse, he shall forfeit for the offence of not appearing the sum of twenty shillings—and for every other of the said offences the sum of four shillings.—

Non-commissioned officers, and privates to forfeit sum named in case of neglect, etc.

XIII. That all fines to arise from offences in a company only when called out to train or parade shall be adjudged of, and inflicted by the commissioned officers of such company, or the major part thereof, and shall be levied with costs, by warrant under the hand and seal of the

Fines, how inflicted and levied.

captain or commanding officer, directed to one or more of the serjeants of the company, by distress and sale of the goods and chattles of the offender and paid by the serjeant or serjeants to the said commanding officer of the company; and that all fines to arise from the like offences, upon the calling out of the regiment, shall be adjudged of and inflicted by the field officers of the regiment, or the major part of them, and shall be levied with costs, by warrant under the hand and seal of the commanding officer of the regiment, directed to one or more of the serjeants of the said regiment, by distress and sale of the goods and chattels of the offenders respectively, and by him or them paid to the said commanding officer; all which fines shall by the commanding officer of the regiment, or of the companies, be paid over to the quarter master of the said regiment, to be by him laid out under the direction of the field officers of the regiment, or the major part thereof, for arming, accoutring and furnishing with ammunition, the privates thereof, in manner aforesaid; and where, in any case, no goods or chattels shall be found, then on such warrants to be issued in either of the cases above mentioned, the serjeant or serjeants shall take the body of the offender and him convey to the common gaol of the county; and if there shall not be a common gaol in the county then to the common gaol in an adjoining county there to be kept in safe and close custody, until he pay the fine with costs, and the gaoler of such gaol is hereby required and commanded to receive such offender with the warrant and him safely keep until he shall have paid his said fine and costs, or shall be discharged by the commanding officer of the regiment to which he doth belong, which gaoler shall after receiving the said fine and costs, on demand by such serjeant or serjeants pay the same to him or them; and thereupon such fine shall be disposed of in manner herein before directed for the disposal of fines.

Fines, how to be adjudged of and collected.

Official rank.

XIV. That all officers in the militia shall take rank according to the dates of their commissions, provided that where any officer now holds the same office in the militia which he held under the late government before the revolution, or under the convention before the present government, and since hath received a new commission for the same office, such officer shall take rank from the date of his former, and not from the date of his last commission, any thing herein contained to the contrary notwithstanding.

Returns to be made to the commander in chief.

XV. That from all returns to be made by the commanding officers of regiments respectively to the respective brigadiers general, or commanding officers of the brigade; brigade returns shall without delay be made to the commander in chief, that the commanding officers of regiments not formed into brigades shall without delay make returns to the commander in chief.

Brigades, etc., how to rank and be posted in line.

XVI That one brigade, regiment, or, company of foot (except grenadiers who shall form on the right of the regiment) shall not be considered as older, or having rank or preference of the other; but each brigade, regiment or company shall be posted and disposed of in the line, on command as the commanding officer on the spot, shall on every occasion or emergency think proper. —

Militia to be drawn out in cases of emergency.

XVII. That on every emergency of a sudden actual or threatened invasion by the enemy, or any insurrection, the commanding officer of any brigade, regiment or company, as the case may require, shall immediately draw out the militia under his command, and with them march to any place, whether within or without the State, to oppose the enemy, or to quell insurrections within the State; and that all brigades, regiments, troops and companies, shall from time to time be subject to gene-

ral, brigade, regimental and company orders, as is usual according to the course and practice of war, for suddenly taking the field for the purpose aforesaid — And all such orders by any officer under the rank of commander in chief, shall be reported in writing by express to the commanding officer of the regiment, if given by one under his command, and if given by the commanding officer of the regiment shall be reported to the brigadier general; and if given by the brigadier general, to the commander in chief; all which reports shall be acted upon by the respective persons to whom the same shall respectively be made, as the emergency may require, and by such persons respectively, be reported with their respective proceedings thereon to their next superior officer; and so on in succession till they reach the commander in chief.

Orders to be reported by express to commanding officer.

XVIII. That every person in the militia whether officer or private, when called out into actual service, either to act seperately or in conjunction with the troops of the United States of America, shall from the time of his marching out into the said service until he be properly discharged therefrom, be allowed pay and rations according to the Continental establishment; and having marched out in such service, and before his proper discharge or dismissal shall commit any offence or shall before such discharge or dismissal desert from the corps to which he shall belong, or from his post, shall for every such offence be subject to the rules and articles of war, established by the congress of the United States of America, for the better government of the troops in the service of the said United States, which shall be put in execution against the offender by the militia orders and authority, in like manner as the same are put in execution in the army of the said United States against offenders therein, by proper orders and authority thereof; and that in all such cases the governor or commander in chief for the time being, and all militia officers, subordinate to him, shall and may enjoy and exercise all the powers by the said rules and articles of war given to the commander in chief of the army of the United States, and the several officers subordinate to him in the said army — And that upon notice left at the usual place of abode of any offender containing the charge against him and the time and place when and where the court martial will be held for his tryal, and due proof made to such court of the service of such notice, it shall be lawful for such court to proceed to the tryal of such offender, in like manner as if he had appeared and plead not guilty to the charge.—

Pay and rations.

Deserters subject to rules and articles of war.

Upon notice left at residence and proof of service court may try offender.

XIX. That in every case where a fine shall be imposed by a court martial in consequence of the last preceeding clause, it shall and may be lawful for such court martial to direct the offender (in case of the non payment of such fine) to serve in and do duty with any one of the regiments of the army of the United States of America raised by the direction and under the authority of this State, as a private soldier thereof, for and during such time as the court martial shall adjudge not exceeding six months.—

In case of non-payment of fines offenders may be directed to serve as privates

XX. That the commander in chief for the time being shall have power and authority from time to time in his discretion, to order out the whole, or any part of the associated exempts and enrolled militia of this State into actual service, not only for the defence of this State, but to give assistance to any other of the United States, or to reinforce the army of the United States or any part thereof, and to cause each of them to march out of this State for either of the said purposes and that the associated exempts shall be called out in rotation so as to do their equal proportion of duty with the enrolled militia, as nearly as

Commander in chief may order out militia, etc.

may be in the discretion of the commander in chief or brigadier general within whose command the associated exempts do reside;

Term of service, etc.

Provided always, that none of the enrolled militia of this State or associated exempts, shall be compelled to do duty out of the same for a greater space of time than forty days at any one time. And provided also that not more than one third part of the militia and associated exempts of this State shall on any occasion or emergency be required or ordered to march out of this State, any thing herein contained to the contrary hereof in any wise notwithstanding.—

Militia may be called out to aid sheriff in executing process.

XXI. That whenever any sheriff his deputy or any other ministerial officer in any of the counties of this State shall receive any legal process commanding him or them to apprehend any person or persons therein charged with any crime or offence against the laws of this State, and such sheriff his deputy or other ministerial officer shall have been forcibly resisted or shall have good grounds to suspect that by force and arms he will be obstructed or resisted in the execution of such process by the said offender or offenders, and his or their aiders and abettors, such sheriff his deputy or other ministerial officer shall represent the circumstances of such resistance or the reason of such his apprehension to the brigadier general or other commanding officer of the militia of the county in which such process is to be served; and if it shall appear to the said brigadier or other commanding officer that there are just grounds for such suspicion, that then and in every such case it shall be lawful for the said brigadier general or other commanding officer to order out such detachment of militia as to him shall appear necessary to aid the said sheriff, his deputy or other ministerial officer to execute such process and which said detachment shall act under the directions and orders of such sheriff, his deputy or other ministerial officer. That such brigadier or other commanding officer shall from time to time report to the commander in chief such application and orders he shall issue in consequence thereof.

Military courts.

XXII. That for the several purposes aforesaid general, brigade and regimental courts martial, and courts of inquiry shall from time to time as cases may require, be instituted and formed, and general, brigade and regimental orders from time to time given, upon the plan directed by the aforesaid rules and articles of war, and by the officers in rank respectively in the militia equal with those respectively authorized for the purpose by the said articles of war; in respect whereof the governor or commander in chief and all militia officers respectively shall be considered as on the same footing as the general and commander in chief of, and as the officers in their respective ranks belonging to, the army of the said United States.—

Punishment.

Provided always that no commissioned military officer, except when questioned upon the aforesaid rules and articles of war, shall be sentenced or adjudged to any other punishment than to be cashiered and rendered incapable of any military office whatsoever within this State.

Fine in commutation of corporal punishment.

And provided also that it shall and may be lawful for a court martial whenever they shall conceive it proper to fix and determine a fine for which any person adjudged to receive corporal punishment may commute such punishment; and if the same fine shall be paid within the time by the court martial for that purpose limited—the said person shall be accordingly acquitted of such corporal punishment. That all such fines shall be paid into the hands of the president of the said court martial, and shall by him be paid into the hands of the quarter master of the regiment to which the offenders do belong, for the purpose of providing a sufficient quantity of arms and ammunition for the use of the said

regiment agreeable to the directions in the fourteenth clause of this act; and that the overplus be paid by the said quarter master into the treasury of this State.

XXIII. That a roll of the privates of each company shall be made and divided by the commanding officer of the company into eight classes as nearly equal in number to each other as conveniently may be, and a serjeant or corporal shall be allotted on the roll by the commanding officer to each class, which said eight classes in each company shall on detachments, or drafts in pursuance of this act, perform their tour of duty in numerical order; and to ascertain which class shall take the first and which the second tour of duty on detachment, and so on to the eighth class, eight slips of paper numbered respectively from one to eight inclusively shall be so rolled up, or otherwise closed, as to conceal the number, and being put into a hatt and well shook together in the same, the serjeant or corporal of each class shall, in the order to be directed by the commanding officer in behalf of his class, take out one of the ballots, and the number drawn by the serjeants and corporals respectively, shall determine the respective tours of duty of the several classes— The class which draws number one, to have the first tour of duty, and so determining their respective tours of duty in a numerical order throughout all the eight classes, and in the same numerical order shall the eight classes continue their rotation without any new balloting, until the numbers respectively contained in each class shall by the events of war, other accidents become very unèqual, when there shall be a new balloting as above directed. That where a company increases by the accession of men from any other parts, or by persons residing within the beat and arriving to the age of sixteen years, the commanding officer of the company shall therewith compleat any classes which may have become deficient; and if a residue remains shall distribute such residue as equally amongst the classes as circumstances will permit—

Privates to be divided into classes, etc.

Tours of duty.

XXIV. That when and as often as the classes shall be thus fixed, each commanding officer of each company shall form a roll consisting of the eight classes, and containing the names of the men in each class with the names of the serjeant and corporal respectively prefixed to each class, and numbered according to the order of balloting, which he shall keep for his own use guidance and direction, and shall notify each serjeant, corporal and private, to what class he shall belong; and shall return a copy thereof with the list of his commissioned officers prefixed thereto, without delay, to the colonel or commanding officer of the regiment who shall enter all such and every other company return, in a book to be kept by him for the purpose.—

Roll of classes, etc.

XXV. That the commanding officer of each regiment shall on receipt of all the classed returns of the companies in the regiment, convene together all the commissioned officers in the regiment, and proceed in like manner, to fix by ballot, the respective tours of duty, of all commissioned officers under the rank and degree of a field officer, from and including number one, to and including such number as shall be equal to the number of companies in the regiment, which balloting shall be made seperately and severally in the four several lines of office, and be entered by the commanding officer in his said book; as also the quota of each detachment, both as to officers and privates, in order thereby, from time to time to ascertain the rotation of the service of both, which shall ever be determined by such quotas respectively.

Tours of duty of commissioned officers.

XXVI. That if there be two majors belonging to a regiment, they shall decide by lot, which of them shall take the first tour of duty, and the order or tour of duty thereby established shall ever after govern.

Majors to decide same by lot.

Rotation of duty on detachments among field officers.

XXVII. That to establish the rotation of duty on detachments among the several field officers in the regiments composing a brigade, the colonels, lieutenant colonels and majors, shall without delay meet together and decide the same by several and separate lots in numerical order as aforesaid. in the several lines of office, which being done, a roll thereof shall be made and subscribed by them all, and returned to the brigadier general of the brigade — The colonels, lieutenant colonels and majors of the regiments not brigaded shall meet and decide the rotation of duty on detachments, the same as the colonels, lieutenant colonels and majors of the brigades are by this act directed.

Brigadier general.

XXVIII. That to a brigadier general command of detachments, the commander in chief shall appoint such brigadier general as shall in his judgment appear most proper for the advancement of the service.

Substitute may be employed.

XXIX. That every private shall be allowed to substitute on detachments an able bodied private in his stead who shall nevertheless take his own tour of duty in the order wherein it shall have been fixed as aforesaid—That in case of sickness or by unavoidable accident any officer or private shall be prevented from taking his tour of duty on any detachment, the next to him on the respective rolls of detachments without regard to classes with respect to privates, shall fill his place, and the person so prevented shall in return take the proper next tour of duty on detachment of him so filling his place ; and all classing as aforesaid shall go on in rotation, in the several numerical orders above mentioned, as long and as often as the public service shall require the same.

Tours of duty in case of illness, etc.

Discretionary power to order out troops.

Provided always, that the commander in chief shall and may from time to time in his discretion order out on detachment as great a part or the whole of any brigade, regiment, troop of horse or associated exempts as he may think proper or the whole militia into actual service: And also that the like discretionary power may on sudden emergencies and without waiting the order of his superior officer be exercised by the commanding officer of any brigade, regiment, troop of horse or company respectively, over each brigade, regiment, troop of horse, or company, giving notice thereof in writing without delay, together with all things relating thereto, as well to his commanding officer as to the commander in chief for the time being.—

Governor on requisition of commander in chief of U. S. army, may detach troops for offensive operations.

XXX. That if the commander in chief of the army of the United States should in the prosecution of the war be under the necessity of calling on this State for an aid of militia for offensive operations within this State, it shall and may be lawful for his excellency the governor or the person administering the government of this State for the time being on every such requisition to detach from the regiments of militia of this State or from such of them as he shall judge proper such and so many officers noncommissioned officers and privates as he shall from time to time deem consistent with the interest and safety of the State, to continue in service for such time as he shall judge proper not exceeding the term of three months from the time they shall arrive at the place of actual service and the same to relieve as occasion may require.

Exempts from service in enrolled militia.

XXXI. That all persons under the age of sixty who have held civil or military commissions, and are not or shall not be re-appointed to their respective proper ranks of office, and all other persons between the age of fifty and sixty years who have associated and elected their officers, or shall hereafter associate themselves, shall be exempted from serving as part of the enrolled militia — That all persons who have not yet associated, shall form themselves into voluntary associated regiments or companies according to their number in each respective county and

Voluntary associations to be formed, etc.

recommend their own officers, and that all such associated regiments or companies shall make returns thereof respectively to the commander in chief for the time being without delay, who with the advice and consent of the council of appointment shall issue commissions to them accordingly, in default of which returns they shall respectively do duty in the ranks with the militia of the beat within which they shall respectively reside, until they shall respectively associate as aforesaid — That the substance of such associations shall be, that the associators will severally on all occasions obey the orders of their respective commanding officers, and all others authorized to give them orders by this act, and will in cases of such invasion or incursions of the enemy or insurrections march to repel the enemy or suppress such insurrections in like manner as the enrolled militia are compelled to do; so that they shall not when called out in detachments be annexed to any other regiment or company, or be under the immediate command of any other than their own officers, except as herein after excepted, but be deemed and considered as a separate and distinct corps; and that when such associated exempts shall be called into actual service, they shall be subject to the orders and command of any and every officer of superior rank to such officer of associated exempts.—

Associations to obey orders, etc.

XXXII. That every person an inhabitant of this State subject by this act to military duty in the militia who shall remove out of the limits of the regiment or corps in which he shall be commissioned, associated or enrolled, or sojourn or be within the limits of any other regiment or corps, shall be subject to drafts, and be obliged to do duty in the regiment or corps within the limits of which he shall so happen to be.

Persons subject to draft.

XXXIII. That the lieutenant governor, members of the senate and assembly, the clerks of the senate and assembly, all judicial officers, the secretary of this State, and one of his deputies, the attorney general of this State, the treasurer of this State, the auditor of this State, the clerks of courts of law, the county clerks the clerk of the court of probates all ministers of the gospel, all post masters and post riders, all sheriffs, and one gaoler to every gaol, notwithstanding their being respectively able bodied above sixteen and under sixty years, and all such persons who shall procure special exemptions from the commander in chief of this State for the time being, shall respectively be exempted from training and doing duty in the militia, but shall nevertheless be armed accoutred and provided as by this act is directed — That it shall and may be lawfull to and for the commanding officer of every regiment to grant exemptions in writing to such physicians, surgeons, school masters, millers and ferrymen, as he shall in his judgment deem it would be more prejudicial to the common weal to take out with the militia, than to permit them to remain at home; provided no such exemption shall from time to time be given for a longer term than thirty days from the date of the permit.—

Persons exempt from training, etc.

XXXIV. That each male person between the ages of sixteen and sixty years who is or shall be of the people called Quakers, upon producing a certificate from one of their quarterly meetings that he is of the society called Quakers, shall be exempted from all personal military service whatsoever to which he would be subject by this act was he not of the people called Quakers; and for such exemption shall yearly and every year pay the sum of ten pounds in lieu of all military service whatsoever required by this act — And for the purpose of levying the said annual sum, the commanding officer of every beat shall annually in the month of May return to the respective supervisors of the ward, town, manor, precinct or district, wherein he shall reside a list of such Quakers as aforesaid, residing within his beat; and the respective supervisors of

Quakers exempt.

Yearly tax.

How levied and collected.

the county at either of their meetings shall make out a separate tax list thereon (a copy whereof they shall cause to be delivered to the treasurer of the county) with a warrant to be issued by them to the collectors respectively, for levying the same, of the form as near as may be, agreeable to the form of the warrants to collect the taxes for defraying the contingent expences of the county; and in default of goods and chattles of any Quaker, whereon to levy the said sum, the warrant for levying the same shall authorize the collector to commit him to the gaol of the county, and if there shall not be a gaol in the county then to the gaol in an adjoining county — and the keeper of such gaol is hereby required to receive and detain him in safe custody until the said sum shall be paid to the said collector; and the said collectors shall respectively pay the monies they shall so from time to time collect into the county treasury, from whence they shall be paid by the several county treasurers into the treasury of this State, for which collection the collector shall be allowed the like poundage as for collecting the contingent charges of the county.

Act not to affect persons who have furnished substitutes.

XXXV. That this act or any thing in the same contained shall not in cases of drafts or detachments of the militia affect any person who has furnished heretofore, a sufficient able bodied man for service in one of the regiments raised under the direction of this State, unless the time of such service shall have expired.—

Verbal notice sufficient.

XXXVI. That in all cases where notice is required by this act, verbal notice to the party himself or left at his usual place of abode with a person of the years of discretion by any commissioned officer or non-commissioned officer of the company, shall be deemed a legal and sufficient notice.—

Compensation of officers attending courts martial.

XXXVII. *And be it enacted by the authority aforesaid,* That the officers attending general or regimental courts martial by virtue of this act shall for every day they shall respectively serve on the said courts be paid the sum of six shillings, (which said sum of six shillings per day, shall be in full of all pay and subsistence for such service,) out of the fines to be imposed by the said courts, to be ascertained by the respective presidents of the said courts — That the fines imposed by the said courts shall be recovered by warrant, under the hand of the commanding officer of the regiment, directed to any serjeant or serjeants of the regiment by distress and sale of the goods and chattles of the offender, and for want thereof the offender shall be committed to the gaol of the county, and if there shall not be a common gaol in the county then to the gaol in an adjoining county; and the keeper of such gaol is hereby required to receive and detain him in safe and close custody until the said fine shall be paid, or until the time of his confinement expires agreeable to the said warrant — That out of the said fines when recovered the commanding officer of the regiment shall pay the said officers of his said regiment attending on the said courts, and the overplus money of the said fines shall by the said commanding officer be paid into the treasury of this State.—

Fines, how recovered.

Officers to be paid from moneys received from fines.

Reimbursement of moneys paid out by officers.

XXXVIII. *And whereas* the commanding officers of brigades and regiments are frequently on extraordinary emergencies obliged to disburse of their own monies for paying expresses; for reimbursement whereof, the treasurer of this State, shall and is hereby required from time to time to repay the same out of any monies in the treasury not by law otherwise particularly appropriated provided that the accounts thereof respectively shall be first sworn to before a justice of the peace of any county within this State.—

XXXIX. *And be it further enacted by the authority aforesaid,* That the commissioner of military stores of this State, shall on application of any commanding officer of a regiment of the militia of this State, by draft in writing on the said commissioner, in favor of the quarter master of the regiment with a warrant endorsed by the person administering the government of this State for the time being, furnish him with such quantities, either of loose ammunition or made up in cartridges as shall be directed by such warrant; the said quarter master paying for the same the first cost thereof and the expence of making up the same; which monies the said commissioner shall from time to time lay out in the purchase of ammunition.—

Ammunition to be furnished on requisition.

XL. *And be it further enacted by the authority aforesaid,* That if any person be wounded or disabled, upon assisting in repelling any invasion or incursion of the enemy, or suppressing an insurrection, or in any other legal military service, he shall be subsisted and provided for at the expence of the State, during such disability, except such persons whose cases are already provided for by the several acts of Congress of the United States of America, making provision for persons that may become disabled while in the service of the United States. That each person who hath been or shall hereafter be so wounded or disabled, and whose cases shall not, be provided for as aforesaid, shall be entitled to such partial or permanent allowance, as shall be adjudged by the field officers of the regiment (not exceeding the allowances granted by the acts of congress aforesaid) and which adjudication, being confirmed by the commander in chief for the time being, he shall thereupon issue duplicate warrants under the privy seal of this State, upon the treasury, for the payment of the sum or sums so to be adjudged to the person so wounded or disabled, and the treasurer upon being served with one of the said duplicates; shall out of any monies which may then be in the treasury, pay to the several persons in whose favor such warrants shall be issued the sum or sums therein respectively specified, and in such manner as shall be directed by the said warrants respectively.

Wounded persons to be subsisted, etc.

XLI. *And be it further enacted by the authority aforesaid,* That proceedings or trials at courts martial directed by this law, may be carried on at any time or times, the seventh article of the fourteenth section of the said articles of war, whereby such proceedings or trials are prohibited from being carried on, except between the hours of eight in the morning and three in the afternoon, to the contrary notwithstanding.—

Proceedings of court martials. When carried on.

XLII. That the commanding officers of the several companies, shall cause the said articles of war to be read and published at least twice in every year, at the head of their respective companies.—

Articles of war to be read.

And whereas in many instances the militia of this State have been necessitated for the want of provisions in the public stores to subsist themselves at their own expence when ordered out to repel the enemy,

And whereas it may become necessary for the militia in future to furnish themselves with provisions on similar occasions.—

XLIII. *Be it therefore enacted by the authority aforesaid,* That the commanding officers of companies which shall so have furnished themselves and their companies, or shall hereafter furnish themselves and their companies with provisions at their own expence, shall from time to time return to the commanding officer of the regiment or corps, duplicate subsistence rolls containing the names of the several persons of their respective companies who have, or hereafter shall furnish themselves with provisions at their own expence and the number of days for which each person shall have so furnished himself, and which duplicate subsistence rolls, the said commanding officers of companies shall respect-

Officers furnishing themselves or their companies with subsistence to make and return subsistence rolls, etc.

ively subscribe, and swear to the same before the said commanding officer, who is hereby authorized to administer an oath for the purpose, and such commanding officer of the regiment shall thereupon make an abstract of the subsistence rolls of the respective companies of such regiment, and return duplicates of the same, together with one of such subsistence rolls to the auditor, who is hereby required to audit such abstracts, and to make a reasonable allowance for such provisions furnished as aforesaid, and to return one of the said abstracts audited as aforesaid to the said commanding officer of the regiment; and to charge the amount of such abstracts to the account of the United States.—

Only one ration per day allowed.

Provido as to notifying associate exempts.

Provided always, that no person shall be allowed more than one ration per day in such subsistence rolls.

And whereas the dispersed situation of the places of residence of the associate exempts renders the mode at present used for notifying them to march in cases of invasions or insurrections extremely inconvenient, and in a great measure defeats the objects for which they were embodied.

Notice how given.

XLIV. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful to and for the commanding officers of the regiments of enrolled militia, when and as often as their whole regiments shall be ordered out for duty, to notify the senior officers of such associated exempts residing within the limits of their regiments respectively, to order the commissioned officers of such exempts as may reside therein, to appear at the time and places appointed for the rendezvous of such regiments respectively, and that it shall and may be lawful, to and for any commissioned or non-commissioned officer of such regiments or company of enrolled militia as shall be ordered out to oppose the enemy or insurgents, to notify and warn the non-commissioned officers and privates of such corps of exempts residing within their respective limits or beats to march to such place, and at such time as the enrolled militia of such regiment or company are ordered to march—That until such time as such associated exempts shall be joined by an officer of the corps in which they are associated, they shall march do duty with, be annexed to, and be subject to the immediate command of the officer, commanding such regiment or company of enrolled militia within the limits or beat of which they respectively reside, and that the said officers, non-commissioned officers and privates of such associated exempts shall be subject to the same pains and penalties for neglecting or refusing to march after being notified as aforesaid, as the enrolled militia are subject to by this act, for neglecting or refusing to march.—

To do duty with and be subject to orders of commanding officers of regiments until joined by an officer of the corps.

Provido as to expence of conviction of delinquents.

And whereas the conviction of delinquents for refusing to rendezvous and march when duly notified and ordered, hath heretofore been attended with much expence and delay; and proper encouragement hath not been given to such as have evinced their zeal and alacrity to rendezvous and march to repel an enemy, or subdue insurgents;

Proceedings in case persons enrolled in the militia refuse to rendezvous and march when duly notified to do so.

XLV. *Be it therefore enacted by the authority aforesaid,* That every person enrolled in the militia of this State, who shall refuse or neglect to rendezvous and march with the regiment or detachment thereof when duly notified so to do; and every person belonging to the associated exempts who shall refuse or neglect to rendezvous and march when duly notified so to do, when the whole regiment in the limits whereof he resides is ordered to march, such delinquent shall be dealt with in the manner following viz'. The commanding officer of every company in the enrolled militia shall and is he hereby strictly enjoined and required, within six days next after the return of the regiment or any detachment thereof from a tour of duty, to make and transmit to

the commanding officer of the regiment a return, containing the names of every person who had rendezvoused and marched out at the time and place directed by the order, and also of all such persons, if any, who did not rendezvous at the said time and place, including the names of the associate exempts residing within the limits or beat of the company, if the order was for the whole regiment and associate exempts to march; and shall also therewith transmit the names of the officers and non-commissioned officers by whom each delinquent was notified to march, if such notice was given, the day on which they were ordered to rendezvous, and the day when discharged from the service for which the regiment, company or detachment was ordered out, and shall certify such return to be true and impartial according to the best of his knowledge and belief—That the commanding officer of every shall and he is hereby required and strictly enjoined, within twenty days next after the return of the regiment or detachment from every such duty in the field, by regimental orders to appoint a day not less than five nor more than ten from the date of the order, for as many times three officers to convene (at a place within the limits of the regiment, to be specified in such order) as there are tens in the number of delinquents returned to him; which officers shall be named by the said commanding officer of the regiment, and be composed of officers from the enrolled militia and from the associate exempts, if there are such officers of associate exempts within the limits of the regiment; and in case there are not more than nine delinquents, then the commanding officer shall appoint one court martial to consist of not more than five commissioned officers nor less than three; and being more than nine and less than twenty, he shall then appoint two such courts martial, at which time and place the adjutant of the regiment shall attend, and the name of each officer convened being written on a piece of paper, the whole shall be put into a hatt, and the adjutant shall in the presence of the officers draw them out, and enter them on a sheet of paper in the order in which they shall be drawn—That the three first drawn shall compose one court martial, three next shall compose another court martial, and so on by threes to the number convened.

Provided always if there shall be more than seventy delinquents returned, there shall be as many officers ordered to convene as will constitute seven such courts martial, and the limits of the regiment shall be divided in manner aforesaid into as many parts as there shall be courts formed out of the officers which shall actually convene. That where within the limits of any regiment there are not a sufficient number of officers to constitute so many courts as by this proviso are required, as many officers shall be ordered to convene as will constitute the greatest number of such courts the regiment is capable of, and the limits of the regiment shall accordingly be divided into parts equal to the number of such courts—That the senior officer of each three shall be president of the court, that the presidents shall then divide the limits of the regiment into districts by limits or beats of companies, in each of which a court martial shall convene for the trial of all the delinquents therein, and shall determine by ballot in what district each court martial shall sit—That the president of each court shall then immediately in writing signify to the adjutant of the regiment in what district the court of which he is president is to convene, and on what day, provided such day shall not be less than five days after, and exclusive of the day on which such notice is given—That the adjutant shall thereupon transmit such notice to the commanding officer of each company in such district, who is hereby required, to order notice to be given to every delinquent by him returned, and to every officer and non-commissioned officer by whom

Proviso as to number of delinquents and of courts martial.

President of court to notify adjutant, etc.

any delinquent was notified to rendezvous and march as aforesaid, to attend the court martial in the district to which it belongs, to take trial or give evidence—And all persons returned as delinquents, who may by sickness or necessary absence out of the district be prevented from attending, may send a person to state his case to the court martial, which court shall try every person returned as delinquent, whether such person attends or not—That when the officers are so convened as aforesaid, and before they separate, the adjutant, shall and he is hereby authorized and empowered to administer the following oath, to each of the officers composing a court martial.

Officers of court to take oath.

Form of.

You do solemnly and sincerely swear, that you will well and truly try and true presentment make according to evidence whether any of the persons triable by the court of which you are (president or member) are delinquent or not. If you find any not delinquent because not duly notified, you shall so say: If you find any not delinquent by reason of sickness, or such other reasonable cause or impediment as you shall deem good and sufficient, you shall so say. If you find any not delinquent because the person or persons charged with delinquency did actually rendezvous and march and did not desert, you shall so say: If you find that any person or persons being duly notified did not rendezvous or rendezvousing did refuse or neglect to march, you shall so say: If you find that any person did not rendezvous and march at the time and place appointed, and was sick, or had other reasonable cause or impediment as aforesaid for not rendezvousing and marching, being duly notified, you shall enquire how long such sickness, reasonable cause or impediment existed, and whether such person did afterwards march, and when, and whether he deserted or not, and shall so say.—So help you God.

Power to send for witnesses; sentences, etc.

That every such court may send for such witnesses as they may deem necessary on any trial—That the president of each court shall subscribe the sentence or sentences given by such court—That the president shall transmit a duplicate of the sentence or sentences so subscribed as aforesaid, to the commanding officer of the regiment within five days next after all the delinquents shall be tried, and the sentences given—That every person convicted by the said courts martial or any of them, of not rendezvousing being duly notified, or if rendezvousing, of neglecting, or refusing to march, or of not marching after any sickness, reasonable cause or other impediment (which might have prevented his rendezvousing and marching as by the order he was to have done) had subsided, or of having deserted after having marched, not having before been punished for the same desertion; each and every such person (not a deserter) shall

Fine.

be fined in the sum of forty shillings for every day of the first three days, and the sum of eight shillings for every day after, and which shall have intervened from the third day after the day on which the regiment or detachment was ordered to rendezvous, to the day on which the same was discharged, and for so many days more as would have intervened between the day of discharge and return to their respective limits or beats, computing at the rate of twenty miles for every day, from the place where discharged to the residence of the commanding officer of the regiment; or if the offender shall have deserted, the like fines to be imposed from the time of such desertion; all which fines shall be levied by distress and sale of the offenders goods and chattles by warrants under the hand of the commanding officer of the regiment, directed to one of the serjeants of the company or beat to which such offender does belong, or in which such offender resides, together with the costs and charges of such distress as is usual in civil actions on warrants by a justice of

How levied and collected.

the peace, and for want of such goods and chattles the offender and offenders shall be committed to the common gaol of the county; and if there shall not be a common gaol in the county, then to the gaol in an adjoining county, and the keeper of such gaol is hereby required to receive such offender or offenders, and him or them to keep in close gaol agreeable to such warrant, there to remain as many days as there are shillings in the fine imposed on him, unless he shall sooner discharge said fine.—That every officer and non-commissioned officer who shall neglect or refuse the duties enjoined him by this clause, shall be tried by a brigade court martial, and being convicted shall and may be cashiered and fined, or cashiered only, or fined only in the discretion of the court-martial.

Officers may be cashiered.

XLVI. That it shall and may be lawfull to and for the commanding officer of the regiment to pay out of any monies arising by the fines to be inflicted by virtue of this clause, to each of the officers serving on the courts martial and to the adjutant at the rate of six shillings per day, for every day such officers and adjutant have been *bona fide* employed in discharge of the duty required of them by this clause.— That every witness attending any court martial to be instituted by virtue of this act, or who shall be sent for by such court as necessary to convict an offender, shall be allowed at the rate of three shillings per day if such witness should reside more than one mile from the place where such court shall be convened for every day's attendance, untill dismissed by the court, and the certificates of the presidents of any such court's martial, shall be sufficient vouchers to the commanding officer of the regiment to pay the witnesses, which he is hereby required to do out of the fines arising by virtue of this act.— That the residue of such fines arising from delinquency for not rendezvousing and marching when ordered by detachment, shall by the commanding officers of regiments, and the commanding officers of companies be divided amongst the enrolled non-commissioned officers and privates of such detachment who did actually march, and according to the time they respectively served on such detachment, and be paid by the said commanding officer of the regiment to the commanding officer of the company who shall pay the same to the persons entitled thereto; and that the residue of such fines arising from delinquencies for not rendezvousing and marching when the whole regiment and the associate exempts are called out, shall be divided and paid in like manner amongst the non-commissioned officers and privates of the regiment and of the associate exempts within the limits thereof, who did actually march, and in proportion to the times they respectively served on such duty — That in case of the death, sickness or absence of the adjutant the duty enjoined him by this clause shall and may be executed by any person thereunto appointed in writing, signed by the commanding officer of the regiment; and in case of the death, sickness or other inability of the president or members of any of the said courts, the commanding officer of the regiment shall appoint a substitute out of the other commissioned officers of the regiment.—

Officers serving on courts to be paid out of fines.

Witnesses' fees.

Residue of fines to be divided among men who actually march.

Duties of adjutant, by whom executed in case of illness, etc.

And whereas many persons in the enrolled militia of this State have heretofore neglected or refused to march when called out on detachment, or with the regiments to which they respectively belong and have not been tried for the same, on account whereof great uneasiness prevails

XLVII. *Be it further enacted by the authority aforesaid,* That all persons who have since the eleventh day of March one thousand seven hundred and eighty, neglected or refused to march having been duly notified, and who have not been tried for such offence, shall and may be

Persons neglecting to march to be tried, etc.

reported to the commanding officers of the regiments respective within this State, and be tried by a court, or courts martial, to be instituted agreeable to the manner directed in the next preceeding clause this act, and shall be punished or fined, and the fines recovered in like manner as they were punishable and finable, and the fines recoverable by "An act for regulating the militia of this State of New-York," passed March eleventh one thousand seven hundred and eighty, as if the same was now in full force; and the commanding officer of every regiment, and the commanding officer of every company and corps of associate exempts are hereby strictly enjoined and required to do what by the said clause they are enjoined to do to bring such delinquents to trial and punishment as though such delinquents had offended after the passing of this act. That the residue of all such fines, after the president and members of the court martial, the adjutant and witnesses shall have been paid, as by the next preceeding clause of this act is directed, shall be disposed of as in and by the said act passed the eleventh day of March one thousand seven hundred and eighty is directed.

Trials act to be completed.

XLVIII. *And be it further enacted by the authority aforesaid* That all and every court martial within this State instituted for the trial of offenders, and which has actually began to try an offender, shall and may complete such trial and carry the same into effect as far as it is incumbent on the said court to do, and the commander in chief and the brigadiers general shall and may proceed to carry into execution the sentence of any court martial if approved, in as ample and full a manner as if the said act passed the eleventh day of March one thousand seven hundred and eighty, was in full force. That in case of distresses for levying any fine imposed by this act, the arms ammunition and accoutrements of the convicted delinquent shall not be taken, any thing in this act to the contrary notwithstanding.

When act to take effect.

XLIX. *And be it further enacted by the authority aforesaid* That this act shall not take effect until the first day of June next and that the said act entitled "An act for regulating the militia of the State of New York," passed the eleventh day of March one thousand seven hundred and eighty be and is hereby revived and shall be in full force until the said first day of June next, and no longer.

CHAP. 28.

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.

PASSED the 6th of April, 1782.

Preamble. WHEREAS congress did by their act of the thirteenth day of June one thousand seven hundred and eighty one recommend to the several States in the words following, to wit.

Resolution of congress recited. Resolved That it be and it is hereby recommended to the several States to which the officers of the hospital and medical department now in service respectively belong or of which they were inhabitants to settle the accounts of the said officers for depreciation on the principles established by a resolution of congress of the tenth of April, one thousand seven hundred and eighty and to make provision for

paying the ballances that may be found due in the same manner with the officers of the line. That each State which shall advance more money in making good the depreciation to its respective citizens than its proportion shall be allowed the same on account of the United States."

And by their act of the twentieth day of February one thousand seven hundred and eighty two did recommend to the several States in the words following that is to say,

Resolved That it be and it is hereby recommended to the legislatures of the several States to settle and discharge on account of the United States, the depreciation of pay of such officers in the late general hospital as are inhabitants of, or belonging to their several States, who resigned their appointments after the tenth of April one thousand seven hundred and eighty or became supernumary by the new arrangement in October one thousand seven hundred and eighty.

I. *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 the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States are hereby authorized and required to liquidate and settle the depreciation of pay of the officers of the hospital and medical department now in the service of the United States, who at the time they respectively entered into the said department were inhabitants of this State and also of such officers in the late general hospital as were inhabitants of this State at the time of their entering into the service in the said department and have resigned their said appointments after the tenth day of April one thousand seven hundred and eighty or became supernumerary by the new arrangement in one thousand seven hundred and eighty — And that the said auditors shall also settle the depreciation on the pay of Charles McKnight, Isaac Ledyard, William P. Smith and Samuel Woodruff, now inhabitants of this State and serving in the medical department of the United States and grant to each of them certificates as herein after mentioned.

Provided always that previous to such settlement the said persons respectively shall produce to the said auditors a certificate purporting that no compensation hath been made for the depreciation on such pay in the State of which they were respectively inhabitants when they entered into the said service and which certificate shall be countersigned by the person administering the government of such State for the time being and that the pay on which the said depreciation is to be computed shall be agreeable to such establishment of pay and to such officers of the hospital or medical department as the congress of the United States may have heretofore directed or hereafter shall direct for that purpose— That the said auditors make the allowance for the depreciation of pay on the principles as allowances for depreciation were made to the troops belonging to this State in the service of the United States and shall give certificates for such depreciation in like manner as they have been given to the said officers belonging to this State in the line of the army— Provided that if doubts should arise with the said auditors respecting any such officer being an inhabitant of this State at the time of his entering into the said service the auditors shall at the next meeting of the legislature represent every such case with the circumstances relating thereto.

And whereas the officers and privates of the levies raised for the defence of this State and the officers and privates of the militia of this State whose misfortune it hath been to be made prisoners by the enemy when in actual service have exclusive of the hardships by them ex-

Ibid.

Auditors to liquidate and settle depreciation of pay of officers named.

Ibid. of inhabitants named.

Proviso as to certificates to be produced.

Allowance to be made on principle stated.

Proviso as to losses by prisoners of war.

perienched, sustained great losses in their property, and have moreover been put to considerable expence for their subsistence during their captivity, and are therefore entitled to the attention of their country,

Auditors to settle and liquidate their accounts and of deceased prisoners.

II. *Be it therefore enacted by the authority aforesaid* That it shall and may be lawful for the said auditors to settle and liquidate the accounts of the depreciation on the pay which would be due to such officers and privates from the day on which they were respectively captured to the day of their return from such captivity and to grant to them such certificates as aforesaid and that it shall also be lawful for the said auditors in like manner to settle and liquidate the accounts of the depreciation on the pay of such of the said officers and privates who may have died while in captivity and who did not engage or enlist in the enemy's service or who may have died since their return from such captivity and grant certificates as aforesaid to the legal representatives of such officers and privates as aforesaid and that such depreciation shall be calculated on a like pay and principles as the said auditors have allowed to the officers and privates in the line of the army.

CHAP. 29.

AN ACT to rebuild the court house and gaol in Kingston in Ulster county.

PASSED the 6th of April, 1782.

Preamble. WHEREAS the court house and gaol in the county of Ulster was destroyed by the enemy.

Super-
visors to
levy tax to
rebuild
court
house and
jail.

I. *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 the supervisors of the several towns manor and precincts in the said county for the time being, shall and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county a sum not exceeding two hundred pounds for rebuilding the court house and gaol, with the additional sum of nine pence in the pound for collecting the same, which said sum shall be raised levied and collected in like manner as the other contingent and necessary charges of the county are directed to be raised by an act entitled An act to enable the supervisors of the county of Ulster to levy a tax in grain or in specie for defraying the contingent charges of the county, passed the twentieth day of November last.

Super-
visors and
justices to
meet and
appoint
trustees.

II. *And be it further enacted by the authority aforesaid,* That the supervisors together with the justices of the said county of Ulster shall meet at the house of Ann Dobois in the precinct of New Paltz on the first Monday in May next, or at such other day as the supervisors at their next annual meeting shall for that purpose appoint; and such supervisors and justices or a majority of them then and there present, are hereby impowered and required to appoint three persons as trustees for the purpose of receiving the money or grain so raised, and to superintend the rebuilding of the said court house and gaol.

Moneys
and grain
raised to
be de-
livered to
said trust-
tees.

III. *And be it further enacted by the authority aforesaid* That the monies or grain so to be raised by virtue of this act shall be paid or delivered by the several and respective collectors of the several towns manor and precincts unto such trustees as aforesaid; and such trustees or any two of them shall and may from time to time inspect examine audit and

pay the several and respective accounts for labor done and materials provided in rebuilding the said court house and gaol; and that such trustees shall from time to time render a just and true account upon oath unto the supervisors of the said county when by them thereunto required.

IV. *And be it further enacted by the authority aforesaid* That such trustees or any two of them shall and they are hereby empowered to make use of such and so many of the materials remaining of the old gaol, as can be applied to the rebuilding of the said court house and gaol. Powers of trustees.

And whereas the inhabitants of Kingston and its vicinity have procured a quantity of timber for the purpose of rebuilding the said court house and gaol. Proviso as to timber.

V. *Be it therefore enacted by the authority aforesaid* That the said timber shall and may be used by the trustees to be appointed in pursuance of this act for the rebuilding of the said court house and gaol at Kingston, and that the same shall not be charged to the county. To be used in rebuilding court house and jail.

VI. *And be it further enacted by the authority aforesaid,* That the clerk of the supervisors of the said county shall and he is hereby required to give notice of the said meeting of the supervisors and justices by advertising the same in three or more public places in each town, manor or precinct in the said county at least ten days previous to the said meeting. Clerk of supervisors to give notice of meeting.

CHAP. 30.

AN ACT for erecting a bridge in the precinct of Haverstraw, and to ascertain the boundary line between Haverstraw and Cornwall precincts in Orange county.

PASSED the 6th of April, 1782.

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 the commissioners of highways in the precinct of Haverstraw for the time being, shall and they are hereby directed and required to make and erect a good sufficient bridge over the Ramapough river, where the highway or postroad crosses the said river, or as near as in the judgment of the said commissioners the ground will admit, and near the dwelling house of Elizabeth Shourt; and the said commissioners for the time being are hereby directed to have the accounts of the expences of erecting and building the said bridge transmitted to the supervisor of the said precinct; and the said supervisor is hereby empowered to take the monies arising from the excise within the said precinct for one year, and to apply the same towards discharging the expences of erecting and building the said bridge, and if the said excise money shall not be sufficient to compleat said bridge, the said supervisor is hereby directed and required to order the levying collecting and paying the deficiency in the same manner as the other contingent expences of the precinct are raised collected and paid. Commissioners of highways to erect bridge and transmit account of expences to supervisor, etc.

And whereas it is necessary that the boundary line between the precincts of Haverstraw and Cornwall in the county aforesaid, should be ascertained, before the said bridge is erected. Proviso as to boundary line.

II. *Be it therefore enacted by the authority aforesaid,* That the division line between the precincts of Haverstraw and Cornwall, shall be line beginning at the mouth of the Poplopen Kill, on Hudson's river, and running from thence a direct line to the southeaster most corner of Line.

Stephen Slotts farm adjoining the northeastermost corner of the farm where Samuel Sidman formerly dwelled, near the Ramapough river, thence along the line dividing the said farms as the said line now runs as far as they extend, and thence on the same course to the Jersey line.

CHAP. 31.

AN ACT to stay certain proceedings at law against the late commissioners of sequestration in Ulster county.

PASSED the 8th of April, 1782.

Preamble. WHEREAS it appears to the legislature by sufficient evidence, that Benjamin Smith of Newburgh in the county of Ulster was apprehended when attempting to joyn the enemy, and that his effects were seized and sold by the late commissioners of sequestration in the said county, who are now threatened by the said Benjamin Smith with a suit for supposed damages by him sustained,

Suit not to be prosecuted against commissioners.

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 not be lawfull for the said Benjamin Smith or any person in his behalf to commence or prosecute any suit or action against the said late commissioners of the said county or either of them for or on account of any seizure or sale by them made of his effects as aforesaid any law to the contrary notwithstanding.

Sale legalized.

II. *And be it further enacted by the authority aforesaid,* That the sale of the personal estate of the said Benjamin Smith made as aforesaid by the said commissioners, is hereby declared to be good and valid in law.

CHAP. 32.

AN ACT for naturalizing Johan Christian Fredenrick and George Klinck.

PASSED the 9th of April, 1782.

Preamble. WHEREAS Johan Christian Fredenrick and George Klinck by their humble petitions to the legislature, setting forth that they are of foreign birth, have prayed to become naturalized and subjects of this State.

Persons named naturalized.

Be it therefore 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 the said Johan Christian Fredenrick and George Klinck shall be and they are hereby respectively naturalized and shall from and immediately after their having taken and subscribed, in any court of record within this State, the oath of allegiance to this State, and abjured and renounced all allegiance and subjection to all and every foreign king prince potentate and State in all matters ecclesiastical as well as civil, be deemed subjects of this State to all intents constructions and purposes whatsoever.

CHAP. 33.

AN ACT for the indemnification and further direction of the loan officers in the several counties, within this State.

PASSED the 9th of April, 1782.

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, Loan officers indemnified.
That where the loan officers in any county have at any time since the year one thousand seven hundred and seventy six, omitted to sell any lands mortgaged to them, and which they were by law authorized or required to sell, for non payment of the monies due thereon, or have omitted to receive any interest due on such monies, such loan officers are hereby indemnified for the omission of such sale or sales or of receiving such interest.

And it is hereby further enacted, Money to be received.
That for payment of any monies owing to the respective loan officers they may receive only Spanish milled dollars at eight shillings each, and such other species of silver and gold coin as are by law made receivable in the treasury of this State.

And be it further enacted by the authority aforesaid, Not to make sales.
That the said loan officers shall not sell any estate to them mortgaged, which by law they are authorized to sell by reason of the nonpayment of the principal or interest due or to become due thereon until the legislature shall make further provision in the premises.

Provided always, that nothing in this act contained shall be construed Proviso as to voluntary payments.
to hinder any person who may have taken monies on loan from the said loan officers, from voluntarily paying in the whole of the principal and interest, or any part thereof in silver or gold, as aforesaid, or the said loan officers from receiving the same.

CHAP. 34.

AN ACT to amend an act entitled "An act to accommodate the inhabitants of the frontiers with habitations and for other purposes therein mentioned", passed twenty second March seven-teen hundred and eighty one.

PASSED the 10th of April, 1782.

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 Persons to be appointed to grant licenses to cut timber, etc.
That it shall and may be lawful for the person administering the government of this State for the time being, to appoint one or more person or persons for the purpose of granting licenses and they are hereby authorized by writing under their hands respectively to grant licences, to any person or persons residing in or near Fort Rensselaer or any other place of defence in the county of Tryon, for the purpose of cutting and removing any wood or timber, from any lands lying contiguous to the said fort or other place of defence, which may be necessary for fewel and fencing for the use of the families of the said persons and for erecting and repairing the said fort and other places of defence:

Licensees not to commit waste.

Provided that if any person or persons in whose favor such licence shall be granted shall commit any waste or destruction by cutting or removing any greater quantity of timber or wood than may be necessary for the purposes aforesaid, they shall be deemed trespassors and as such subject to an action at the suit of the proprietor of the said lands.

Proviso as to prosecutions for cutting firewood.

And whereas some of the said persons who have been driven from their usual places of abode by the incursions of the enemy and who have been aiding and assisting in maintaining the said fort and other places of defence, and in defending the frontiers of the said county have been or are threatened to be prosecuted for cutting firewood, for the use of their families, on lands lying contiguous to the said fort or other places of defence by the proprietors of the said lands.

Suits discontinued, etc.

II. *Be it therefore enacted by the authority aforesaid* That all suits already commenced by any proprietor of lands lying contiguous to the said fort or other places of defence in the said county against any person or persons who have been driven from his her or their usual place or places of abode as aforesaid and have resided or do reside in or near the said fort or other places of defence, for cutting or removing any firewood as aforesaid, shall be and hereby are discontinued; and that no suit or action for cutting such fire wood shall hereafter be brought by any proprietor of such lands and the person or persons so prosecuted shall and may plead this act in bar to such suit; and the legislature do hereby declare that provision shall hereafter be made to compensate the said proprietors for the value of such fire wood.

CHAP. 35.

AN ACT to prevent the establishment of any bank within this State, other than the Bank of North America, and for incorporating the same within this State.

PASSED the 11th of April, 1782.

Preamble.

WHEREAS the United States in congress assembled, did, on the twenty sixth day of May seventeen hundred and eighty one, resolve in the words following, vizt:

Resolution of congress recited.

“ That congress do approve of the plan for establishing a national bank in these United States, submitted to their consideration by Mr. Robert Morris, the seventeenth day of May seventeen hundred and eighty one, and that they will promote and support the same by such ways and means from time to time as may appear necessary for the institution, and consistent with the public good ” “ That the subscribers to the said bank, shall be incorporated agreeably to the principles and terms of the plan under the name of the president, directors and company of the Bank of North America, so soon as the subscription shall be issued, the directors and president chosen, and application for that purpose made to congress by the president and directors elected.”

“ Resolved that it be recommended to the several States by proper laws for that purpose, to provide that no other bank or bankers shall be established or permitted within the said States respectively during the war. That the notes hereafter to be issued by the said bank payable on demand shall be receivable in payment of all taxes, duties and debts due, or that may become due or payable to the United States.”

“ Resolved, that congress will recommend to the several legislatures to pass laws making it felony without benefit of clergy for any person to

“counterfeit bank notes, or to pass such notes knowing them to be counterfeit; also making it felony without benefit of clergy for any president, inspector, director, officer or servant of the bank to convert any of the property, money or credit of the said bank to his own use, or in any other way, to be guilty of fraud or embezzlement as an officer or servant of the bank.”

“*And whereas* the congress of the United States did on the thirty first day of December seventeen hundred and eighty one, pass an ordinance to incorporate the subscribers to the bank of North America, in the words following vizt.

“*Whereas* congress on the twenty sixth day of May last did from a **Preamble.** conviction of the support which the finances of the United States would receive from the establishment of a national bank, approve a plan for such an institution submitted to their consideration by Robert Morris Esquire, and now lodged among the archives of congress, and did engage to promote the same by the most effectual means.

“*And whereas* the subscription thereto is now filled from an expectation of a charter of incorporation from congress, the directors and president are chosen, and application hath been made to congress by the said president and directors for an act of incorporation *And whereas* the exigencies of the United States render it indispenibly necessary that such an act be immediately passed.”

“*Be it therefore ordained and it is hereby ordained by the United States* **Act of congress re-ordited.** *in Congress assembled,* That those who are and those who shall become subscribers to the said bank be and forever after shall be a corporation and body politic to all intents and purposes by the name and stile of “The president, directors and company of the Bank of North America.”

“*And be it further ordained* That the said corporation are hereby declared and made able and capable in law to have purchase, receive, possess, enjoy and retain lands, rents, tenements hereditaments, goods, chattles and effects, of what kind, nature or quality soever to the amount of ten millions of Spanish silver milled dollars, and no more, and also to sell grant, demise, alien or dispose of the same lands, rents, tenements, hereditaments, goods, chattles and effects.”

“*And be it further ordained* That the said corporation be and shall be for ever hereafter able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto defend and be defended in courts of record or any other place whatsoever, and to do and execute all and singular other matters and things that to them shall or may appertain to do.”

“*And be it further ordained* That for the well governing the said corporation and the ordering of their affairs they shall have such officers as they shall hereafter direct or appoint. Provided nevertheless that twelve directors one of whom shall be the president of the corporation be of the number of their officers.”

“*And be it further ordained* That Thomas Willing be the present president, and that the said Thomas Willing and Thomas Fitzsimmons, John Maxwell Nesbit, James Wilson, Henry Hill, Samuel Osgood, Cadwallader Morris, Andrew Caldwell, Samuel Inglis, Samuel Meridith, William Bingham, and Timothy Matlack be the present directors of the said corporation and shall so continue until another president and other directors shall be chosen according to the laws and regulations of the said corporation.”

“*And be it further ordained* That the president and directors of the **1814.** said corporation shall be capable of exercising such power for the well

“governing and ordering of the affairs of the said corporation, and of holding such occasional meetings for that purpose as shall be described fixed and determined by the laws regulations and ordinances of the said corporation.”

“*And be it further ordained* That the said corporation may make ordain, establish and put in execution such laws ordinances and regulations as shall deem necessary and convenient to the government of the said corporation, provided always that nothing herein before contained shall be construed to authorize the said corporation to exercise any powers in any of the United States repugnant to the laws or Constitution of such State.”

“*And be it further ordained* That the said corporation shall have full power and authority to make have and use a common seal with such devise and inscription as they shall think proper and the same to break alter and renew at their pleasure.”

“*And be it further ordained* That this ordinance shall be construed and taken most favorably and beneficially for the said corporation.”

And whereas the United States in congress assembled did on the thirty first day of December one thousand seven hundred and eighty one, “resolve that it be recommended to the legislature of each State to pass such laws as they may judge necessary for giving the foregoing ordinance it's full operation agreeably to the true intent and meaning thereof and according to the recommendations contained in the resolutions of the twenty sixth May last.”

Bank incorporated, powers, etc.

Be it therefore 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 the said bank mentioned in the said ordinance shall be and is hereby incorporated and made a body politic within this State by the name and stile of the president directors and company of the Bank of North America, with all and singular the powers privileges and immunities in the said ordinance specified; and that no other bank, public or private, shall be established within this State during the present war with Great Britain, on pain of the forfeiture of one hundred pounds for every offence, by every person concerned in such bank, or banks, being thereof convicted in the supreme court of judicature of this State; which forfeiture shall go one half to the complainant and the other half to the treasury of this State.—

Penalty for forgery, etc.

And be it further enacted by the authority aforesaid, That if any person shall forge or counterfeit any bank note or notes issued or emitted, or to be issued or emitted by the said bank hereby incorporated, or shall alter any such bank note, so that the same shall appear to be of greater value than the same was at the time of the issuing or emitting thereof intended to pass for, or shall pass or give in payment, or procure to be passed or given in payment any such counterfeit or altered bill knowing the same to be counterfeit or altered, the person so offending shall be deemed guilty of felony and shall on conviction suffer the pains, penalties and forfeitures prescribed by law in cases of felony without benefit of clergy.

Ibid. for official misconduct.

And be it further enacted by the authority aforesaid, That if any president, inspector, director or servant of the said Bank shall fraudulently convert any of the property, money or credit of the said Bank to his own use, he shall be deemed guilty of felony, and shall on conviction suffer the pains penalties and forfeitures prescribed by law in cases of felony, without benefit of clergy.

Limitation on power

Provided always and it is further enacted That nothing in this act contained shall be construed to imply any right or power in the United

States in congress assembled to create bodies politic, or grant letters of incorporation in any case whatsoever. of congress.

CHAP. 36.

AN ACT to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of ten pounds and under, and to repeal sundry acts therein mentioned.

PASSED the 11th of April, 1782.

WHEREAS the empowering justices of the peace, mayors recorders and aldermen, to try causes to the value of ten pounds and under, may be advantageous to the inhabitants of this State; and by means thereof they may be enabled speedily and at small expence to obtain justice. Preamble.

Be it therefore 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 all actions cases and causes of debt, covenant trespass, trespass on the case, and replevin wherein the sum or thing demanded for cause of action, or ballance due on any obligation, shall not exceed the sum of ten pounds (except such actions as are hereby excepted) shall after the passing hereof be, and hereby are made cognizable before any justice of the peace of any of the counties, or the mayor or recorder or aldermen of the cities of New York and, Albany and borough of Westchester respectively, within this State; and the said justices mayors recorders and aldermen, are hereby respectively empowered and required to hold a court for the tryal of such causes; and are hereby vested with all such power and authority for the purposes aforesaid, as is usual in other courts of record within this State and to sign all process which shall issue out of such court; and upon application to either of them made for the recovery of any such debt, damages or demand, to issue a summons or warrant as the case may require, directed to any constable or other proper officer of the city, town, manor, borough, precinct or district, where the defendant dwells or can be found, commanding him to bring or cause such defendant to come and appear before him at the time and in the manner following, that is to say, in case such process shall be in the nature of a warrant, forthwith after the service thereof, but where a summons shall be issued then on some certain day therein to be expressed, not less than six nor more than twelve days from the service of such summons, and at the time appointed for hearing such action or on such other day as such court shall think reasonable to appoint not exceeding six days, the said court shall proceed to hear and examine the allegations and proofs of the plaintiff and defendant, and within four days thereafter give judgment thereon, in such manner as shall appear to the court agreeable to law equity and justice, together with such costs as are herein after allowed. Jurisdiction in civil cases of justices of the peace, etc.

Provided always that if on service of such warrant, the magistrate who issued the same be abroad or not able to hear and try the cause, in such case it shall and may be lawfull for the constable or officer serving such warrant to carry the defendant before any other magistrate of the said city, town, borough, manor precinct or district, who shall and may take cognizance of the said cause and proceed to a final determination thereof, in the same manner as he could or might have done if he had issued such warrant by virtue of which such defendant shall be arrested. Proviso as to cases where magistrate who issues warrants is absent.

Process
against
free hold-
ers.

And be it further enacted by the authority aforesaid That the process against all freeholders, and against all inhabitants having families shall be by summons only, (except as is hereafter excepted) and served on the person of the defendant or a copy thereof left at his or her house or place of abode in the presence of some of the family of suitable age and discretion, (who shall be inform'd of the contents thereof) at least six days before the time of appearance mentioned in the said summons; and the constable or officer serving such summons, shall upon the oath of his office indorse thereupon the manner in which he has executed the same and sign his name thereto; and in case the defendant does not appear at the time and place appointed in such summons, and it shall appear by the return indorsed thereon, that the said summons was duly served upon the person of the defendant in manner aforesaid, and no sufficient reason appearing to the court upon oath why the defendant did not appear at the time appointed, then the said court shall proceed to hear try and determine the cause and issue execution thereon in the same manner as if such defendant had actually appeared; but in case a copy of the summons was left at his or her house or place of abode in manner aforesaid, and the constable or officer indorse such return thereon as he is above directed, if then the defendant doth not appear at the time and place appointed in the said summons, and no sufficient reason be offered to the court upon oath why he does not appear, then in such case the court shall issue a warrant and proceed in the same manner as is above directed.

Actions
may be
entered
without
process.
When and
in what
cases a
warrant
may issue
against a
free
holder,
etc.

Provided always, that where any parties shall agree to enter the actions without any process, the court shall proceed to trial in the same manner as if a summons or warrant had issued.

Provided also, and be it enacted by the authority aforesaid, That if any such plaintiff or his attorney so applying shall upon oath or affirmation declare that he or she does really and sincerely believe that if such process be only by summons against such freeholder or inhabitant having a family, the plaintiff will be in danger of loosing the debt or demand thereby, or doth really and sincerely believe that such freeholder or inhabitant will depart the county wherein he doth reside before the time appointed for hearing such cause, then the court shall issue a warrant in such manner as is above directed; and if any plaintiff or defendant shall require a longer time than is first appointed by the court to try the said cause, and will if required give sufficient security to appear and stand trial on such other day as shall be appointed, then the court is hereby empowered and required to adjourn the trial of such cause to any day the court shall judge most convenient, not exceeding twelve days nor less than three from that time, unless the court and parties shall otherwise agree.

Non-resi-
dent
plaintiff
giving
security
may have
warrant
returnable
immedi-
ately.

Provided always that where the plaintiff in any cause or action to be brought by virtue of this act shall be a non resident of the county and shall give security to pay the debt or damages and costs of suit, in case judgment shall be given against him, that then he may have a warrant returnable immediately, and the court in which such cause is to be tried shall not adjourn the same for more than three days, unless the parties agree to allow a longer time: And if any adjournment is made without the consent of the plaintiff that then the defendant shall give security in the sum of ten pounds with costs for his personal appearance on the day to which such adjournment shall be made, and in default of giving such security, the magistrate shall proceed to tryal without adjournment.

IV. *And be it enacted by the authority aforesaid,* That in every action that shall hereafter be brought in this State by virtue of this act, it shall and may be lawfull for either of the parties to the suit, or either of their attornies, to demand of the said court that such action be tried by a jury, and upon such demand the said court is hereby required to issue a venire directed to any constable or other proper officer of the city, town, manor, borough, district or precinct, where the cause is to be tried, commanding him to summon twelve good and lawfull men being freeholders or freemen of the city or being freeholders of the town, manor, borough, district or precinct, where the said cause is to be tried to, be and appear before such magistrate issuing such venire, at such certain time and place as shall be expressed in such venire, and who shall be in no wise of kin to the plaintiff or defendant, or interested in the suit, to make a jury for the trial of the action between the parties mentioned in the said venire, which constable or officer shall at the return of the said venire, return a panel of the names of the jurors he shall so summons by virtue thereof; and the name of each person so impaneled shall be written in several and distinct pieces of paper as near of one size and bigness as may be, and shall be delivered to the said magistrate before whom such cause is to be tried by the constable returning such panel, or some agent of his and shall by the constable or magistrate be rolled up all as near as may be in one and the same manner, and put together in a box or some other convenient thing, and on the trial of such cause such magistrate or such indifferent person as he shall appoint for that purpose, shall draw out six of the said papers one after another; and if any of the persons whose name shall be so drawn shall not appear, or shall be challenged and set aside, then such further number thereof shall be drawn as shall make up the number six who do appear, after all legal causes of challenge allowed by the said court, (unless the parties agree that the said constable shall summons six men at his discretion,) and the said six persons so first drawn and appearing and approved by the court as indifferent shall be the jury who shall try the cause to each of whom the said magistrate shall administer the following oath, (*viz.*.)

Venire for a jury to issue on demand of either party. Jury, how to be selected, etc.

You shall well and truly try this matter in difference, between A. B. plaintiff, and C. D. defendant, and a true verdict give according to evidence, so help you God.

Form of jurors' oath.

And after the said jury have taken the oath aforesaid they shall sit together and hear the several proofs and allegations of the parties which shall be delivered in public in their presence, and to each of the witnesses on the said trial the said magistrate shall administer the following oath, (or if of the people called Quakers affirmation) *viz.*,

Jury to sit together, hear proofs, etc.

The evidence which you shall give in this matter in difference between A. B. plaintiff and C. D. defendant, shall be the truth the whole truth, and nothing but the truth; so help you God;

Form of witness' oath.

And after hearing the proofs and allegations the jury shall be kept together in some convenient place until they all agree upon a verdict; and for which purpose a constable shall be sworn and to whom the said magistrate shall administer the following oath, (*viz.*.)

You shall keep every person sworn on this inquest together in some private and convenient place without meat or drink, and you shall not speak to them or either of them, nor suffer any other person to speak to them or either of them, untill they are agreed on their verdict, unless it be to ask if they are agreed on their verdict, so help you God,

Form of constable's oath.

And when the jurors have agreed on their verdict they shall deliver it into the court, which is hereby required to give judgment thereupon,

Delivery of verdict, etc.

and to award execution in the manner hereinafter directed: Provided always that no oath or affirmation of either party, or *ex parte* affidavit of any other person, shall be allowed or given in evidence in any such action unless the parties agree to admit of such evidence.

Penalty for neglecting to appear when summoned as a juror or witness.

V. *And be it further enacted by the authority aforesaid*, That every person summoned and drawn as a juror or subpoenaed as a witness who shall not appear, or appearing shall refuse to serve, or give evidence in any such action, shall forfeit and pay for every such default or refusal, (unless some reasonable cause shall be proved by oath affidavit or affirmation to the satisfaction of the court) such fine or fines not exceeding the sum of four pounds nor less than five shillings, as the said court shall think reasonable to inflict or assess, and the said court is hereby authorized and required to issue a warrant to any constable to levy the same on the goods and chattles of the offender and for want thereof to take and convey him or her to the goal of the said county wherein the offence has been committed, or to the next nearest goal, there to remain until he pays the said fine together with the costs attending the same, and the keeper of the said goal is hereby commanded to keep such offender in safe custody in the goal aforesaid, until the said fine together with the said costs shall be fully paid —

Only to be inflicted on oath, etc.

Provided always that no such fine shall be inflicted or assessed before an oath made to the court by some credible person that the juror or witness aforesaid had been lawfully summoned or subpoenaed as aforesaid: All and every of which said fines when recovered, shall be delivered by the said court to the overseers of the poor for the use of the poor of the district or place where the same shall be levied.

When judgment for costs to be rendered against the plaintiff.

When for damages and costs. Execution, levy and collection of.

VI. *And be it further enacted by the authority aforesaid*, That if the plaintiff in any such action shall be nonsuited, or discontinue or withdraw his action without the consent of the defendant, then judgment shall be given against such plaintiff for the costs accrued, or if he shall appear to be indebted to the defendant, then judgment shall be given against him for the debt or damages, and costs as the case may require; and whenever judgment shall be given against either plaintiff or defendant in any of the before mentioned actions, the said court shall grant execution thereupon directed to one of the constables or other proper officer of the said city, borough, town, manor, precinct or district, commanding him to levy the debt or damages and costs on the goods and chattles of the person against whom such execution shall be granted, and for want of sufficient goods and chattles whereon to levy the same, to take the body of the person against whom such execution shall be granted, and him or her convey to the common goal of the city borough or county, which said constable or other proper officer, after his taking such goods and chattles into, his custody by virtue of such execution, shall immediately give public notice by an advertisement signed by himself put up at three public places of the city borough town manor precinct or district where such goods and chattles shall be taken, of the sorts of goods and the time and place when and where they shall be exposed to sale, at least five days before the time appointed for selling them, and at the time and place so appointed for selling them, shall expose them to sale by public vendue to the highest bidder, and pay the debts or damages and costs levied to the magistrate who issued the execution (and return the overplus if any be) to the owner, and that within twenty days after the receipt of such execution, and for want of sufficient goods and chattles whereon to levy, the said constable or other proper officer shall according to the tenor of the said execution take the body of the person against whom any such exe-

cution shall be granted, and convey and deliver him or her to the keeper of the common goal of the city, borough or county, which said keeper is hereby commanded to keep such prisoner in safe custody in the common goal aforesaid, until the debt or damages with the costs shall be fully paid, or until he or she shall be from thence delivered by due course of law.

Provided nevertheless, that no execution of any judgment given by virtue of this act, shall issue against any freeholder or inhabitant having a family, in less than sixty days after giving the said judgment unless the party in whose favour judgment shall be given, shall make it appear to the said court on oath or affirmation, that he or she will be in danger of loosing the debt or damages if such delay be allowed, in which case the said court shall issue execution immediately as hereinbefore directed: unless the party against whom such judgment shall be given, shall thereupon give security to the party in whose favour judgment was given that he or she shall pay the debt or damages and costs before or be forth coming at the expiration of sixty days —

When execution to issue against freeholders.

VII. *And be it further enacted by the authority aforesaid,* That in case any constable or other proper officer shall collect or levy any debt or damages and costs in any action, and shall neglect or refuse to pay the same to the magistrate, who issued the execution, or in case of his death or removal from office to the person in whose favour the execution was granted such constable or other proper officer shall forfeit and pay to the party grieved for every twenty days he shall so detain the money in his hands the sum of fifty shillings for every neglect to be recovered by action of debt together with costs, before any justice, mayor, recorder or alderman, and to be levied by execution in manner and form as other debts and costs are to be levied by virtue of this act, except as to the time of granting execution, which may be issued immediately after judgment, upon request of the plaintiff in such suit.

Penalty for failure of constable to pay over money collected on execution.

VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall commence or prosecute any suit or action for any debt or damages made cognizable as aforesaid in any other manner than is directed by this act and shall obtain a judgment thereon for debt or damages, which without costs of suit shall not amount to more than ten pounds, not having caused an oath or affirmation to be made before the obtaining a writ and filed the same in the clerk's office, that he she or they so making oath or affirmation did truly believe the debt due, or damages sustained exceeded the sum of ten pounds, he she or they so prosecuting shall not recover nor have any costs in such suit or action, except in actions of slander, any law usage or custom to the contrary in any wise notwithstanding,

Cases in which plaintiffs shall not recover costs.

Provided always, that neither this act nor any thing herein contained, shall be deemed or construed to extend to such actions wherein the people of this State may be concerned, or where the title of lands shall in any wise come in question, or any action of slander. Provided also that nothing in this act contained shall extend to matters of account, where the sum total of such account shall exceed in the amount or value thereof the sum of eighty pounds; and that account proof'd to the satisfaction of the said court.

Act not to extend to actions named.

IX. *And be it enacted by the authority aforesaid,* That when in any action of trespass to be brought by virtue of this act, the defendant shall justify upon plea of title, a record shall be made thereof, and the matter of fact taken *pro confesso*, and the party making such plea shall become bound with one or more sureties by way of recognizance unto the adverse party in a reasonable sum not exceeding forty pounds, on condi-

Proceedings in case defendant pleads title in action of trespass.

tion that he or she shall pursue his or her plea, and bring forward a suit for a trial of his or her title at the next inferior court of common pleas to be holden for the county in which such trespass is alleged to be done, and pay and satisfy such damages and costs as by the said court shall be awarded against him or her, which recognizance the justice is hereby empowered to require and take, and shall be paid by the recognizer the sum of three shillings, and for entering his plea eighteen pence, and at the charge also of the defendant shall certify the process and record of such plea, together with the recognizance, unto the said inferior court of common pleas; and if such recognizer shall neglect to bring forward such suit at the inferior court the next term after the return of the said plea and recognizance, the default shall be entered in the said court, and a writ of *scire facias* shall issue out of the clerks office of the same court, in manner as by law is directed for the recovery of the sum or penalty in the said recognizance mentioned of him the said recognizer his surety or sureties, or if upon trial before the said court he shall not make out a title to the land or tenements on which the trespass is alleged to be done paramount to the possession or other title of the adverse party; judgment shall be rendered for the party upon whom the trespass hath been done, for the damages committed and costs of suit; but if the defendant in trespass justifying on plea of title shall refuse or neglect to become bound in manner as aforesaid, then his plea shall abate, and the magistrate before whom the suit or action is brought, shall proceed to try the action, and upon due proof of the trespass committed by the defendant, shall award damages against him or her to what shall be made out with costs of suit, and if in trying the cause there be proved any force or violence and breach of the peace, the party or parties guilty thereof shall be bound over to the next court of general sessions of the peace, to be punished as the law in such cases does provide, for which recognizance the fee shall be three shillings.

Actions to be brought before justice of peace, etc.

X. *And be it further enacted by the authority aforesaid,* That all and every sum and sums of money not exceeding the value of ten pounds, to be sued for and recovered in any court of record by virtue of any law of this State shall be and hereby are made cognizable before any one justice mayor recorder or alderman in manner as aforesaid, any thing in the said law mentioned to the contrary in any wise notwithstanding. And also that where in any city town manor borough precinct or district, no such constable or other proper officer shall be chosen or appointed, or the said constable or proper officer be absent from home, that then and in such case the justice mayor recorder or alderman upon application made, shall and may direct the process or execution to the constable of the next adjoining city town manor borough precinct or district living nearest where the defendant dwells or can be found, who is hereby required to execute the same; unless some other person shall voluntarily consent to be deputed by the court for that purpose.

When execution to issue to constable of adjoining town, etc.

Costs.

XI. *And be it further enacted by the authority aforesaid,* That no greater or other costs shall be allowed taxed or taken in actions brought by virtue of this act, than the following Justices fees — a summons, nine pence, a warrant one shilling, a judgment one shilling, administering every oath or affirmation six pence, every execution one shilling and six pence, subpœna for each witness six pence, issuing the *venire facias* to summon a jury one shilling, swearing the jury one shilling, evidences attending on subpœna or otherwise two shillings a day and so in proportion for a longer or shorter time; constable or other proper officer

for serving every warrant, notifying the plaintiff to tryal, summons or execution, for one mile travel or under, one shilling for every mile more six pence. Provided also, that on all precepts to be issued by virtue of this act, the fees for serving be computed only from the place of abode of the defendant, or where he shall have been found, to the place where the precept is returnable; serving every execution for every pound, one shilling, summoning every jury three shillings, juries for all causes tried, one shilling pr man, when summoned and attending and the cause not tried, six pence pr man, to the constable or other person serving subpæna one shilling for each witness.

Provided, that the whole costs to be recovered or allowed in any one cause or action shall not exceed the sum of forty shillings. And provided, that nothing herein contained shall extend to oblige any justice of the peace being a member of the senate or assembly, any judge of the county courts or the mayor or recorder of the cities of New York and Albany to take cognizance of any actions by virtue of this act; but that they shall be at liberty at all times to act therein or not, at their discretion.

Limited to forty shillings.

XII. *And be it further enacted by the authority aforesaid,* That one certain act entitled "An act for establishing and regulating courts to determine causes of forty shillings and under in this colony," passed the sixteenth day of December one thousand seven hundred and thirty seven; and also an act entitled "An act to empower justices of the peace, mayors recorders and aldermen, to try causes to the value of one hundred pounds and under and for suspending an act therein mentioned," passed the twenty sixth day of February, one thousand seven hundred and eighty, and the amendments clauses matters and things to the said acts or either of them appertaining, shall be and are hereby repealed

Acts repealed.

XIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no writ of certiorari or writ of error, shall be issued out of the supreme court of this State in any suit or action wherein a final judgment shall be given by any magistrate by virtue of this act, unless one of the parties in such suit shall within one month after such final judgment make affidavit before one of the judges of the supreme court, or one of the judges of the inferior courts of common pleas of the county where such judgment shall be given, or before one of the commissioners for taking affidavits to be read in the supreme court (and in case such affidavit shall be made before one of the judges of the county, or such commissioner, such affidavit shall be transmitted to one of the judges of the supreme court, satisfying such judge that there is reasonable cause for granting a writ of certiorari or writ of error to remove such judgment, either for error therein or some other unfair practice in the magistrate who shall have tried the cause, which shall be particularly specified in the said affidavit; and the judge or commissioner before whom such affidavit shall be made shall keep a true copy thereof, and when thereunto requested, shall deliver the same to the adverse party.

Writs of certiorari, etc., only to issue on affidavit of party to suit.

XIV. *And be it further enacted by the authority aforesaid,* That any person being a party in such action who shall procure any writ of certiorari or writ of error, otherwise than is herein above described, shall forfeit the sum of ten pounds to be recovered by action of debt, with costs of suit, before any justice of the peace, mayor, recorder or alderman within this State, by the adverse party plaintiff or defendant in such original suit for his own use—That if on bringing any certiorari or writ of error upon any judgment in any action tried by virtue of this act, such judgment shall be confirmed, then the party procuring such

Penalty for procuring writ except as herein provided.

writ of certiorari or writ of error shall pay all costs of defending such suit in the court above, to be taxed by one of the judges of the said court, and recovered by certificate from said judge, before any justice of the peace mayor recorder or alderman in the county in which such cause shall have been tried—And if the said judgement shall be reversed, the person in whose favour such judgment shall be reversed, shall in like manner have his costs to be taxed and recovered as aforesaid.

Persons not entitled to commence suits without taking oath.
Form of.

·XV. *And be it farther enacted by the authority aforesaid* That no person shall be entitled to commence any suit or process in any court of record either of law or equity within this State until he she or they shall first take the following oath, (vizt.)

I, A. B. do solemnly without any mental reservation or equivocation whatsoever, swear and declare and call God to witness (or if of the people called Quakers, affirm,) that I renounce and adjure all allegiance to the King of Great Britain and that I will bear true faith and “allegiance to the State of New York, as a free and independent State, and that I will in all things to the best of my knowledge and ability, do my duty as a good and faithful, subject of the said State ought to do, so help me God.

Not required to take oath second time, etc.

Provided nevertheless that any person who hath taken the aforesaid oath, and shall produce a certificate thereof signed by the magistrate or judge before whom the same was taken (the magistrate keeping a record of the same) shall not be required to take it a second time by virtue of this act, and provided also that if any person the subject of a neighbouring State, shall commence any suit within this State and shall produce a certificate to the satisfaction of the court before whom the case is to be tried, that he she or they, is well affected to the American cause, and hath taken an active and decisive part therein, such person shall not be obliged to take the above oath. And provided further, that any thing in this enacting clause shall not extend to any inhabitant of the county of Westchester.

Pending suits may be prosecuted to judgment.

XVI. *And be it further enacted by the authority aforesaid*, That all suits already commenced before any mayor, recorder, alderman, or justice of the peace within this State, by virtue of any act in force before the passing of this act, shall and may be proceeded on to judgment and costs awarded and execution granted as fully and effectually as if this act had not passed, any thing contained in this act to the contrary thereof in any wise notwithstanding:

CHAP. 37.

AN ACT for raising the sum of eighteen thousand pounds, and the further sum of eighteen thousand pounds by tax within this State, and for settling public accounts.

PASSED the 12th of April, 1782.

Tax levied, county quotas.

I. *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 there shall be raised by tax within this State and paid into the treasury of this State on or before the first day of June next, the sum of eighteen thousand pounds in specie. That the quota of the county of Albany of the said sum shall be seven thousand nine hundred and twenty pounds, the quota of the county of Dutchess, four thousand

nine hundred and fifty pounds, the quota of the county of Ulster, two thousand seven hundred pounds, the quota of the county of Orange, one thousand eight hundred and forty five pounds; the quota of the county of Tryon, one hundred and eighty pounds, the quota of the county of Westchester, three hundred and fifteen pounds, and the quota of the county of Charlotte, the sum of ninety pounds. That the said sum of eighteen thousand pounds shall be levied collected and paid in specie or grain, in like manner, and under the same pains and penalties as is directed and prescribed with respect to the sum of twenty five thousand pounds directed to be levied by the act entitled "An act for levying a tax within this State," passed the twentieth day of November last. That there shall be raised by tax within this State and paid into the treasury of this State, on or before the fifteenth day of October next, the further sum of eighteen thousand pounds in specie and that the quota's of the several cities, wards, towns, manors, districts and precincts within the several counties herein before named, shall be in a like proportion thereto, as they shall be to the said sum of eighteen thousand pounds directed to be raised by this act. That the assessors shall proceed to make the assessments on or before the first day of August next, and the said sum of eighteen thousand pounds shall be collected levied, and paid in specie or grain in like manner, and under the same pains and penalties as is directed with respect to the said sum of twenty five thousand pound directed to be levied by the said act entitled "An act for levying a tax within this State," passed the twentieth day of November last.

To be paid in specie or grain.

Assessors to make assessments before day named.

II. *And be it further enacted by the authority aforesaid,* That it shall be lawfull for the person administering the government of this State for the time being, to direct the State agent to take all the wheat and rye which has or may be received in payment of the tax directed to be raised by the act entitled "An act for levying a tax within this State," passed the twentieth of November last, and not heretofore appropriated and cause the same to be manufactured into flour, and to sell such flour, or to sell such wheat or rye, or any part thereof on such terms and conditions, as the person administering the government for the time being, shall deem most advantageous for the State, and the monies which the State agent shall from time to time receive from any such sale, he shall forthwith after the receipt thereof, pay into the treasury of this State, and further, that it shall be lawfull for the said State agent to sell the bran and shorts and coarse cornell of the wheat or rye so to be manufactured into flour, and the monies thence arising to apply to the purchase of flour casks and to defray such incidental charges as may arise in the performance of the duties required of him by this act, and the overplus to pay into the treasury of this State.

Governor to direct State agent to take wheat, etc., and cause same to be made into flour.

III. *And be it further enacted by the authority aforesaid,* That the several collectors in each county shall from time to time make returns to their respective county treasurers, of all the wheat or rye which shall or may be collected on the said first mentioned sum of eighteen thousand pounds, specifying the number of bushels which may be stored in any mill or other buildings, and the names of the persons who are intrusted with the same, in their respective cities, wards, towns, manors, districts or precincts, and in like manner shall make returns of all the wheat and rye which shall or may be collected on the said second sum of eighteen thousand pounds, who is hereby authorized and required from time to time to sell the same, and the money arising therefrom to deposit in the treasury of the State. Together with an account of all sales by him made, and shall retain in his hands one and an half per cent on the amount of such sales.

Collectors to make returns to county treasurers of grain collected and treasurers to sell same.

Minimum price.

Provided always that none of the said treasurers shall sell any of the said wheat for a less sum than eight shillings per bushel unless otherwise directed by the person administering the government of the State for the time being.

Payments to be made by State treasurer.

IV. *And be it further enacted by the authority aforesaid* That out of the said second sum of eighteen thousand pounds, the sum of twelve thousand pounds shall by the treasurer of this State be from time to time paid to such person, as his excellency the governor or person administering the government of this State for the time being shall by warrant under the privy seal of this State authorize to receive the same, who shall pay the same to Major General M^dDougall and Brigadier General James Clinton and to such of their respective suites as are inhabitants of this State to John Gano chaplain, and to the officers and privates of the two regiments of infantry of the State commanded by Colonels Van Schaick and Cortland to such of the officers and privates in the regiment of artillery commanded by Coll^o John Lamb, as are deemed part of the quota of this State, in such proportions as his said excellency the governor shall direct on account for arrears of pay due between the first day of August one thousand seven hundred and eighty, and the first day of January one thousand seven hundred and eighty one.

Proviso as to impoverished condition of this State, etc.

And whereas from the impoverished condition of this State, occasioned by the devastations of the enemy, and by the frequent and extra supplies afforded by the inhabitation thereof upon several urgent emergencies when the army of the United States were destitute of provisions, and the most dangerous consequences were apprehended by the commanding officers; from the large bodies of troops this State are driven to the necessity of raising for the defence of the distressed inhabitants on an extensive frontier exposed to the horrid cruelty of a barbarous enemy; from the very heavy expence which will attend the completion of the regiments of this State in the service of the United States to their full establishment, from the necessity of raising a sum of money to discharge in part the arrears of pay due to the said regiments it is rendered incapable of affording any aid other than that of discharging the debt due from the United States to individuals of this State, many of whom have from time to time been invested with certificates given by officers of the United States for services performed, or property, either voluntarily sold or taken by virtue of compulsory laws of this State or taken without and legal authority on emergencies when the army of the United States was destitute of supplies, and have moreover been frequently divested of property for the benefit of the United States without having received any certificate or other voucher therefore, or any compensation whatsoever altho justly entitled thereto—

Ibid. as to loss of vouchers, death of witnesses, etc.

And whereas great loss may be sustained from the accidents to which such vouchers are exposed and by the death of witnesses and other casualties, and many inconveniences may result to individuals in the settlements of accounts with the person or persons appointed or to be appointed for the purpose by the United States, and that the important and necessary business of stating and settling the accounts of this State with the United States, as also that with the individuals thereof may be expedited and completed—

Commissioner to adjust and settle accounts to be appointed.

V. *Be it therefore further enacted by the authority aforesaid* That the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment is hereby authorized and required as soon as may be after the passing of this act, to appoint a commissioner to adjust and settle all accounts

claims and demands whatsoever, which any inhabitant of this State may have against the United States, except for any of the articles which shall be enumerated in the instructions to be given in manner herein after directed, and also to adjust and settle all accounts claims, and demands which any inhabitant of this State may have against this State in whatsoever manner the same may have accrued (except claims, for debts due from the estates of persons attainted or indicted for adhering to the enemies of this State, for which provision will be hereafter made) and all such accounts claims and demands to adjust and settle on such principles as shall from time to time be communicated to him by the legislature or by commissioners to be appointed for the purpose of instructing him—

VI. *And be it further enacted by the authority aforesaid,* That it shall be lawfull for the said commissioner to receive from every such claimant as aforesaid all vouchers and accounts, offered in support of any claim or demand and if, after such examination and investigation as shall be detailed in such instructions as aforesaid, he shall approve of such claim in whole or in part, to give the original claimant or legal representative such and so many certificates as may be necessary for the amount or ballance due and shall also give such certificates in discharge for any sums due on accounts—audited by the late auditor general of this State, or which may be audited by the present or future auditor of this State or heretofore audited by any auditor or commissioner, appointed by the authority of congress.

Commissioner to receive vouchers and give certificates.

VII. *And be it further enacted by the authority aforesaid,* That the treasurer of this State, and the said commissioner shall cause a competent number of certificates, to be printed and bound up in books in such manner and form and with such device or border as they shall deem best calculated to prevent frauds and counterfeits, and with blanks for the sums due to the person to whom the same shall be given, and to bear date on the first day of June next, purporting that the bearer of such certificate shall be entitled to receive from the treasury of this State the sum specified in such certificate in gold or silver with interest at six per cent per annum from the date thereof untill redeemed according to law, that each of the said certificates shall be numbered and in the margin of the book opposite thereto, there shall be entered the like number after which the said treasurer shall cut the said certificates out of the book in such manner as to leave the number on the margin and having tested such certificates, shall deliver such and so many of them to the said commissioner as he shall from time to time require and the said commissioner shall sign each of the said certificates before he shall deliver them to the persons entitled thereto, that all the certificates which shall be granted by the said commissioner as aforesaid, shall bear an interest at the rate of six per cent per annum, to be computed from the date of each certificate, that the said commissioner shall and may and is hereby authorized to administer an oath, or affirmation to every person who it may be necessary to examine, in order to investigate the truth of any matter on which doubts may arise or in the execution of any of the duties which shall be enjoined on him by the instructions to be given as aforesaid, that it shall be the duty of the said commissioner and he is hereby required as soon as he shall conceive that he hath settled all the accounts, claims, and demands in manner aforesaid, to signify the same to the treasurer—

Officers named to cause certificates to be printed, etc.

Contents of certificates.

VIII. *And be it further enacted by the authority aforesaid* That the treasurer of this State shall be and he is hereby inhibited from issuing any more of the bills of credit now in the treasury of this State, which

Treasurer not to issue bills of credit.

hath been directed to be issued by any law subsequent to the fourteenth day of June seventeen hundred and eighty and he shall also retain in the treasury any such bills of credit emitted since the said fourteenth day of June which may from time to time come into the treasury by taxes or otherwise as belonging to this State.

Commissioners appointed to give instructions to officers named.

IX. *And be it further enacted by the authority aforesaid* That Abraham Yates Jun^r Philip Schuyler and John Lansing Jun^r or the major part of them or the major part of such as shall from time to time be appointed by the legislature shall be and hereby are appointed commissioners from time to time to give instructions to the said commissioner and to the auditor of this State in such cases as may not be provided for by the instructions to be signed by the president of the senate and the speaker of the assembly, and in any cases wherein doubts may arise with the said commissioner or auditor on the construction of any article in the said instructions.

Proviso as to old Continental money.

And whereas some part of the nine million seven hundred and fifty thousand dollars of the old Continental money assigned to this State for redemption by the congress of the United States, still remain unpaid and that it does not appear necessary to pass a law to raise the same by a tax as the charges incident on raising taxes for the purpose throughout the State would amount to great part of the value of the deficiency—

Treasurer to procure deficiency, and pay same to commissioner of an office.

X. *Be it therefore enacted by the authority aforesaid* That the treasurer of this State be and he is hereby authorized and required out of any monies now or which may hereafter be in the treasury unappropriated, to procure the deficiency of the said nine million seven hundred and fifty thousand dollars and the same to pay unto the commissioner of the Continental loan office within this State, and that the said treasurer shall from time to time out of any unappropriated monies in the treasury pay the drafts of the said commissioner to be appointed in pursuance of this act for any sums of money which he may want, in the execution of his office not exceeding in the whole the sum of two hundred pounds.

Compensation to be made.

XI. *And be it further enacted by the authority aforesaid*, That the faith of this State be and is hereby pledged, to make ample compensation to the said commissioner for his services in discharging the duties required of him by this act.

Act repealed.

XII. *And be it further enacted by the authority aforesaid* That the act entitled "An act for raising by tax a sum equal to one hundred and fifty thousand dollars in specie" passed October tenth, seventeen hundred and eighty shall be and hereby is repealed.

Proviso as to election of collector in North Castle.

Whereas the inhabitants of the precinct of North Castle in the county of Westchester, did at their annual town meeting in April seventeen hundred and eighty one elect a collector as an annual officer who at the time of such election did engage to give security for the faithful performance of the duty of his office; but for his non-compliance therewith, two justices of the peace in the said county, by their warrant did appoint a special town meeting on the first day of October last at which special town meeting Isaac Smith of the said precinct was elected a collector of the said precinct, and entered on the execution of the office; but doubts have since arisen whether the said Isaac Smith is legally elected collector,

Isaac Smith declared lawful collector.

XIII. *Be it therefore enacted by the authority aforesaid* That the said Isaac Smith is hereby declared to be, and shall (from and after the first day of October last until the last annual town meeting) be deemed the lawful collector of the said precinct.

CHAP. 38.

AN ACT to stay certain procecutions and for the remission of certain fines in the county of Tryon, and for other purposes therein mentioned.

PASSED the 13th of April, 1782.

WHEREAS during the last campaign, and at or about the time when the enemy penetrated into the county of Tryon, several of the inhabitants of the said county were divested of property for the use of the public, and others were divested of property which was appropriated to private use, altho' as has been suggested without any criminal intention in the persons who took the same. That compensation may be made and suits prevented in the said county,

Preamble.

I. *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 Christopher Yates Esquire of Schenectady Henry Oothoudt Esquire of Cats Kill, and John N. Bleecker Esquire of the city of Albany, be and hereby are appointed commissioners to estimate and ascertain the value of the property so taken as aforesaid from every person in the said county of Tryon between the first day of January seventeen hundred and eighty one, and the first day of January last; and shall make a schedule of all such property taken and appropriated to public use, specifying the articles, the value of each, the time when taken, and the names of the persons from whom the same was taken; and shall also declare to what public use such property shall appear to have been applied; a copy of which schedule they shall transmit to the agent of this State, who shall thereupon make out and sign certificates in favour of each person so divested of property for the public use, and for the sums estimated as due to the persons named in the schedule respectively, and shall transmit such certificates to the said commissioners, who shall thereupon cause the same to be delivered to the persons entitled thereto, and such persons respectively shall deliver to the said commissioners any certificate they may have received from any officer of this State, or from any officer of the United States for such property taken for public uses—And shall immediately after having adjusted the claim of any person from whom property hath been so taken, give a certificate of such adjustment to the person having taken the same, and in case of any suit against such person for such property so taken, the court wherein such suit is or shall be brought shall allow such certificate to be pleaded in evidence as a bar to such suit—

Commissioners to estimate value of property taken.

Schedule to be made.

Copy to be transmitted to, and State agent to make and sign certificates in favor of persons named in schedule.

II. *And whereas* the property so taken as aforesaid and appropriated to private uses, appears to have been taken from Michael Karman, Francis Frey, John L. Davis, Thomas Davis, Michel Haggie, William Shoeman, John Morgan, Baltus Argisinger, Godfrey Ancy, Jacob Kaleman, George Kook, Jacob Algire, Martin Salmser, John W. Davis, Thomas Pratt, Baltus Argisinger Jun^r, Philip Werner, John Halenbeck, Timothy M^o Carty, William Kennedy, William Grant, Daniel M^oGriger, Edward Connor, Sarah Conner, Elizabeth Dunn, and the widow of John Van Slike, by Christian Ernest, Amos Bennett, William Stine, Henry Cartwright, Andrew Frank, Micha Fuller, Thomas Shadwick, James Kennedy, Timothy Hunt, Jacob Ernest, John Stine, Henry Guile, Matthias Dors, Samuel Weeks, Christian Service, Matthias Waert, Abraham Sashe, Morris Waert, Mark Hen, Robert Robison, Levi Guile, Adam Hols-

Persons from whom property appears to have been taken.

berger, Joseph Elliot, John S. Haines, Abraham Hodges, William Gibson, Jacob Elliott, and Cornelius Sixbury.

Commissi-
oners to
declare
amount,
etc.

II. *Be it therefore enacted by the authority aforesaid* That the said commissioners or any two of them are hereby authorized by writing under their hands to declare the amount of the value of such property taken, together with any damages done and from time to time to declare by whom of the persons last mentioned, and in what proportions such valuations of property and damages shall be paid and borne—

Provided always that if it shall appear to the major part of the said commissioners, that any of the property of the persons last mentioned, and which was taken by the enemy was found on any of the persons first mentioned, the commissioners shall not direct any compensation to such person for any damages he or she may have sustained, nor direct compensation for any property taken or damages done to any person who is since gone within the enemies lines.

Prosecu-
tions sus-
pended on
payment
of value of
property
taken.

III. *And be it further enacted by the authority aforesaid* That all prosecutions on the part of the people of this State, and all prosecutions commenced or to be commenced by the said Michael Karman, Francis Frey, John L. Davis, Thomas Davis, Michael Haggie, William Shoeman, John Morgan, Baltus Argisinger, Godfrey Ancy, Jacob Kaleman, George Kook, Jacob Algire, Martin Salmser, John W. Davis, Thomas Pratt, Baltus Argisinger Jun', Philip Werner, John Halenbeck, Timothy M'Carty, William Kennedy, William Grant, Daniel McGriger, Edward Conner, Sarah Conner, Elizabeth Dunn, and the widow of John Van Slike, or any of them, from whom property has been so taken as aforesaid shall be and hereby are stayed against the said Christian Ernest, Amos Bennett, William Stine, Henry Cartwright, Andrew Frank, Micha Fuller, Thomas Shadwick, James Kennedy, Timothy Hunt, Jacob Ernest, John Stine, Henry Guile, Matthias Dors, Samuel Weeks, Christian Service, Matthias Waert, Abraham Sashe, Morris Waert, Mark Hen, Robert Robison, Levi Guile, Adam Holsberger, Joseph Elliot, John S. Haines, Abraham Hodges, William Gibson, Jacob Elliot and Cornelius Sixbury, on their respectively paying, or securing to be paid in such manner as the said commissioners, or any two of them shall direct, such sum or sums, and to such person or persons, for the value of the property so taken or damages done, as by the said commissioners or any two of them shall be awarded; and the persons respectively who shall have so paid or secured to pay the sum or sums so awarded, shall thereupon receive from the said commissioners or any two of them such certificate thereof as they shall deem and think proper; which certificate, duly proved, may be given in evidence in any court within this State, and shall by such court be deemed a sufficient bar against any prosecution on the part of the people of this State, commenced or to be commenced for having taken such property as aforesaid, and shall also be a bar against any suit commenced or to be commenced by the said Michael Karman and every other of the said before mentioned persons from whom property was taken as aforesaid, and the said commissioners, or any two of them, are hereby authorized to subpoena and cause to come before them, and examine on oath such witness or witnesses as they may think proper for the purpose of ascertaining the value of such property taken and damages done, provided the value of such property and damages be ascertained on or before the first day of April next—

Persons
paying to
receive
certifi-
cate.

Evidence.

Persons
named to
pay com-
missioners.

IV. *And be it enacted by the authority aforesaid*, That the said Christian Ernest, Amos Bennet, William Stine, Henry Cartwright, Andrew Frank, Micha Fuller, Thomas Shadwick, James Kennedy, Timothy Hunt, Jacob

Ernest, John Stine, Henry Guile, Matthias Dors, Samuel Weeks, Christian Service, Matthias Waert, Abraham Sashe; Moris Waert, Mark Hen, Robert Robison, Levi Guile, Adam Holsberger, Joseph Eliot, John S. Haines, Abraham Hodges, William Gibson, Jacob Elliot and Cornelius Sixbury, shall pay and satisfy the said commissioners, all reasonable charges for their attendance on said business.

V. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures incurred by any person in the county of Tryon, for having kept a tavern, or sold spiritous liquors without a lycence from the justice of the peace or supervisors of the county between the first day of March one thousand seven hundred and eighty one and the first day of March last, shall be and are hereby remitted. Fines remitted.

CHAP. 39.

AN ACT more effectually to prevent illicit trade with the enemy.

PASSED the 13th of April, 1782.

I. *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 all goods wares and merchandizes, other than such as are herein after excepted, which shall have been brought from any place within the possession of the enemy, and which shall after the first day of May next be brought into any part of this State not in the possession of the enemy, shall be considered as contraband goods, and be liable to seizure and condemnation. Goods brought from places within possession of the enemy contraband.

II. *And be it further enacted by the authority aforesaid,* That after the first day of May next it shall and may be lawful for any person or persons whatsoever to seize and take all goods wares and merchandizes, which he or they may find within, or passing through any part of this State, not in the possession of the enemy, and supposed to be liable to seizure and condemnation by virtue of this act, and the said goods wares and merchandizes which shall be so seized and taken, together with the person or persons in whose possession the same shall be found, to convey to and bring before a justice of the peace of the county wherein such seizure shall be made; which said justice shall take possession of the said goods wares and merchandizes, and shall give to each of the parties that shall pay for the same, a true and particular inventory of the said goods wares and merchandises, and shall without delay appoint a time and place for the trial of the same, in which trial the captor or captors shall be considered as plaintiff or plaintiffs and the person or persons in whose possession the same were found, as defendant or defendants; and unless the defendant or defendants shall make it appear, by witnesses or otherwise, upon the trial of the cause, to such justice, or to a jury which shall be allowed to either party, if required, in like manner as is allowed on the trial of causes before justices of the peace, that such goods wares and merchandises were legally imported and not subject to condemnation by this act, such goods wares and merchandizes shall be condemned, the one half to the use of the captor or captors, and the other half to the use of the people of this State, altho' the value of such goods wares or merchandises should exceed the sum of ten pounds. Lawful to seize and bring same before justice; proceedings thereon.

Provided that the defendant or defendants in such cause may be allowed twenty days after the seizure of such goods to prepare for trial.

Justices may issue warrants on oath of party applying to search for contraband goods.

III. *And be it further enacted by the authority aforesaid,* That if after the said first day of May next, any person or persons shall apply to a justice of the peace of any county within this State for a warrant to search for contraband goods, and shall make oath that he or they suspect and verily believe that goods wares and merchandizes by this act declared to be contraband, are deposited or concealed in the dwelling house, out-house or other buildings of any particular person or persons in such county, the said justice shall forthwith issue his warrant directed to a constable of the county, requiring him to make diligent search in such suspected place or places, to be mentioned in such warrant, for contraband goods, and to break open the doors of any house or out-house, for the purpose of making any such search, if admittance shall be refused; and that if he shall upon such search find any such goods, he shall before the removal of such goods, in the presence of two reputable free-holders, make and subscribe with his name, a just inventory of all the goods by him seized, and deliver the same, to the possessor of the house, out-house or place where the same goods were found or seized; and cause the same goods to be brought before the said justice, and to give notice by advertisements to be fixed up at the place where such goods shall be found, that the claimant or claimants forthwith appear before the said justice and support his or their claim — That the said constable shall execute such warrant in the day time only, and shall take to his assistance two reputable freeholders of the county, and with them only, unless he meet with opposition, execute the said warrant and if by virtue of such warrant any such goods shall be brought before such justice, the said justice shall in all respects proceed in like manner as is directed in the second enacting clause; the person or persons applying for such warrant to be considered as plaintiff or plaintiffs:

Warrants to be executed in day-time.

Provided always, that if no claimant appear within twenty days after notice given by advertisement as aforesaid, the said justice shall give judgment in favor of the plaintiff or plaintiffs.

Wearing apparel and household furniture, etc., not to be condemned.

IV. *And be it further enacted by the authority aforesaid,* That no justice or jury shall by virtue of this act condemn the wearing apparel or household furniture of any person or persons, nor any goods wares or merchandises that shall be imported by virtue of a permission in writing heretofore given by the person administering the government of this State for the time being, nor any goods wares or merchandises which shall have been captured from the enemy, or that shall have been seized and condemned in any of the United States as contraband, any thing herein contained to the contrary thereof in any wise notwithstanding.

Before removal owner may give security and retain goods until condemned.

V. *And be it further enacted by the authority aforesaid,* That if upon the seizure of any goods by a constable as aforesaid, any person or persons shall before the removal of such goods by the constable, enter into bond to the said constable with good security, in double the value of the goods so seized to deliver the same to the justice on their being condemned, that in such case the said goods shall be permitted to remain where seized, and the constable shall under the inspection of the two freeholders he shall have taken to his assistance, make an inventory of the goods so seized and deliver the same with the said bond to the justice, who shall thereupon proceed in every respect as if the said goods had been brought before him; and in case such defendant or defendants shall not deliver such goods wares and merchandises, if the same shall be condemned, to the order of the justice of the peace before whom they were condemned, such justice shall summon such obligors in writing by directing copies of such summons to be left at their respective places of abode or the place of abode of either of them and

upon their delaying or refusing to fulfill the condition of such bond, to enter judgment against them for the said penalty and grant an execution directing the constable, of the goods and chattles, lands and tenements of the obligors in such bond mentioned, to cause to be made the sum specified in the said bond, with the costs, and for want of such goods and chattles lands and tenements, to commit the said obligors to the common gaol, there to remain until the said sum with the costs shall be satisfied.—

VI. *And be it further enacted by the authority aforesaid,* That whenever in a cause to be tried by virtue of this act, judgment shall be given for the defendant or defendants, the goods wares and merchandizes shall be restored, and the plaintiff or plaintiffs shall pay all fees and other necessary and incidental charges. But where any goods wares and merchandizes shall be condemned, the same shall be delivered to one of the collectors in the county in which such condemnation shall have been made, which collector shall under the inspection of such justice, sell the said goods wares and merchandizes at public vendue, first giving at least eight days notice by advertisement, to be fixed up in at least four public places of such county, of the time and place of such vendue: Provided, that the goods so to be sold do not in the opinion of the justice exceed in value the sum of twenty pounds; and that where the goods so to be sold shall exceed the sum of twenty pounds, the collector appointed to sell the same shall by advertisement, to be published in one of the news papers printed in this State, give notice of the time and place of such sale; which time, shall be less than twenty days after such publication in the news paper; and shall also by advertisement, to be put up in at least four public places in the district, publish such time and place. That all fees and incidental charges of the seizure, trial and sale of the said goods wares and merchandizes shall be paid out of the monies arising from such sale or sales; and the one moiety of the remainder of such monies shall by the said collector be paid to the plaintiff or plaintiffs, and the other moiety to the county treasurer of the county, in which such seizure shall be made, to be by the said treasurer paid into the treasury of this State, for the use of the people of this State: And it shall be the duty of the justice by writing to be by him signed, to inform the county treasurer of the sum or sums of money which the said collector shall have to pay to the said treasurer, out of the monies that shall arise from such sale or sales as aforesaid.

If judgment be for defendant goods to be returned and plaintiff to pay costs. If goods are condemned constable to sell same after giving notice.

Fees, etc., to be paid out of proceeds of sale.

VII. *And be it further enacted by the authority aforesaid,* That no British goods shall be deemed or taken to be captured goods importable into this State, unless the person importing the same shall produce a certificate subscribed by a judge of the superior court of the State, or a judge of the inferior court of the county from whence such goods are imported, purporting that the person from whom the goods were bought had personally appeared before him, and had made oath, that the goods were prize goods, captured from the enemy; and particularly mentioning the name of the vessel on board which they were captured, and the port from whence and to which she was bound, and that the goods were legally condemned, which oath shall be annexed to the invoice:

British goods not deemed captured goods importable unless certificate is produced.

Provided always, that no such captured British goods shall be brought into this State, if the vessel in which they were captured, had sailed from any port on the continent of America, and was bound to any port on the same continent, south of the Gulph of St. Lawrence. or had sailed from any island heretofore deemed a part of any of the late British colonies on the American continent, and was bound to any port on the said continent south of the gulph aforesaid, or to any such island as aforesaid.

Provido as to vessel in which captured.

On receipt of information named governor may suspend this act.

VIII. *And be it further enacted by the authority aforesaid,* That whenever the person administering the government of this State for the time being, shall receive such information as may merit his credit, that any one of the States east of the State of Maryland, shall have neglected to pass, or having passed a law in conformity to the act of congress of the second day of January last, have repealed the same. or that congress shall have recommended a repeal of such laws, that it shall be lawful for him, and he is hereby required by proclamation to be issued and published in one or more of the news papers in this State, to suspend this act; which suspension shall be in force until twenty days next after the first day of the meeting of the legislature after such proclamation.

CHAP. 40.

AN ACT for the further direction of the State agent, with respect to forage, and the collection of specific supplies.

PASSED the 13th of April, 1782.

Preamble.

WHEREAS the army of the United States heretofore have taken and been supplied with forrage, pasture, firewood, timber and other articles belonging to this State, without any account having been taken or vouchers given for the same—

State agent to attend army for purpose of supplying forage.

And whereas it is probable that the army will operate in this State in the ensuing campaign, and it may therefore be necessary that they should be furnished with similar articles belonging to this State, or the inhabitants thereof, and in order to obtain payment therefor it is requisite that some person should be appointed to take account thereof, receive vouchers, and superintend the same—

Value of forage, etc., how to be determined.

I. *Be it therefore 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 be, and is hereby made the duty of the State agent, either by himself, or such deputy or deputies as he shall appoint, to attend the army whenever the said agent shall judge it necessary for the purpose of supplying the said army, or any detachment thereof, with any forage or pasture belonging to this State, which the quarter master general or any of his deputies may apply for to the said agent or his deputy, and to receive payment or proper certificates or vouchers for the same, according to the valuation which shall be agreed on by and between the said agent or his deputy, and the quarter master general or his deputy. And in case of any such supplies of forrage, grass, timber, wood or other articles belonging to this State, being furnished to, or supplied for the use of the army, if the said agent or his deputy cannot agree with the quarter master or his deputy upon the value of any such article or articles so supplied or taken, or cannot agree on one or more persons to determine the same, to ascertain the value thereof, it shall be lawful for the said agent or his deputy to choose one person, provided the quarter master or his deputy will choose another person, which two persons so chosen, in case they cannot agree may choose a third person, and the judgment of any two of the said three persons so chosen, shall be binding in respect to the value and quantity of such article so taken or supplied

Ibid.

II. *And be it further enacted by the authority aforesaid,* That it shall be, and it is hereby made the duty of the said agent or his deputy, in like

manner as aforesaid to agree on the value of any forrage, pasture, timber, wood or other articles, which may be supplied to the army as aforesaid, from any farm or plantation where no person is in possession thereof, although the same may not be the property of the State, and to receive the money or take a certificate therefor; noting in a book to be kept by him for that purpose, the quantity and value of such articles and the name of the person to whom the same may be deemed to belong.

III. *And be it further enacted by the authority aforesaid,* That whenever the army shall be furnished with any forrage, pasture, timber, wood or other articles, from the farm or plantation of any person who may be in possession of the same, or which may be in possession of any other person by his order or appointment, and any difficulty shall arise either in ascertaining the value, or in obtaining payment or proper certificates or vouchers therefor, it shall be the duty of the State agent or his assistant, upon application in writing, of any such person to agree with the quartermaster or his deputy on the value of such article, or cause appraisal thereof to be made as aforesaid, and to receive payment or proper certificates or vouchers therefor, to the use of the said person or persons, to whom he shall pay or deliver the same. Ibid.

VI. *And it is hereby further enacted by the authority aforesaid,* That the State agent be, and is hereby directed by witnesses or otherwise, to ascertain in the best manner in his power, the quantity and value of the wheat, forage, pasture, firewood and timber, sequestered or forfeited to the people of this State, which has been supplied by this State to the United States, or which has been taken or made use of by the army of the United States in this State, for which no account has been made or rendered or voucher given, in order that the same may be charged by this State to the United States. Value of wheat, etc., sequestered to be ascertained.

V. *And it is hereby further enacted by the authority aforesaid,* That after the passing of this act, no suit shall be commenced by the State agent in pursuance of the act, entitled "An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy," passed the twenty fourth of June, seventeen hundred and eighty: and that the said State agent shall not commence any suit against any person, whose house barn or crop of grain has been destroyed by the enemy since the twenty seventh day of March seventeen hundred and eighty one, and whose name shall be delivered to the assistant State agent, by the respective supervisors of the different districts, for any tax or assessments made in pursuance of an act entitled "An act for procuring a quantity of wheat by an equal tax in kind," passed March twenty seventh seventeen hundred and eighty one, or in pursuance of the act entitled "An act for obtaining a supply of flour for the army," passed the twenty ninth day of June last. Agent not to commence suits.

CHAP. 41.

AN ACT for the further settlement of the accounts of the troops of this State, in the service of the United States.

PASSED the 13th of April, 1782.

WHEREAS there is due to the troops of this State in the service of the United States, the pay for five months accrued during the year seventeen hundred and eighty vizt. From the first day of August to the last of December both included. Preamble.

And whereas the legislature did by an act entitled "An act for the payment of the salaries of the several officers of government, and of certain debts due from this State," passed the first day of July last, make provision for the discharge of the pay for one month; and by an act entitled "An act for levying a tax within this State," passed the twentieth day of November last, make provision for the discharge of the pay for two months; and have by an act, entitled "An act for raising the sum of eighteen thousand pounds, and the further sum of eighteen thousand pounds, by tax within this State, and for settling public accounts," passed at this present meeting of the legislature, made provision for the payment of twelve thousand pounds on account, for arrears of pay due between the first day of August, seventeen hundred and eighty, and the first day of January seventeen hundred and eighty one, and which said several provisions are intended for the discharge of the pay for the said five months above specified. In order therefore to a settlement of the pay which has accrued during the year seventeen hundred and eighty one

Auditors to settle accounts of officers and privates of regiments named.

I. *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 be the duty of the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States to settle the accounts of the officers and privates of the regiment of artillery, and the two regiments of infantry of this State in the service of the United States, for their pay which has accrued from the first day of January to the last day of December seventeen hundred and eighty one both days included. That in the settlement of such accounts, the said auditors shall charge the officers and privates with the articles of clothing which were delivered to them since the year seventeen hundred and eighty, on account of this State, at the prices at which the same were directed to be delivered. That the said auditors shall from time to time transmit to the treasurer of this State, the names of the different persons whose accounts shall be so settled, together with the amount of the balance due to each person respectively, and which the treasurer shall enter in a book, to be provided by him for the purpose. That the said ballances shall be deemed to bear an interest of six per cent per annum, to be paid annually in specie, and to be deemed to commence on the first day of January last, and that the legislature will provide for the payment of the said ballances within one year after the termination of the present war, and for the punctual annual payment of such interest in the mean time.

And whereas it hath been suggested that a payment was made to the said troops during the last campaign;

Payment made to be for pay accrued since day named.

II. *Be it further enacted by the authority aforesaid,* That such payment as far as to the amount thereof, shall be deemed to be for pay accrued since the last day of December last.

III. *And be it further enacted by the authority aforesaid,* That the said ballances or the interest, thereof, shall not be paid to any assignee, but shall only be paid to the officer or private to whom they are respectively due his executors or administrators.

CHAP. 42.

A SUPPLEMENTARY ACT to the act entitled "An act for the further defence of the frontiers of this State" passed the twentieth November last.

PASSED the 13th of April, 1782.

WHEREAS doubts may arise whether the troops directed to be raised by virtue of the act entitled "An act for the further defence of the frontiers of this State" passed the twentieth of November last, are to be under the command of the commander in chief of the army of the United States: To remedy which, Preamble.

I. *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 all the troops raised or to be raised by virtue of the said act, shall be and hereby are declared to be subject to the rules and articles of war established by the United States in Congress assembled for the government of the army of the said States, and shall as soon as the said troops shall be raised and the detachments made for the purpose of completing the regiments of this State serving in the army of the United States, be under the command of the commander in chief of the said army Troops subject to rules and articles of war.

Provided always, That none of the said troops or any part or detachment thereof, shall serve out of this State without the consent of the person administering the government of this State for the time being, except such part thereof as may be detached for the purpose of completing the regiments of this State serving in the army of the United States by virtue of the act, entitled "An act for raising troops to complete the line of this State in the army of the United States and the two regiments to be raised on bounties of unappropriated lands, and for the defence of the frontiers of this State," passed at this present meeting of the legislature. Where to serve.

CHAP. 43.

AN ACT for pardoning certain offences committed in the north-eastern part of this State.

PASSED the 14th of April, 1782.

WHEREAS diverse inhabitants residing in the northeastern parts of this State who have heretofore denied the sovereignty and jurisdiction of the people of this State in and over that part of this State, and, by their unwarrantable combinations, created commotions to the great disturbance of the peace and tranquility of this State, have by their humble petition to the legislature represented that they were seduced and misled by artful and designing men from their duty and allegiance to this State, and have moreover professed a sincere repentance of their crimes and misdemeanors and implored the clemency of government and humbly entreated the passing of an act of indemnity oblivion and pardon and this legislature being disposed to extend mercy. Preamble.

Be it therefore 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 all such of the inhabitants of this State who dwell and Persons pardoned.

reside north of the north bounds of the State of Massachusetts continued to Hudsons river, east of Hudsons river south of the latitude forty five degrees north and west of Connecticut river, are hereby acquitted pardoned released and discharged from all treasons felonies and conspiracies whatsoever at any time heretofore done and committed by them or any of them against the people of the State of New York as sovereign thereof or against the government and authority derived from or established by the said people all capital corporal or pecuniary punishment, fines and forfeitures, judgments and executions to which they severally were liable in consequence of the crimes and offences aforesaid are hereby remitted and discharged and all and every the said persons shall be and hereby are fully and wholly restored in person and estate to the same State and condition wherein they severally were at any time before the said crimes and offences were committed or perpetrated.

Pardon not to extend to crimes of treason and murder.

And be it further enacted by the authority aforesaid That no person or persons whatsoever shall have the benefit of the said pardon for the purpose of pleading the same against any charge of treason or other offence already found or hereafter to be found against them or any of them for adhering to the King of Great Britain the enemy of this State or for any murder, or that such pardon shall be a bar to a conviction judgment or execution for the said treason or other offence last mentioned or for murder as aforesaid.

CHAP. 44.

AN ACT for quieting the minds of the inhabitants in the north-eastern parts of this State.

PASSED the 14th of April, 1782.

Patents or grants of lands lying within bounds described, legalized and confirmed.

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 all charters patents or grants for lands within this State, lying within the following bounds to wit.—Beginning at a certain point in the west bank of Connecticut river, where the boundary line between the States of Massachusetts and New Hampshire if continued across the said river would intersect the said west bank, and running from the said point along the west bank of Connecticut river to the latitude of forty five degrees north thence westerly in the said latitude to the west side of Missisqua bay in Lake Champlain, thence westerly in the said latitude to the east bank of the waters of the said lake thence southerly along the east bank of the said lake and the waters thereof to the most southerly point where any of the grants heretofore issued or made by the late government of the late colony of New Hampshire come to the said lake, thence along the south and west bounds of the said grants; or as the said grants are now held or possessed under such grants so far south as to meet with a line continued from the first mentioned boundary between the States of Massachusetts and New Hampshire through the said place or point of beginning thence easterly by the said continued line as aforesaid to the place or point of beginning made or issued by the government of the late colony now State of New Hampshire and which were made or issued prior to any charter patent or grant for the same lands heretofore made or issued by the government of the late colony now State of New York or by the government of any

other colony shall be and hereby are ratified and confirmed to the respective grantees their heirs and assigns for ever, and every such prior charter patent or grant is hereby declared to be as legal and valid to all intents constructions and purposes whatsoever as if the same had been made or issued under the great seal of the said late colony of New York or had been made or issued under the great seal of this State, and as such may be given and shall be allowed in evidence in every court of record within this State, and no such charter patent or grant hereby ratified and confirmed as aforesaid shall be deemed void or in any wise injured by reason of the nonperformance of any condition or proviso therein contained, or by reason of the nonpayment of any quit rent therein reserved, any law usage or custom to the contrary thereof notwithstanding:

Provided always that any person or persons who heretofore held or claimed lands under grants from the late colony of New Hampshire who have afterwards obtained grants for the same lands either to themselves or to others in trust for them under the late colony of New York operating as a confirmation thereof; in such case or cases such person or persons or their assignees shall be deemed for ever hereafter to hold the said lands by the latter title.

Proviso as to title under which lands deemed to be held.

And whereas many of the inhabitants residing within the district of country above described did in or about the year one thousand seven hundred and seventy seven declare themselves an independent people and did assume a government under the name, stile or title of the government of the State of Vermont or of the State of Vermont, and the said assumed government hath made grants of lands within the said territory:

Proviso as to grants made by assumed government of Vermont.

Be it further enacted by the authority aforesaid That all charters patents or grants of lands so made or issued before the passing of this act and which were made or issued prior to any charter patent or grant for the same lands heretofore made or issued by the government of the late colony of New York shall be and hereby are ratified and confirmed to the respective grantees their heirs and assigns for ever; and such charters patents or grants are hereby declared to be as legal and valid to all intents constructions and purposes whatsoever as if the same had been made or issued by the government of this State and as such may be given and shall be allowed in evidence in any court of record within this State and no such charter patent or grant so ratified and confirmed as last aforesaid, shall be deemed void or in any wise injured by reason of the nonperformance of any condition or proviso therein contained, or by reason of the nonpayment of any quit rent therein reserved any law usage or custom to the contrary notwithstanding.

Charters, etc., ratified.

III. And be it further enacted by the authority aforesaid That all persons now actually occupying possessing and improving lands within the said district of country or who did at any time before the passing of this act actually occupy possess and improve lands therein not heretofore granted by any late colony shall be and they and their legal representatives respectively are hereby confirmed in such their respective possessions and improvements and shall have and receive patents therefor from the government of this State without paying for such patent any fee or reward, the expence of surveying such lands excepted;

Persons in possession to receive patents.

Provided that no such patent as last aforesaid shall issue for more than the quantity of five hundred acres of land, and where such occupant possessor or improver or legal representative shall not have possessed the said quantity of five hundred acres of land, he or she shall respectively be allowed and granted such additional quantity of land

Quantity limited to five hundred acres.

out of any vacant unappropriated lands lying contiguous to such possessions as shall be equal to the deficiency.

Parts of act not to take effect till inhabitants renounce assumed government.

And whereas it is the intention of the legislature that such parts of this act as relate to quietting or confirming titles and possessions within the district of country as aforesaid should not take effect and that the inhabitants residing within the said district of country should not have the benefits thereby intended unless they should agree to renounce the said assumed government and return to their allegiance to the government of this State.

Upon application governor may appoint commissioners to confer with agents of inhabitants and all compacts entered into to be binding on State.

IV. *Be it therefore further enacted by the authority aforesaid* That, upon application of commissioners or agents authorized and appointed by the inhabitants residing in the said district of country or by the inhabitants of any town or towns or district or districts therein to the person administering the government of this State for the time being touching or concerning the ratifying confirming and quietting any titles to or possessions of lands within the district aforesaid in cases not provided for by this act and of and concerning the mode manner terms and conditions agreeable to and on which the inhabitants within the district of country aforesaid shall agree to renounce the said assumed government and acknowledge allegiance to the government of this State, it shall and may be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to appoint and commissionate under the great seal of this State three commissioners to meet confer and agree with such commissioners or agents authorized and appointed by the said inhabitants of the said district of country or by the inhabitants of any town or towns district or districts therein on all and singular the matters and things abovementioned and all compacts agreements and acts entered into made or done by the said commissioners to be appointed on behalf of this State or any two of them of or concerning the premisses shall be finally conclusive and binding on the government of this State.

Provide limiting power of commissioners.

Provided nevertheless that nothing in this act contained shall be construed to authorize the said commissioners to agree to cede or relinquish the jurisdiction of this State over the district of country aforesaid or any part thereof to any people, assemblies of people or person or persons whatsoever or to consent or agree that any part of the Constitution of this State shall be altered or changed.

Act not to restore estates to persons attainted.

V *And be it further enacted by the authority aforesaid* That nothing in this act contained shall be deemed construed or taken to restore any person or persons or his or their heirs to his or their estate within the said district of country who now stand attainted by the government of this State for adherence to the King of Great Britain or whole estate or estates have or shall become confiscate for such adherence by virtue of any law of this State,

CHAP. 45.

AN ACT for the further relief of the tenants of forfeited lands and for the further direction of the commissioners of forfeitures, and for the commissioners of sequestration.

PASSED the 14th of April, 1782.

I. *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 certificates receivable in the treasury of this State in payment for forfeited estates, sold by the commissioners of forfeitures, may be received in payment by the said commissioners for the amount of one half of and arrears of rent due to this State, and that the other half of such arrears, shall be payable in specie only.

Certificates receivable for one half of arrears of, and other half to be paid in cash.

Provided that such certificates shall not be receivable after the expiration of six months from the passing of this law.

II. *And be it further enacted by the authority aforesaid,* That certificates given for the depreciation of the pay of the troops of this State, who served in the army of the United States, at their nominal value, may be received in payment of the said arrears of rent, provided that such payment in the said certificates be made within one year after the passing of this act.

Other certificates receivable.

III. *And be it further enacted* That farther day is given to the tenants of forfeited lands to produce such certificates as are mentioned and described in the nineteenth section of the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State, in respect to all property within the same" and also procure such certificates as are mentioned in the second section of the act entitled "An act for the amendment of the law directing the sales of forfeited lands," passed the seventh October one thousand seven hundred and eighty, if the tenant in possession is such assignee as is described in the said last mentioned act, untill the first day of January next, except in such cases where the lands occupied by a tenant has been sold and conveyed by the said commissioners.

Further day given tenants.

IV. *And be it further enacted by the authority aforesaid,* That no forfeited estate in the southern district of this State shall be sold; nor any location made thereon, until the further order of the legislature, except to the three persons to whom the legislature directed lands to be conveyed as a reward for apprehending the British Deputy Adjutant General Major Andre. And that any deposit of money or of such certificates as aforesaid heretofore made with any commissioner of forfeitures for the southern district, shall be, and is hereby declared to be null and void.

Forfeited estates, sale of prohibited, etc.

And whereas one or more of the three persons to whom the legislature directed lands to be conveyed as a reward for apprehending the British Deputy Adjutant General Major Andre, did not make a location before the expiration of the term by law assigned for the duration of the office of commissioners, who were authorized to convey such lands to the said three persons respectively.

Proviso as to failure to make location by persons named.

V. *Be it therefore enacted by the authority aforesaid,* That the commissioners of forfeitures in the middle district be and hereby are authorized to execute the powers and authorities heretofore given to the said commissioners the duration of whose office is expired, for conveying to the said three several persons such several forfeited estates, as

Commissioners of forfeitures authorized to make conveyance.

they respectively have elected, or shall elect, to the value and under the restrictions by law directed.

Sale of
Nellis farm
stayed, etc.

VI. *And be it further enacted by the authority aforesaid,* That the sale of the farm in the occupation of Henry W. Nellis in Tryon county, immediately before he deserted to the enemy is hereby stayed; and that the commissioners of sequestration for Tryon county do permit Peter Nellis and John Nellis (sons of the said Henry) to occupy the said farm until the further order of the legislature: and that the sale of the farm whereon Charles Heroy now dwells in the county of Dutchess, is hereby stayed; and that the commissioners of sequestration for Dutchess county do permit the said Charles Heroy to continue in possession of the said farm, until the further order of the legislature.

Proviso as
to for-
feiture to
State of
money ad-
vanced by
Jellis
Fonda.

And whereas Jellis Fonda of Tryon county hath forfeited to the State one thousand dollars, advanced on a contract for two lots of land in Tryon county made with the commissioners of the eastern and western districts for procuring a sum in specie, appointed in pursuance of an act passed the eighteenth day of March one thousand seven hundred and eighty, and there are certain circumstances of peculiar hardship attending his case

Repay-
ment or-
dered.

VII. *Be it therefore enacted by the authority aforesaid,* That the said forfeiture be remitted and the said commissioners are hereby directed to repay to the said Jellis Fonda the moneys they received of him.

Provisos as
to convey-
ance made
by Henry
Hermansse
of farm
purchased
at sheriff's
sale and
failure of
title
thereto.

And whereas Henry Hermansse did in the year one thousand seven hundred and seventy six convey a certain messuage and farm with the appurtenances situate in the Rombout precinct in Dutchess county to William Shurman.

And whereas the said Henry during the term of October last purchased the said premisses for the sum of five hundred and fifty pounds at a sheriff's sale, made in pursuance of an execution issued out of the supreme court of judicature at the suit of the said Henry, against the said William, which suit was commenced by the said Henry Hermansse for the recovery of moneys *bona fide* due on bonds from the said William to the said Henry, and which bonds were taken in part payment of the consideration money for the said premisses which remained unpaid by the said William to the said Henry, and the principal interest and costs in the said suit amount to five hundred and twenty one pounds four shillings and nine pence

And whereas the said William has since the sale aforesaid been in due form of law attainted for adhering to the enemies of the people of this State, and the offence being charged in the indictment to have been committed prior to the said sale, the said Henry hath therefore prayed relief from the legislature.

Premises
to be ap-
praised
and on
payment
of sums
named
title to be
vested in
said Her-
mansse.

VIII. *Be it therefore enacted by the authority aforesaid* That it shall be lawfull for the commissioners of forfeitures for the middle district to cause the said premisses to be appraised in like manner as is by law provided in case of a deposit of certificates granted under the act entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States;" and if the said Henry shall within twelve calender months after such appraisment, pay into the treasury of this State in gold or silver, the sum of twenty eight pounds fifteen shillings and three pence, being the surplus of the said five hundred and fifty pounds after deducting thereout the amount of the principal interest and costs aforesaid, and also such further sum as the said premisses shall be appraised at in gold or silver, beyond the said sum of five hundred and fifty pounds, that on such payments and imme-

diately from and thereafter, all and singular the estate right and interest of and in the said premisses, which by virtue of the attainder aforesaid accrued to the people of this State, shall be and is hereby declared to be vested in the said Henry his heirs and assigns forever, provided nevertheless that the said Henry shall bear and pay the whole expences of such appraisment and of the wages and expences of the commissioners in attending the same.

And whereas the legislature deem it expedient to stay the sale of certain lands near Canejohary Castle in Tryon county, now in the possession of Jacobus Mabie and Joseph Mabie, and certain other lands in the district of Hosick in the county of Albany lately possessed by John Ferguson and now in the possession of Ruth Ferguson.

Proviso as to stay of sale of lands of persons named.

It is therefore enacted by the authority aforesaid, That the commissioners of forfeitures in the western district be, and they are hereby directed to withhold the sale or conveyance of the said lands now in the possession of the said Jacobus Mabie and Joseph Mabie, and of the said lands now in the possession of the said Ruth Ferguson, until the further order of the legislature; and that until such further order the commissioners of sequestration in the said counties respectively be and they are hereby directed to withhold leasing the said lands or any part thereof.

Sale not to take place until further order of legislature

CHAP. 46.

AN ACT for the payment of certain contingent expences of this State.

PASSED the 14th of April, 1782.

I. *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 the treasurer of this State shall out of the moneys which now are or here after may be in the treasury, not otherwise specially appropriated, pay the following sums of money to the following persons, viz'—

Treasurer to pay sums named to the governor

To the person administering the government of this State for the time being, to defray the incidental charges which may arise in and about the administering the government and in and about the erection or completing of any fortification or work of security in this State, which he may think necessary, such sum or sums as he shall from time to time by warrant under his hand and the privy seal of this State, draw from the treasurer for the purpose, not to exceed in the whole the sum of five hundred pounds.

To his excellency the governor for administering the government of this State, from the first day of July last, to the first day of July next, at and after the rate of one thousand five hundred pounds per annum—

And that the treasurer of this State is hereby authorized and directed to liquidate and settle the account of his excellency the governor, for his salerey from the twenty ninth day of July seventeen hundred and seventy seven, to the first day of July seventeen hundred and eighty one, both days included, and shall deliver or transmitt to his excellency the governor a certificate of such ballance as he shall find due to him on account of his said salery, or on account of the depreciation of any sums in Continental money which he may have received on account of such salery, agreeable to the scale of depreciation for settling the accounts of the officers and soldiers belonging to this State in the service of the United States. And his said excellency the governor is hereby

authorized and impowered on the credit of this State to take on loan any sum in specie not exceeding the sum which shall be found due to him for his salary as aforesaid; and the said sum so taken on loan to retain in his hand on account of the sum which may be found due to him as aforesaid; and the faith of this State is pledged for the payment of the sums so to be loaned, with the interest thereof, at the rate of six per cent per annum, within one year after the expiration of the present war —

Chief
justice.

To the honorable Richard Morris Esquire, chief justice of this State, for his services in that station from the first day of July last, to the first day of July next, at and after the rate of four hundred pounds per annum.

Puisne
justices.

To the honorable Robert Yates and John Sloss Hobart, Esquires, puisne justices of the supreme court of this State for their services in that station, from and to the respective towns aforesaid, each the sum of three hundred and fifty pounds

To the said Richard Morris, Robert Yates and John Sloss Hobart Esquires, exclusive of the above salaries, for each day they shall have respectively attended, from and to the respective times aforesaid, in the execution of commissions of oyer and terminer and gaol delivery, in the several counties, or have been traveling for that purpose, each the sum of twelve shillings per day, agreeable to such accounts thereof as they shall respectively produce, audited by the auditor of this State;

Members
of senate
and assembly.

To the several members of the senate and assembly, for each and every day they shall have severally attended in senate and assembly during the present meeting of the legislature, and for each and every day they shall have been, or may be traveling to and from their respective places of abode, to the place of the meeting of the legislature, each the sum of eight shillings per day agreeable to such accounts thereof as they shall severally produce, certified by the president of the senate or speaker of the assembly as the case may be: The accounts of the president of the senate to be certified by the clerk of the senate, and the accounts of the speaker of the assembly, to be certified by the clerk of the assembly —

Clerks.

To Robert Benson Esquire clerk of the senate, and to John Mc-Kesson Esquire clerk of the assembly for their services in their stations, during the present meeting of the legislature, twenty shillings per day, and for several sums by them severally advanced for the use of the senate and assembly respectively, the amount of such accounts thereof respectively, as they shall severally produce, certified by the president of the senate or speaker of the assembly, as the case may be.

Secretary
of State.

To the secretary of this State, for attending the legislature during their present session for the purpose of receiving laws, and for attending the council of appointment from the first day in July last, to the first day in July next, at and after the rate of thirty pounds per annum.

To the said secretary for his services in recording the laws, making copies thereof with marginal notes for the press, and making several copies by the direction of the governor, or the senate or assembly, and for engrossing the minutes of the council of appointment from and to the respective times aforesaid, at the rate of one shilling and sixpence per folio, each folio to consist of one hundred and forty four words, agreeable to such accounts thereof as he shall produce audited as aforesaid.

Aids de
camp.

To Robert Benson Esquire, one of the aids de camp to his excellency the governor, the amount of Continental pay as lieutenant colonel from and to the respective times aforesaid, and exclusive of the times he shall

be employed as clerk of the senate, for such days only as the governor shall certify he performed services or was actually attending him.

To Stephen Lush Esquire, the other aid de camp to his excellency the governor, the amount of Continental pay as lieutenant colonel from and to the respective times aforesaid, for such days only as the governor shall certify he performed services or was actually attending him.

To the door keepers of the senate and assembly for their services in these stations during the present meeting of the legislature, each ten shillings per day, agreeable to such certificates thereof as they shall respectively produce, certified by the president of the senate and speaker of the assembly respectively. Doorkeepers.

To Zephaniah Platt and Robert Harpur Esqⁿ three hundred pounds to enable them to have the laws and journals of this State printed; for the expenture of this sum they shall be accountable to the legislature. Printers.

To Samuel Dodge Esquire, on account to be applied to the maintenance of the poor under his care the sum of two hundred pounds. Maintenance of poor.

To the honorable John Morin Scott and William Floyd Esquires delegates of this State in congress the sum of two hundred pounds each on account, for their attendance in congress in the present year. Delegates in congress.

To such other delegate or delegates as shall first go to congress the sum of one hundred and fifty pounds each, on account of their going to attending in, and returning from congress.

To Robert Harpur Esquire deputy secretary for removing the records of this State, and other incidental expences attending the same, the sum of ten pounds on account. Deputy secretary of State.

To the auditors appointed to settle and liquidate the accounts of the officers and soldiers belonging to this State, in the service of the United States, the sum of one hundred and fifty pounds on account. Auditors.

To Gerard Bancker Esquire treasurer of this State at and after the rate of three hundred pounds per annum; one hundred and fifty pounds of which he may retain out of any monies which may be first paid into the treasury on any tax, except the tax appropriated for the payment of interest of monies taken on loan. Treasurer.

To Philip Schuyler Esquire the sum of three hundred pounds, with the interest of the same from the twenty first day of February seventeen hundred and eighty one, in full of one thousand dollars in bills of exchange on France advanced on behalf of this State to Abraham Cuyler Esquire, for the purpose of procuring a quantity of blankets, for the use of the Oneida and Tuscorara Indians; which sum with the interest, is to be charged to the United States. Philip Schuyler.

Whereas Robert Hoffman Esquire treasurer of Dutchess county has advanced in pursuance of concurrent resolutions of the senate and assembly, to Udney Hay Esquire State agent, the sum of six hundred pounds, for the purpose of enabling the said Udney Hay to pay the several members of senate and assembly, and their several officers, for their attendance at the present and last meeting of the legislature. Treasurer of Dutchess county.

II. *Be it enacted by the authority aforesaid,* That the said Robert Hoffman, be credited by the treasurer of this State for the said sum of six hundred pounds on account, and that the said Udney Hay, out of the moneys arising from the sale of wheat and rye, which has or may be collected in pursuance of the act entitled "An act for levying a tax within this State" passed the twentieth day of November last, pay the said sum of six hundred pounds into the treasury of this State.

III. *And be it enacted by the authority aforesaid,* That the said Udney Hay Esquire, State agent, is hereby authorized to deliver, or cause to be delivered to the several members of the senate or assembly, and their re- Wheat or rye to be delivered to mem-

bers of the legislature for arrears of pay.

spective officers, for the arrears of pay due to them for their services in attending the legislature at their last meeting and for such deficiency of their pay in attending at the present meeting of the legislature (as he shall not be able at present to pay in money) on producing their several accounts certified as is by this act is before directed, any quantity of wheat or rye, not exceeding the amount of such accounts respectively, computing the price of wheat at six shillings per bushell, and the price of rye at four shillings per bushell, for which he is to account with the treasurer of this State.

Committee to provide for support of poor, etc.

IV. *And be it enacted by the authority aforesaid,* That Jonathan Dennis Dirck Brinckerhoff, Thomas Storm, Abraham Paine Jacobus Swartwout and Cornelius Humprey Esquires or any three of them, be and they are hereby appointed a committee to superintend and provide for the support and maintenance of the poor now under the care of Samuel Dodge Esquire, which committee is hereby authorized to make such provision for the future support and maintenance of the said poor, as they shall judge most advantageous for the State, and whatever contracts and agreements the said committee shall make for the purpose aforesaid, shall be binding on this State; and to enable the said committee more effectually to provide for the said poor, the commissioners of sequestration or the commissioners of forfeitures are hereby directed to deliver to the said committee, the possession of any farm or farms, which are or may become forfeited and not otherwise disposed of for the purpose of maintaining the said poor, which farm or farms shall not be otherwise disposed of, until the farther order of the legislature.

Maintenance of the poor.

And the said treasurer is further directed out of any monies in the treasury unappropriated to pay to the said committee appointed to provide for the farther support and maintenance of the poor now under the care of Samuel Dodge Esquire, the sum of two hundred pounds, on account.

Dr. Wm. Petry.

To Doctor William Petry, the sum of one hundred and eighteen pounds for his attendance and medicine to a number of poor inhabitants of Tryon county, wounded by the enemy at sundry times during the present war.

Gerret Peek.

To Gerret Peek, the sum of eleven pounds twelve shillings, for the expence of his board and nursing, after his being wounded in his head in quelling an insurrection in the district of Schachtekook in the county of Albany.

Robert Morth.

To Robert Morth, for the detention of his sloop and hands, for the space of ten days, for the purpose of conveying the State records, and other papers to a place of safety, in case of danger, such sum as he shall be allowed by the auditor of this State, on account of such service.

Clerk of Assembly.

To John M^cKesson Esquire, clerk of the assembly, the sum of one hundred pounds, on account for disbursements for the use of the assembly before this present meeting of the legislature.

Certificates of members for services to be paid at rate named.

V. *And be it enacted by the authority aforesaid,* That the certificates of the several members of the senate and assembly for their services in attending the legislature, certified as aforesaid and which remain unpaid, and became due before the first day of October last, shall be paid at the rate of six shillings per day for every day mentioned in the said certificates, altho' the allowance mentioned in such certificates may exceed that sum.

Clerks.

That the pay of the clerk of the senate and the clerk of the assembly on such certificates shall be paid for every day mentioned in their respective certificates, the sum of twenty shillings per day.

That the door keepers of the senate and assembly on such certificates, shall be paid at and after the rate of ten shillings per day.

Door-keepers.

To Evert Bancker Reynie Mynderse and Henry Rutgers Esquires, such sums as the treasurer shall find due to them respectively, for signing bills of credit emitted in pursuance of the act of congress of the eighteenth March one thousand seven hundred and eighty, agreeable to such account thereof as they severally shall produce certified by the commissioner of the loan office in this State, which pay shall be after the rate of two shillings for each hundred of the said bills they may have respectively signed.

Persons named for signing bills of credit.

To each of the persons authorized to sign the bills emitted by virtue of the act entitled "An act for emitting monies upon the credit of this State" passed March twenty seventh one thousand seven hundred and eighty one at the rate of two shillings for every hundred of the said bills they may have respectively signed; and the further sum of one shilling for every hundred of the said bills numbered or stamped "interest paid" which they may have respectively numbered or stamped.

To Henry Dodge commissary of prisoners of this State, such sum as shall appear to be due to him for monies advanced in the execution of his office, agreeable to such account thereof as he shall produce audited by the auditor of this State.

Commissary of prisoners.

To Colonel Marinus Willet, or such other officer as shall command the levies, to be raised for the defence of the frontiers of this State, to serve to the first day of January next the sum of one hundred and fifty pounds—on account for contingent expences during the ensuing campaign.

Col. Willet

WHEREAS the treasurer of this State may not timely have a sufficiency of money in the treasury unappropriated to pay the several sums herein granted.

VI. *Be it enacted by the authority aforesaid,* That it shall and may be lawful for Udney Hay Esquire with the wheat or rye which has been or may be collected in pursuance of the act of the twentieth of November last, or the monies arising from the sales thereof, to pay to the several persons hereinafter mentioned the following sums—(to wit)

Lawful for State agent with wheat or rye to pay officers named.

To the aforesaid John Morin Scott Esquire, the above sum of two hundred pounds, allowed on account of his attendance in congress in the present year,—To such other delegate or delegates, as shall first go to congress the above sum of one hundred and fifty pounds each allowed for their going to, attending in, and returning from congress. To Zephaniah Platt and Robert Harpur Esquire, the above sum of three hundred pounds, to enable them to have the laws and journals of the legislature printed—To the several members of the senate and assembly, and their respective clerks and doorkeepers, the arrears of pay due to them in attending the last meeting of the legislature—and to the several members of the senate and assembly and their several officers for their attending on the present meeting of the legislature, according to their respective certificates to be produced certified as aforesaid, to the above Robert Benson and John M^cKesson Esquires the several sums by them severally advanced for the use of the senate and assembly agreeable to their several accounts certified as above directed, and to the aforesaid Samuel Dodge the above sum of two hundred pounds for the maintenance of the poor under his care.

VII. *And be it enacted by the authority aforesaid,* That in the payments herein before directed to be made by the State agent, in case such payments are made in wheat or rye, the price of wheat shall be computed at six shillings, and of rye at four shillings per bushell and that

Price at which wheat and rye may be computed.

the said agent shall take receipts for the sums by him so paid to the several persons, above mentioned, which shall be deemed sufficient vouchers to the said agent for such payments respectively.

Agent may retain wheat or rye for services.

VIII. *And be it enacted by the authority aforesaid,* That the said State agent, may retain in his hands out of the money arising from the sale of the wheat or rye belonging to this State, which is, or hereafter may be in his possession, the sum of four hundred pounds on account, for his services as State agent, and also the sum of ten pounds to be paid by him as a gratuity to Thomas Done, a blind soldier.

Agent and assistant may administer oaths.

IX. *And be it enacted by the authority aforesaid,* That the State agent and his principal assistant are hereby authorized and empowered to administer an oath, or affirmation to any person or persons, who may appear before them or either of them as a witness to ascertain the value of any forage, pasture, wood or other article, which has been or hereafter may be supplied to the army by this State.

May pay officers named with wheat or rye or money arising from sales, amounts named.

X. *And be it enacted by the authority aforesaid,* That the said State agent is hereby authorized, with the wheat or rye collected or to be collected as aforesaid or with the monies arising from the sales thereof to pay unto the honorable Richard Morris Esquire chief justice of this State, and the honorable Robert Yates and John Sloss Hobart Esquire puisne judges of the supreme court, each the sum of two hundred pounds on account of their respective salaries herein allowed, and in case he shall not with the said wheat and rye or with the monies arising from the sales thereof be in condition to pay the whole of the said several sums last mentioned, he shall signify the deficiency which may be to the treasurer of this State who shall thereupon be authorized to pay such deficiency in wheat at six shillings per bushell, which he may order to be delivered to each of them by the treasurers of the counties of Albany and Dutchess, or either of them, out of any wheat they may have in their possession, to be collected in pursuance of an act passed at this present meeting of the legislature entitled "An act for raising the sum of eighteen thousand pounds and the further sum of eighteen thousand pounds, by tax within this State, and for settling public accounts. And to the aforesaid Philip Schuyler Esquire, any quantity of wheat, at the value aforesaid, not exceeding the amount of the said sum of three hundred pounds, with the interest, directed to be paid to him and on account of the said sum and interest. And the treasurer of this State is hereby authorized to pay the certificates of the several members of the senate and assembly, and the certificates of their clerks and doorkeepers, which became due and before the first day of October last, as above mentioned, at the allowance aforesaid, in wheat at the price aforesaid, and rye at four shillings per bushell, and to give orders for the delivery thereof to any county treasurer as shall be most convenient, out of the wheat or rye to be collected pursuant to the act last aforesaid. That the said county treasurers shall take receipts for the wheat or rye so to be delivered by them respectively to the several persons to whom the same shall be delivered, which receipts shall be delivered to the treasurer of the State, who shall charge the sums paid to the several persons to their respective accounts and the treasurers receipt specifying the number and amount of such receipts, and by whom the same were respectively given, shall be sufficient vouchers to the said county treasurers for such payments respectively.

Provisions to be furnished persons named by commis-

XI. *And be it further enacted by the authority aforesaid,* That the commissioners of sequestration for the county of Tryon shall and they are hereby required out of any monies which now are, or hereafter may come in to their hands in the execution of their office, to procure for,

and furnish to the following persons (viz') Phillip Pier and his wife, John Wolf, Joseph Kesler and his wife and three children, Adam Hardman and his wife, George Cronhart and his wife and three children, Catherine Reel and her two children Anna Mayer and her five children Anna Lantz and her two children Anna Haner and her two children Anna Timerman and her three children, Elizabeth Brown and her two children, Gertrude Stainwix, Catharine Colsh and her two children, Anna Forbush and her five children, Margaret Boyert and her three children, Wesula Miller and her four children, Catharine Snell and her six children, Anna Klock and her four children, Margareth Kellar and her five children Elizabeth Ayer and her four children, Susanna Ogo and her four children, Elizabeth Snell and her three children, Janney Davis and her five children Anna Scarbury and her child, Janney Crosset and her two children, Mary Eighler and her two children, Elizabeth Arehey and her two children, the wife of Benjamin Oline and her three children and to the wife of Jeremiah Crowley and her child and to John Hillier and his wife and their two children and Margaret Weaver and her five children Elizabeth Shell and her three children Catherine Sheffren and four children, Elizabeth Irvine and her four children and the wife of Adam Tombergh and her children until the first day of May one thousand seven hundred and eighty three at the rate of one pound of wheat meal per day to each of them, and to such of the families of the said women as shall produce a certificate from the representatives of assembly for the county of Tryon, and such of the senators for the western district as shall reside in the said county, or any three of them, as many milch cows (not exceeding two to each family) as shall be certified in such certificate, to be necessary. That it shall be lawful for the said commissioners to charge the monies which they shall expend in purchasing and procuring the necessaries aforesaid, in account with this State, and the auditor is hereby directed in auditing the accounts of the said commissioners, to allow so much of the same, as shall appear to have been actually disbursed by the said commissioners, in pursuance of this act.

sloners of sequestration.

And whereas the legislature have received no official account that congress have resolved to subsist the levies to be raised for the defence of the frontiers in the ensuing campaign.

Proviso as to subsistence of levies.

XII. *Be it therefore enacted by the authority aforesaid,* That in case the United States shall refuse to subsist the said levies for the term of time for which they are to serve, it shall and may be lawful for his excellency the governor, or the person administering the government of the State for the time being, to order the several county treasurers within this State to deliver all the wheat and rye which may be collected in their respective counties, from time to time, in pursuance of the act entitled "An act for raising the sum of eighteen thousand pounds, and the further sum of eighteen thousand pounds, and for the settlement of public accounts, passed this present meeting of the legislature, except so much thereof as is specially appropriated by acts of the legislature passed at this present meeting, to such person or persons, as he shall authorize to receive the same; and the monies arising from the sale thereof, to apply towards the subsistence of the said levies, and other incidental expences attending the same, and for subsisting the militia when he shall order them to be called out for the defence of the frontiers of this State: and the said county treasurers respectively, are hereby directed and required to deliver such wheat and rye to the order of his said excellency the governor, any thing contained in the above recited act to the contrary notwithstanding.

Subsistence provided for in case of failure of congress for wheat, etc. by orders on county treasurers.

Governor
may bor-
row money
on credit
of State
for that
purpose,
etc.

XIII. *And be it enacted by the authority aforesaid,* That his excellency the governor is hereby authorized and empowered, to take on loan for the use of this State, any sum of money not exceeding ten thousand pounds, on interest, at six per cent per annum; and the faith of the State is hereby pledged for the payment thereof within one year after the present war, and for the annual payment of the interest which shall arise thereon; and also for the immediate payment of all incidental expences attending the procuring and transporting the said monies, at the risque of this State, that the said money when procured may be applied by his said excellency the governor for the subsistence of the levies aforesaid in case the congress of the United States shall not agree to provide for their subsistence. That his excellency the governor, shall, as soon as he may have received information that the United States have determined to subsist the said levies, inform the said county treasurers thereof; and shall in such case signify that he will not make any requisition on them, to the end that they may dispose of such wheat and rye, as by law they would be authorized to do, had this clause not been enacted.

Treasurer
to deliver
accounts,
etc. to
auditor to
enable
him to
settle with
United
States.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of this State, and he is hereby required, to deliver unto the auditor of this State, all accounts and receipts by him taken, for any monies by him paid, for the use of the United States; to the end, that the said auditor may be enabled to settle the accounts of this State with the United States; and the said treasurer shall make a schedule of such accounts and receipts, and the auditors receipt thereon, shall be to the said treasurer a sufficient voucher for all monies by him paid, and mentioned in such schedule, any law to the contrary notwithstanding.

L A W S

OF THE

STATE OF NEW YORK

PASSED AT

POUGHKEEPSIE, IN THE FIRST MEETING OF THE SIXTH SESSION
OF THE LEGISLATURE.

CHAP. 1.

AN ACT relative to debts due to persons within the enemies
lines.

PASSED the 12th of July, 1782.

WHEREAS many of the inhabitants of this State who have not remained within the enemies power and who were indebted to others who did so remain are now threatened with suits and have it not in their power to recover from those who are indebted to them and remained within the power of the enemy. Preamble.

1. *Be it therefore 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 all suits and prosecutions for any debt arising on simple contract, bills single or penal or any other obligation mortgage security or demand whatsoever due by, or from any person nor within the enemies power or lines that has remained with, gone into, or has in consequence of any law of this State been sent within the enemies power or lines, already commenced or which hereafter be commenced, shall be stayed until the legislature shall make further provision in the premises, any law to the contrary notwithstanding. Suits, etc. stayed.

And whereas it is also just and reasonable that provision should be made for the relief of such citizens of this State who having received in payment of debts due to them paper currency which at the time of such payment was a legal tender, and which they might of right have paid in discharge of any debts due by them but which it was not in their power to pay to such of their creditors as have remained with gone into or were so sent within the enemies lines and which money has since the receipt thereof depreciated in their hands. Proviso as to relief of persons who have been paid in paper currency.

And whereas it is imposible to apply one general rule to all the variety of cases which do or may arise

Courts in which suits shall be commenced against persons named, to appoint referees, and defendant may plead special matter, etc.

Be it therefore further enacted by the authority aforesaid, That in every suit or prosecution which shall be commenced after the legislature shall by law have declared that the necessity of staying such suits or prosecutions as aforesaid does no longer exist, by any person who may have remained with the enemy, gone into them, sent or to be sent as aforesaid unto them against any person who has remained without the power of the enemy, it shall and may be lawful for the court in which such suit shall be commenced or prosecuted, and the court is hereby required on motion of the defendent or his attorney to appoint three or five referrees at the option of the court to try the matter in controversy, and the defendant shall and hereby is allowed to plead before such referrees any special matter, and if it shall appear to the said referrees or the major part of them that the special matter alledged and proved by the defendant is of such a nature that in equity and good conscience abatement ought to be made from any sum or sums due by such defendant the referrees shall by majority of voices determine the quantum of such abatement and having made their report and award in writing shall return the same into court, and the court shall thereupon, give judgment and order execution to issue in favour of the plaintiff for the sum so awarded to be due to the plaintiff. Provided that such execution shall not be served until the expiration of three years next after the enemy shall be expelled from or shall have abandoned the city of New York —

Lawful to pay certificates, etc., named in discharge of debts found due.

III. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for every defendant to pay in discharge of any debt so found due as aforesaid to such plaintiff as aforesaid, certificates or notes signed by any commissioner of loans of the United States, according to the value thereof as settled by the Continental scale of depreciation on certificates for money due on loan by this State according to the value thereof ascertained by law.

Creditors named may be cited before court to have settlement and payment made pursuant to this act.

IV. *And be it further enacted by the authority aforesaid* That it shall and may be lawfull for any person now without the power of the enemy being a debtor to any person now within the power of the enemy at any time after the enemy shall be expelled from, or shall have abandoned the city of New York, and that the legislature shall have by law declared that such suits as aforesaid shall be no longer stayed to cite his creditors before any court of law in this State to have a settlement and make payment agreeable to the mode prescribed by this act and if the creditors shall refuse to appear and come to tryal within two terms next after such citation he shall be and hereby is declared to be forever barred and precluded from recovering his said debt due or demand or any part thereof.

Subjects of this State discharged from paying interest on claims due persons who have gone within the enemy's lines.

V. *Be it further enacted by the authority aforesaid* That any subject or subjects of this State, not in the power or lines of the enemy, who are indebted by simple contract, bill, single or penal, or any other obligation mortgage security or demand whatsoever, to any person or persons that have either removed with, gone into, or have in consequence of any law of this State been sent within the enemies power or lines, for such subjects of this State not in the power or lines of the enemy so indebted shall be and hereby are discharged from any interest which may have become due on such contract, bill, obligation mortgage or securities since the first day of January one thousand seven hundred and seventy six, to the first day of January which shall follow next after the conclusion of the present war, any law, usage or custom to the contrary not.

withstanding, provided that nothing in this clause contained shall be deemed to operate a discharge of any interest which may have accrued on any such bill obligation mortgage or other security executed since the said first day of January one thousand seven hundred and seventy six.—

Provided nevertheless, that no person or persons shall be allowed the benefit of this act, unless he she or they shall first have taken the oath of abjuration and the oath of allegiance to this State, and shall obtain a certificate signed by twelve reputable and well effected freeholders of this State one whereof shall be a judge of the inferior court of common pleas of the county in which the person named in such certificate shall reside certifying that he or she is well attached to the freedom and independence of the United States of America, and have taken an active and decided part therein. And provided further, that this act shall not extend to any debt or debts contracted or made or hereafter to be made, for the use of the State; for the payment of which the faith thereof is pledged and also provided farther, that nothing in this act contained shall be construed to extend to any person that heretofore hath been, now is, or hereafter shall be, a prisoner with the enemy.

Proviso as to oath of allegiance, etc., to be taken.

CHAP. 2.

AN ACT to abolish entails, to confirm conveyances by tenants in tail, to distribute estates real of intestates, to remedy defective conveyances to joint tenants, and directing the mode of such conveyances in future.

PASSED the 12th of July, 1782.

I. *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 in all cases, wherein any person or persons would, if this law had not been made, had been seized in fee-tail, of any lands tenements hereditaments, such person or persons shall, in future, be deemed to be seized of the same in fee-simple.

Tenants seized in fee-tail deemed seized in fee-simple.

And further, That where any lands tenements or hereditaments, shall heretofore have been devised, granted, or otherwise conveyed, by a tenant in tail, and the person, to whom such devise, grant, or other conveyance shall have been made, his or her heirs or assigns, shall, from the time such devise took effect, or from the time such grant or other conveyance was made, to the day of the passing of this act, been in the uninterrupted possession of such lands, tenements or hereditaments, and claiming and holding the same under such devise, grant, or other conveyance, then such grant, devise, or other conveyance, shall be deemed as good legal and effectual to all intents, as if such tenant in tail had, at the time of the making of such devise, grant, or other conveyance, been seized of such lands, tenements or hereditaments in fee simple, any law to the contrary hereof notwithstanding.

Conveyances made by tenants in fee-tail to persons in possession at date of passage of this act to be deemed valid to convey fee-simple.

II. *Be it further enacted by the authority aforesaid,* That where any person shall die seized of any lands tenements or hereditaments, without having devised the same in due form of law, and leaving more than one person lawful issue, or without lawful issue, the inheritance, instead of descending to the heir at law, shall hereafter, in the four several following cases, descend, as in each case is particularly specified, that is to

Line of descent fixed in cases named.

say first, in case the person so seized shall leave several persons lawful issue in the direct line of lineal descent, and all of equal degree of consanguinity to the person so seized, the inheritance shall then descend to the said several persons as tenants in common in equal parts, however remote from the person so seized the common degree of consanguinity may be — Secondly — in case the said person so seized shall die, leaving lawful issue of different degrees of consanguinity, to him or her the said person so seized, the inheritance shall descend to the lawful immediate children of the said person so seized as tenant in common, in equal parts; and in case any of the said immediate children shall die, in the life time of the person so seized, and leave lawful issue, such issue shall inherit, if one person solely, and if several persons as tenants in common, in equal parts, the same estate which would have descended to his, her, or their parent, if such parent had survived, so that the estate could, agreeable to the rules of descent hereby established, have descended to him or her; and the same law of inheritance and descent shall be observed in case of the death of the grand children, and other descendants in the remotest degree — Thirdly—in case the said person so seized shall die, without lawful issue leaving brothers, or leaving a brother or brothers and a sister or sisters of the whole blood, the inheritance shall descend to such brothers, or to such brother or brothers and sister, or sisters as the case may be, as tenants in common, in equal parts — And fourthly—in case any such brother or sister shall die, leaving a lawful child or children, and in the life-time of the person so seized, such child or children shall inherit, if a child solely, and if children, as tenants in common, in equal parts, the same estate which would have descended to his her or their father or mother, if such father or mother had survived the said person so seized. And in all cases of descent not particularly provided for by this act, the common law shall govern: Provided, that nothing herein contained shall be construed to bar or injure the right or estate of a husband as tenant by the curtesy of England, or the right of dower which a widow is entitled to.

In other cases common law to govern.

Tenancy by the curtesy, right of dower not barred.

Post-humous children to inherit.

Estates for years, etc., declared null and void.

Estates in joint tenancy not to be held unless conveyance expressly declares estate not to be in common.

III. *And be it further enacted by the authority aforesaid,* That all post-humous children shall in all cases whatsoever, inherit in like manner as if they had been born in the life time of their respective fathers.

IV. *And be it further enacted by the authority aforesaid,* That all estates for years, for more than twenty one years, of or in lands, tenements, or hereditaments or real estate whatsoever, whether in possession reversion or remainder, by direct and immediate devise or conveyance, or by settlement to use or uses, made after the first day of this present meeting of the legislature, shall be, and hereby are declared to be ipso facto null and void from the beginning; and the estates and interests so severally and respectively attempted to be disposed of and transferred, shall descend according to this law, and the common law aforesaid; any law usage or custom to the contrary notwithstanding.

V. *And be it further enacted by the authority aforesaid,* That no estate in joint-tenancy, in lands messuages tenements or hereditaments, shall be held or claimed by or under any grant devise conveyance whatsoever, hereafter to be made, unless the premises therein mentioned shall expressly be thereby declared to pass, not in tenancy in common, but in joint tenancy; and every such estate, unless otherwise expressly declared as aforesaid, shall be deemed to be in tenancy in common; any law usage or custom to the contrary notwithstanding.

CHAP. 3.

AN ACT further to continue the treasurer of this State in office.

PASSED the 20th of July, 1782.

WHEREAS by this act further continuing Gerard Bancker Esquire, in office as treasurer of this State, the time of his continuance in the said office was limited to sixty days after the rising of the legislature at their present meeting. Preamble.

I. *Be it therefore 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 the said Gerard Bancker shall be and he is hereby further continued in office as treasurer of this State until sixty days after the rising of the legislature, at their next meeting, after the first Monday in July, which will be in the year of our Lord one thousand seven hundred and eighty four. Gerard Bancker continued in office as treasurer.

II. *And be it further enacted by the authority aforesaid,* That the said Gerard Bancker shall on or before the last day of August next, give such security, and take such oath as were directed and required by the second and third clauses of the act entitled "An act to appoint a treasurer of this State," passed the first day of April in the year of our Lord one thousand seven hundred and seventy eight. Official oath and bond.

CHAP. 4.

AN ACT relative to the commissioners to be appointed in pursuance of the acts of congress of the twentieth and twenty seventh of February one thousand seven hundred and eighty two for the settlement of public accounts within this State.

PASSED the 20th of July, 1782.

WHEREAS the United States in congress assembled, on the twentieth day of February last passed, did among other things resolve that a commissioner for each State should be nominated by the superintendent of the finances of the United States finally to settle the accounts between the said United States and the State for which he should be nominated, and that the legislature or the executive of the particular State for which the said commissioners should be nominated should approve of the same. Preamble.

And whereas the said United States in congress assembled on the twenty seventh day of February last past did among other things resolve that it be recommended to the several legislatures of the States to empower the commissioners, to be appointed for the settlement of accounts under the direction of the said superintendent of finance in pursuance of the said act, to call for witnesses and examine them on oath or affirmation touching such accounts as should be respectively assigned to the said commissioners for settlement: in compliance with the said resolutions.

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 to approve or disapprove of any Governor may approve or disapprove of committee

sloners
named.

commissioner or commissioners appointed or to be appointed by the superintendent of the finances of the United States to settle the accounts between this State and the said United States and the creditors of the United States within this State agreeable to the said resolution of congress of the twentieth of February last past.

Commis-
sioners
may issue
summons
to persons
to appear
and be
examined
in refer-
ence to
accounts.

II. *And be it further enacted by the authority aforesaid* That it shall and may be lawful to and for each of the said commissioners appointed or to be appointed by the said superintendent of the finances of the United States in pursuance of the said several resolutions of the twentieth and twenty seventh of February last past to issue a summons under his hand requiring any person or persons to appear before the said commissioner as a witness to be examined on oath or affirmation which oath or affirmation the said commissioners are hereby severally authorized to administer touching such accounts as are respectively assigned to them for settlement; and if any person so summoned shall refuse or neglect to appear and be examined as aforesaid without a reasonable excuse the person so offending shall forfeit for each offence the sum of five pounds to be recovered in a summary way with costs of suit before any justice of the peace in the county wherein such person may reside, and be applied to the use of the person at whose instance the summons issued: Provided always that no witness shall be obliged to attend unless the person at whose instance he may be summoned shall engage to pay him at the rate of five shillings per day for each day he shall attend and for as many days as may be necessary to come from and return to his place of abode computing at the rate of twenty miles as equivalent to one day.

Witnesses
to be paid
fees.

CHAP. 5.

AN ACT to authorize the United States in congress assembled, to adjust the proportions of this State towards the expences of the war, in a mode different from that prescribed by the articles of confederation.

PASSED the 22d of July, 1782.

Preamble.

WHEREAS the congress of the United States of America did, by their resolution of the twentieth of February, one thousand seven hundred and eighty two, amongst other things therein contained, earnestly recommend to the several legislatures of the respective States, without delay to authorize and empower the United States in congress assembled in the final settlement of the proportions to be borne by each State of the general expences of the war from the commencement thereof until the first day of January one thousand seven hundred and eighty two, except the monies loaned to the United States, to assume and adopt such principles, as from the particular circumstances of the several States at different periods may appear just and equitable, without being wholly confined to the rule laid down in the eighth article of the confederation in cases where the same cannot be applied without manifest injustice.

And whereas this State is willing and desirous to adopt every measure conducive to the permanent interest and advantage of the United States.

Congress
empow-
ered to
settle pro-
portion
of war ex-

Be it therefore 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 the congress of the United States are hereby empowered and authorized finally to adjust and settle the proportions to be borne

by this State, towards the general expences of the war from the commencement of it until the first day of January in the year one thousand seven hundred and eighty two (except the monies loaned to the United States) upon such principles as may in their judgment be just and equitable, the eighth article of the confederation of the United States, notwithstanding.

penses to be borne by this State.

CHAP. 6.

AN ACT for levying a tax within this State.

PASSED the 22d of July, 1782.

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 there shall be raised by tax and paid into the treasury of this State, on or before the twentieth day of September next, the sum of eighteen thousand pounds. Tax levied.

That the quota of the county of Albany of the said sum, shall be seven thousand nine hundred and twenty pounds, the quota of the county of Dutchess, four thousand nine hundred and fifty pounds, the quota of the county of Ulster two thousand seven hundred pounds, the quota of the county of Orange, one thousand eight hundred and forty five pounds, the quota of the county of Tryon one hundred and eighty pounds, the quota of the county of West Chester three hundred and fifteen pounds, and the quota of the county of Charlotte ninety pounds. That the quota of each city town manor district and precinct within the several counties of the said sum of eighteen thousand pounds, shall be in like proportion thereto, as the quota of such city town manor district or precinct of the sum of eighteen thousand pounds directed to be raised on or before the first day of June last, by the act entitled "An act for raising the sum of eighteen thousand pounds and the further sum of eighteen thousand pounds by tax within this State, and for settling public accounts," passed the eleventh day of April last, shall be in proportion to the said last mentioned sum of eighteen thousand pounds. Quotas of counties.

That the supervisors clerk shall forthwith after the passing of this act, ascertain the sum apportioned to be raised in each city town manor district or precinct, in each county respectively, in pursuance of this act, and cause the several supervisors to be served with a notice in writing of the sum at which the quota of their city town manor district or precinct respectively, shall be so ascertained. That in case of the death or absence of any supervisor or supervisors such notice shall be served on any of the assessors. That in case the assessors have already completed either of the assessments of the sums to be assessed in pursuance of the above mentioned act, on the city town manor district or precinct, in the mode prescribed in and by the said act, the supervisor or supervisors, or justice of the peace, whom in case of the death or absence of the supervisor or supervisors the assessors shall have notified or shall hereafter notify for the purpose shall within three weeks after the passing of this act form a tax list agreeable to the last assessment roll which has been made in pursuance of the said act. That the assessment roll and tax list shall respectively be of the form and agreeable to the plan contained in the schedule hereunto annexed — That the amount of the monies inserted in the tax list as and for the tax to be paid by each respective person, shall bear such proportion to the amount of the sum at which such person Supervisors' clerk to ascertain amount apportioned to each city, town, etc., and notify supervisors or assessors. If assessors have completed roll, officers named to form tax list.

That the assessment roll and tax list shall respectively be of the form and agreeable to the plan contained in the schedule hereunto annexed — That the amount of the monies inserted in the tax list as and for the tax to be paid by each respective person, shall bear such proportion to the amount of the sum at which such person Form of roll and tax list. Amount to be inserted in.

shall be assessed, as the whole sum to be raised within the city town manor district or precinct doth bear to the whole amount of the assessment thereof. That if neither of the assessment rolls directed to be made in and by the said act are completed on the first day of August next, the supervisor or supervisors, or in case of the death or absence of the supervisor or supervisors, such assessor on whom a notice shall have been served as aforesaid, shall forthwith thereafter convene the assessors. That the assessors in case no assessments have been made as aforesaid shall within three weeks after the passing of this act, proceed to form the assessment roll agreeable to the mode prescribed in and by the act entitled "An act for levying a tax within this State," passed the twentieth day of November one thousand seven hundred and eighty one. That the supervisor or supervisors, or justice shall thereupon within six days after such assessment roll shall be so completed complete the tax list in the manner herein before prescribed and directed. That the supervisor or supervisors or such justice shall within two days after completing and signing the tax list, deliver the same to the collector, who shall on or before the said twentieth day of September next, complete the collection of the said tax. That the assessors shall and may exercise the like power, and perform the same duties in forming and completing the assessment roll, in delivering the same to the supervisor or supervisors, or to a justice of the peace, and notifying him for the purpose, as they were authorized and directed to exercise and perform in and by the last mentioned act. That gold and silver, notes issued by the honorable Robert Morris Esquire, superintendent of the finances of the United States for gold or silver, notes issued by the directors of the Bank of the United States, for gold or silver, at the value expressed on the same respectively, and no other species of money or notes shall be received in payment for the said taxes. That the collector, in case of nonpayment of the said tax, shall and may levy the same by distress and sale, or recover the same, in the manner prescribed by the last mentioned act. That the collectors and county treasurers, shall pay the monies and notes arising from the said tax, into the county treasuries and treasury of this State; and be entitled to the like allowances and commissions, in like manner as they were respectively directed to pay, and were entitled to in and by the said last mentioned act.

And be it further enacted by the authority aforesaid, That the supervisor, supervisors or justice, shall and may call special town meetings for elections, cause an assessment roll and tax list to be fairly made out, sign the tax list, and cause the same to be delivered to the collector or collectors and a copy thereof filed with the treasurer of the county, cause the collectors to appear before him or them and render account, direct the collectors and report to the treasurer of the county, in like manner as is directed in and by the said last mentioned act. That the supervisors or such justices of the peace as aforesaid, and assessors shall each be allowed for their services, at the same rate, to be paid in the same manner, as directed in and by the said last mentioned act.

And be it further enacted by the authority aforesaid, That if any supervisor or justice of the peace, or supervisors clerk, shall neglect or refuse to execute any of the duties enjoined on them in and by this act, the person or persons so offending shall for each and every such offence, forfeit the sum of twenty pounds to this State, to be recovered with costs in a summary manner, before any justice of the peace of the county, in the name of the treasurer of the county; and such justice shall forthwith after hearing the proofs and allegations of the parties, award judgment and execution thereupon; and such monies when recovered shall be paid into

If assessment rolls have not been completed assessors to be convened and proceed to form rolls.

Supervisors to complete tax list within six days and deliver same to collector within two days thereafter.

Assessors, powers and duties of.

Gold and silver notes to be received for taxes.

Distress and sale in case of non-payment. Moneys to be paid to county treasurer.

Power to call special town meetings, etc.

Compensation of officers.

Penalty for neglect of official duty.

the treasury of the State. That if any collector shall refuse or neglect to appear before the supervisor or supervisors of the city town manor district or precinct, or such justice of the peace as aforesaid, in the manner herein before directed, when notified by writing under his or their hand or hands, or if any collector shall refuse to render an account to the supervisor or supervisors, or such justice of the peace as aforesaid, or if the assessors shall neglect to complete the assessments within the time in and by this act limited and appointed, the person or persons so offending shall for every such offence forfeit the sum of twenty pounds, to be recovered with costs in a summary way by the treasurer of the county, in the manner hereinbefore directed, with respect to supervisors, supervisors clerks, and such justices as aforesaid, and the said monies when recovered shall be paid into the treasury of this State. And it is hereby expressly made the duty of the supervisor, supervisors and such justices of the peace, to report every such offender to the county treasurer, and it is hereby also expressly made the duty of the county treasurers respectively, to commence and prosecute such suits.

And be it further enacted by the authority aforesaid, That if any county treasurer shall neglect or refuse to perform any of the duties prescribed to him in and by this act, such county treasurer shall for each and every such neglect or refusal, forfeit the sum of fifty pounds, to be recovered in a summary way, with costs in the name of the treasurer of this State, before any justice of the peace, in the mode herein before mentioned and prescribed, with respect to supervisors, supervisors clerks, and such justices as aforesaid; and that such penalty when recovered shall be paid into the treasury of the State. That if any of the aforesaid officers shall neglect or refuse to perform the duties herein before mentioned within the times for that purpose by this act limited, and shall thereof be convicted as aforesaid, such officer or officers shall notwithstanding perform the respective duties by this act directed, if a collector within ten days, and if any other officer within five days, after the judgment against him for such offence, and for every other neglect or non-performance be subject to the same penalties as are herein before mentioned, to be recovered and applied in the same manner as is herein before directed.

Ibid.

And be it further enacted by the authority aforesaid, That the treasurer of this State is hereby authorized and directed to pay the monies arising from the tax to be levied by this act, to the commissioner of the loan office of this State, or to such other person as shall be appointed by the said superintendent of finance to receive the same within this State.

Treasurer to pay moneys to commissioner of loan office.

And be it further enacted by the authority aforesaid, That the assessors shall not in any assessments to be made in pursuance of this act, include the value of the articles subjected to taxation by the act for the appointment of commissions for procuring monies on loan and clothing, for the use of this State.

Articles not to be assessed.

And be it further enacted by the authority aforesaid, That if any collector shall advance or pay any sum of money as and for the tax of any person whose name shall be mentioned in the tax list delivered to such collector such collector his executors or administrators shall and may in an action commenced for monies advanced to the use of such person, his her testator or intestate, recover the monies so advanced, with costs.

Action may be maintained by collector, etc., for moneys advanced to pay tax.

And be it further enacted by the authority aforesaid, That his excellency the governor shall be, and he is hereby empowered, to take on loan for the use of this State, a sum in specie, not exceeding ten thousand pounds, and to pay the same into the treasury of this State; and the

Governor to take on loan for use of State not exceeding

sum named.

faith of this State is hereby pledged for the payment of the same, within one year after the termination of the present war, together with the interest thereof at six per centum per annum, and also for the immediate payment of all incidental expenses attending the procuring and transporting the said monies at the risque of this State: And his excellency the governor is hereby authorized to retain and pay out of the monies so to be taken on loan, all the incidental expences attending the procuring and transporting the same. That it shall and may be lawful for his excellency the governor, upon the whole or any part of the said monies coming into the treasury of this State, by a warrant or warrants under his hand and the privy seal of the State, to direct the treasurer of this State to pay such sum or sums to the commissioner of the loan office of this State, or to the superintendent of the finances of the United States, or to such person as he shall appoint to receive the same, as part of the quota assigned to this State for the present year.

Sum taken on loan by virtue of act named to be applied to any purpose the exigencies of State require.

And be it further enacted by the authority aforesaid, That the sum of ten thousand pounds, which his excellency the governor was authorized to take on loan, by virtue of the act for the payment of certain contingent expences of this State passed the fourteenth day of April last, and which was appropriated to certain purposes, the necessity whereof appears to be now superceded, shall and may be applied by his said excellency to any purposes which the exigencies of the State may, in his opinion, require.

Counties, etc., exempted from raising tax herein levied.

And whereas the inhabitants of the counties of Tryon and Charlotte and the united districts of Duanesburgh and Schoharie, Balls-town, Saratoga and Cambridge in the county of Albany, have been so greatly harrassed by the enemy, and are exposed to such frequent calls on military duty as to be rendered unable to pay any taxes — Be it therefore enacted by the authority aforesaid that the counties of Tryon and Charlotte and the united districts of Duanesburgh and Schoharie, Balls-town, Saratoga and Cambridge in the county of Albany, shall be and they are hereby respectively exempted for raising any part of the tax directed to be raised by this act; and the treasurer of the county of Albany is hereby directed to credit the said county with the amount of such sums as were respectively allotted to the said districts by the supervisors agreeable to the tax law passed eleventh day of April last.

Form of assessment-roll.

SCHEDULE.

Assessment-roll.

PERSONS ASSESSED.	Real estate.			Personal estate.		
	£	s.	d.	£	s.	d.
A. B.	100	....	...	50	....	.....

SCHEDULE.

Tax-list.

Of tax-
list.

PERSONS ASSESSED.	Assessment of real estate.			Assessment of personal estate.			Amount of tax.		
	£	s.	d.	£	s.	d.	£	s.	d.
A. B.....	100	..	..	50	..	..	00	00	00

CHAP. 7.

AN ACT to prevent illicit trade with the enemy.

PASSED the 22d of July, 1782.

I. *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 all goods wares and merchandize of the produce growth or manufacture of Great Britain or of any country or territory, thereon depending, and all other goods wares and merchandize which may be imported into this or any of the other United States in vessels the property of subjects of the king of Great Britain or in any other way from places within the power of the enemy, shall, if brought into any part of this State not in possession of the enemy, be considered as contraband, and as such be liable to seizure and condemnation, except such goods wares and merchandize should be the property of the United States, or of this State, or being the property of an inhabitant of some other State should be only passing through this State, without being directly or indirectly sold, bartered or otherwise disposed of or attempted to be disposed of within this State.

Contra-
band
goods.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons whatsoever, after the expiration of twenty days next after the passing of this act to seize and take all goods wares and merchandize, which he she or they may find in or moving through any part of this State, and supposed to be contraband, and the same together with other person or persons in whose possession they may be found and if practicable, together with the carriages on which the same may be found and the horses or cattle drawing such carriages or carrying such goods, or the vessel or vessels in which the same may be found to convey and bring before the next justice of the peace of the city or county wherein such seizure shall be made, who shall take possession of the said goods wares and merchandizes and the carriages horses cattle and vessel employed in and about the transportation of the same, and shall make and subscribe a particular inventory thereof and furnish each of the parties with a true copy thereof, and shall then without delay appoint a time and place for the trial of the same, in which trial the captor or captors shall be considered, as plaintiff or plaintiffs and the person or persons, in whose possession the same were found as defendant or defendants, and unless the defendant or defendants shall make it appear by witnesses or otherwise upon the trial of the case by such justice, or by

Lawful to
seize
goods sup-
posed to
be contra-
band;
proceed-
ings after
seizure,
trial, etc.

a jury, which shall be allowed either party if required, in like manner as is allowed on trial of other causes before a justice of the peace, that such goods wares and merchandize are not of the produce growth or manufacture of Great Britain or any of the countries or territories depending thereon or if such goods wares and merchandize are of the produce growth or manufacture of any other country that they were not imported into this or any other of the United States in vessels the property of subjects of the king of Great Britain, or in any other way from places within the power of the said king, or that such goods wares and merchandize are by the exception before mentioned not made liable to condemnation. Such goods wares and merchandize shall be condemned together with the cattle, horses, carriages and vessels employed in or about the transportation of the same, the one half to the use of the captor or captors and the other half to the use of the people of this State, to be sold in manner directed by the eighth clause of this act, and partition of the money made in like manner. Provided that the defendant or defendants in such case shall if he she or they require it, be allowed twenty days after the effects so seized were deposited to prepare for trial.

Persons possessed of contraband goods may deliver same to officers named and receive certificate, etc.

III. *And be it further enacted by the authority aforesaid* That any person or persons possessed of goods wares and merchandize made contraband by this act, and which were legally imported into this State, may deliver the same at his or her option either to a justice of the peace of the county or to a supervisor of any district who are severally hereby required to receive the same and to give the person or persons depositing the same a certificate that he hath received from such person or persons the goods wares and merchandize, mentioned in the invoice or schedule to be annexed to such certificate, and shall also transmit a duplicate of such certificate and invoice, to the treasurer of the county and the goods so deposited shall remain and be safely kept by the justice of the peace or supervisor to whom the same shall have been delivered, for the use of the person or persons depositing the same so long as this act shall continue in force to prevent the sale of British goods within this State, or until the legislature shall direct the same to be restored.

Warrant to search for contraband goods to issue on oath and officer executing same may break open doors, etc.

IV. *And be it further enacted by the authority aforesaid,* That if after the expiration of twenty days, next after the passing of this act any person or persons shall apply to a justice of the peace of any city or county within this State for a warrant to search for any goods wares and merchandize made contraband by this act, and shall make oath that he or they suspect and really believe that goods wares and merchandizes by this act declared to be contraband are deposited or concealed in the dwelling house out house barn, stable, store, vessel, or in any other place or building whatsoever belonging to or occupied by any person or persons whatsoever, the said justice shall forthwith issue his warrant directed to a constable of the county requiring him to make diligent search in such suspected place or places to be mentioned in such warrant for contraband goods and to break open the doors of any house outhouse barn stable, store or vessel for the purpose of making any such search. If admittance shall be refused, and that if he shall upon such search find any goods suspected to be contraband he shall before the removal of such goods in the presence of two reputable freeholders make and subscribe with his name, a just inventory of all the goods by him seized and deliver the same to the possessor of the house, outhouse barn, stable, store or vessel where the same goods were found and seized and cause the same goods to be brought before the said justice, and

Inventory to be made in presence of freeholders.

to give notice by advertizement to be fixed up at the place where such goods shall be found that the claimant or claimants forthwith appear before the said justice and support his her or their claim. That the said constable shall execute such warrant in the day time only, and shall take to his assistance two reputable freeholders of the city or county, and with them only, unless he meet with opposition execute the said warrant and if by virtue of any such warrant, any such goods shall be brought before such justice, the said justice, shall proceed either by himself or with a jury if the claimant or claimants require it, to try if the same be contraband, and shall proceed in like manner as is directed in the second enacting clause of this act, provided always, that if no claimant appears within twenty days after notice given by advertizement as aforesaid, the said justice shall give judgment against the said goods in favour of the complainant, one half whereof shall go to the complainant, and the other half to the use of the people of this State.

Warrant to be executed in day-time only.

V. *And be it enacted by the authority aforesaid,* That no justice or jury shall by virtue of this act condemn the wearing apparel or household furniture of any person or persons whatsoever, or any watches or ornaments imported into this State, before the passing of this act

Wearing apparel, etc., not to be condemned.

VI. *And be it further enacted by the authority aforesaid,* That every person who shall be convicted of directly or indirectly selling bartering or otherwise disposing of goods made contraband by this act, after the expiration of twenty days after the passing thereof, shall be fineable in five times the value of the goods so sold bartered or disposed of, to be recovered before any justice of the peace in a summary way by any person or persons making complaint of such sale with costs of suit, one half to the complainant and the other half to the use of the people of this State.

Penalty for selling, etc., goods made contraband.

VII. *And be it further enacted by the authority aforesaid,* That whenever in a cause to be tried by virtue of this act, judgment shall be given for the defendant or defendants, the goods wares and merchandizes together with the horses, cattle carriages and vessels employed in the transportation of the same shall be restored and the plaintiff or plaintiffs, shall pay all fees, costs and other necessary and incidental charges attending the seizing of the same, but where goods wares and merchandize shall be condemned, the same together with the horses cattle carriages and vessels employed in the transportation thereof, shall be delivered to one of the collectors in the county in which such condemnation shall have been made, which collector shall under the iuspection of such justice sell the same, at public vendue, first giving at least eight days notice by advertizement to be fixed up in at least four public places, in such county of the time and place of such vendue, provided the goods so to be sold do not in the opinion of the justice exceed in value the sum of fifty pounds and that where the goods so to be sold shall exceed the sum of fifty pounds, the collector appointed to sell the same shall by advertizement to be published in one of the news papers printed in this State give notice of the time and place, of such sale, which time shall not be less then twenty days after such publication in the news papers, and shall also by advertizement to be put up in at least four public places in the town manor district or precinct publish such times, and places. That all fees and incidental charges of the seizure, tryal and sale of the said goods, wares and merchandizes shall be paid out of the monies arising from such sale or sales, and the one moiety of the remainder of such monies shall by the said collector be paid to the plaintiff or plaintiffs and the other moiety to the treasurer of the county in which the seizure was made, to be by such treasurer paid into the treasury of this State, for the

If judgment be for defendant goods to be restored and plaintiff to pay costs; if goods are condemned same to be sold by collector, etc.

Fees to be paid out of moneys arising from sale; and of remainder one moiety to plaintiff

and the other to county treasurer.

use of the people of this State and it shall be the duty of the justice by writing to be by him signed to inform the county treasurer of the sum or sums of money which the said collector shall have to pay to the said treasurer out of the monies which shall arise from such sale or sales as aforesaid, and transmit a duplicate thereof to the treasurer of the State.

Justice may try case although value of goods exceeds ten pounds.

VIII. *And be it further enacted by the authority aforesaid* That any justice or jury may proceed to tryal and award judgment in any case brought before them or before any jury by virtue of this act altho the value of the goods wares and merchandize in question shall exceed the sum of ten pounds any law to the contrary notwithstanding.

In case value exceeds fifty pounds claimant may elect another justice and the two shall select a third and trial be had before them.

IX. *And be it further enacted by the authority aforesaid* That in case any goods wares or merchandize seized or taken as contraband by virtue of this act shall exceed the sum of fifty pounds lawful money of this State it shall be lawful for the claimant or claimants to elect another justice of the peace of the county where the goods wares or merchandize shall be seized or taken, and the justice to whom application for a trial respecting the said goods wares or merchandize so seized or taken, shall be made in the first instance together with the justice elected by the claimant or claimants, shall elect another justice of the county, and which said three justices shall associate for the said trial, and further that in the case provided for by this clause the trial shall if the claimant or claimants, shall request the same, be by twelve jurors instead of six, and the said three justices shall issue process for summoning twenty four instead of twelve jurors. Provided, that after condemnation it shall be lawful for the said justice to whom application shall be so made in the first instance, to proceed in all things and in like manner as is herein before directed in case of trial before a single justice. Provided also if the claimant or claimants shall not elect another justice the justice to whom the complaint was made, shall proceed to tryal as if this clause had not been enacted, and provided also that the justice, elected by the claimant or claimants shall not be able to attend, the claimant or claimants shall elect another

On request of claimant justice to first adjudge value of goods.

X. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the justice to whom application shall be made for a trial in the first instance and he is hereby required on the request of the claimant or claimants previous to any other proceedings, to enquire of, and on his oath of office adjudge the value of the goods wares or merchandize so seized or taken, and if he shall adjudge the same exclusive of the horses cattle teams or vessels transporting the same to exceed the value of fifty pounds, then the trial respecting the same shall be had before three justices in manner as in the last preceding clauses is directed —And to the end that the juries may be wholly disinterested.

Jurors.

XI. *Be it further enacted, by the authority aforesaid* That the jurors for any trial to be had in pursuance, of this act in all cases where the value of the goods due exceed the sum of fifty pounds shall not come from the town manor district or precinct where the seizure shall be made but shall be returned from an adjoining town manor district or precinct.

Duty of supervisors and assessors to seize contraband goods.

XII. *And be it further enacted by the authority aforesaid*, That it shall be and it is hereby expressly made the duty of the supervisors and assessors severally in the respective words towns manors districts and precincts on their respective oaths of office, to seize, take and give information of all goods wares and merchandize deemed contraband in consequence of this act.

Salt, etc., not contraband.

XIII. *And be it further enacted by the authority aforesaid*, That salt, saltpetre, powder and all goods wares and merchandize being of the produce of the West Indies, shall not be considered as contraband goods

and shall not be subject to condemnation, any thing in this or any other act to the contrary notwithstanding.

XIV. *And be it further enacted by the authority aforesaid,* That whenever the person administering the government of this State shall by proclamation declare that the enemy have evacuated the southern part of this State, so much of this act as respects the sale or transportation of British goods, or any other goods imported, in British bottoms, and which may then be within the State, shall cease and become void as fully to all intents and purposes as if the same had been repealed by express act of the legislature.

When governor shall declare southern part of State evacuated by enemy act to become void as to goods named. Goods condemned and sold not again subject to seizure unless exposed for sale.

XV. *And be it further enacted by the authority aforesaid* That no goods wares or merchandizes which may be seized condemned and sold in pursuance of this act shall be subject to seizure or condemnation, after the sale made by the collector as aforesaid, unless such goods wares and merchandizes shall be exposed to sale or barter after such sale made by the collector.

CHAP. 8.

AN ACT farther to continue to the person administering the government of this State the power of appointing a place for holding the supreme court.

PASSED the 22d of July, 1782.

WHEREAS the power by law granted to the person administering the government of this State of appointing a place for holding the supreme court expired on the first day of April last, and no provision hath since been made in the premisses. Preamble.

Be it therefore 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 the act entitled "An act to continue to the person administering the government of this State the power of appointing the place for holding the supreme court," and the powers and provisions therein and thereby made and granted, are hereby revived; and are hereby declared to be, and shall be deemed to all intents and purposes in full force and effect as and from the said first day of April last; and the said powers and provisions are hereby farther continued and shall be in full force, until the legislature shall make farther provision in the premisses. Act named revived and continued in force.

CHAP. 9.

AN ACT to compel the payment of the arrearages of taxes.

PASSED the 24th of July, 1782.

WHEREAS considerable sums are due from the subjects of this State, for taxes imposed at different periods Preamble.

And whereas it is just and necessary that such persons who have neglected or refused to contribute their proportions of the taxes requisite for the public exigencies, should be compelled to pay the arrearages of such taxes.

Taxes in arrear to be paid.

I. *Be it therefore 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 all taxes due and in arrear in consequence of any act or acts for raising monies passed from and after the twenty seventh day of March one thousand seven hundred and seventy eight, and before the thirtieth day of June, one thousand seven hundred and eighty one, shall be paid by the person or persons on whom the same were originally assessed, in the manner herein after maintained or in case of the death of such person or persons, such taxes shall be paid by his her or their heirs executors or administrators.

Tax-lists to be delivered to the county treasurer.

II. *And be it further enacted by the authority aforesaid* That such persons who are supervisors or collectors of any ward town manor district or precinct since the said twenty seventh day of March one thousand seven hundred and seventy eight, and in whose hands or possession any of the tax lists made in pursuance of any act or acts for levying monies by tax as aforesaid shall be, or if such tax lists shall be in the hands or possession of the executors or administrators of such supervisor or collector, such executors or administrators shall on or before the first day of December next, deliver such tax list or a copy thereof to the treasurer of the county. That the collector or collectors his or their executors or administrators, shall on such tax list by him or them delivered distinguish the monies paid by each respective person for his or her tax, and answer such questions relative to the same on oath or affirmation (which oath or affirmation such treasurer is hereby authorized to administer) as may be necessary to enable such treasurer to determine what part of the monies mentioned in such tax list has been paid by the persons whose names are contained in such tax list, and what part still remains unpaid.—That the treasurer shall thereupon forthwith determine the value of such tax at which each person who has not paid shall have been taxed in each of the said tax lists, and make separate lists for each ward town manor district or precinct, containing the names of the persons taxed in such ward town manor district or precinct and who have not paid all the sums assessed as aforesaid and due from them, and the amount of the tax of such persons which still remains unpaid, which list shall be made in the form and upon the plan contained in the schedule annexed to this act.

Collectors to distinguish on tax-list money paid by each person, etc.

Treasurer to determine value of tax and make separate lists for each town.

Treasurer to grant tax warrants on such lists to collectors.

III. *And be it further enacted by the authority aforesaid* That it shall and may be lawful to and for the treasurer of the county as soon as such lists shall be completed to grant warrants on the said lists under his hand to the collector or collectors of the ward town manor district or precinct directing them respectively to levy the arrearages of the said tax and to return the same into the treasury of the county at a certain day in the said warrant expressed not exceeding six weeks from the date of such warrant, which list and warrant the treasurer shall cause to be delivered, to the collector or collectors of the ward town manor district or precinct immediately after such warrant being granted.

If not collected within time limited treasurer may extend same.

And that in case the said arrearages of tax shall not be collected within the time limited in and by such warrant, it shall and may be lawful if it shall appear to the treasurer by the examination of one or more witnesses under oath or affirmation (which oath or affirmation such treasurer is hereby authorized to administer) that the collection of such arrearages of tax was unavoidably delayed, to give such further time for the collection thereof not exceeding three weeks as to him shall appear necessary. That the collector or collectors shall thereupon proceed to the collection of the arrearages of such tax and from time to time pay to the county treasurer the produce thereof, never retaining in their hands

Duty of collectors in collecting tax.

a sum exceeding the amount of two hundred pounds. That if any person so taxed shall neglect or refuse to pay his or her tax mentioned in such list when thereunto required, the collector shall levy the same by distress and sale of the goods and chattles of the persons so refusing or neglecting— That where distress and sale shall be made in either of the cases abovementioned, the overplus after deducting the charges of such distress and sale shall be returned to the person by reason of the neglect or refusal of whom such distress and sale shall be made. That for want of goods and chattles whereon to levy the tax, the collector shall be and he is hereby authorized and required to commence an action in his own name before any justice of the peace of the county where at the time of the commencement of such action the defendant shall happen to be, and if such action shall be commenced against the persons taxed, upon proving the warrant on such list to have been signed by such treasurer, or if said action shall be commenced against the heirs executors or administrators of the person taxed, upon proving the warrant on the list to have been signed by the treasurer and that the defendant or defendants are the heir or heirs executor or executors or administrator or administrators of the person taxed, which is hereby declared to be conclusive evidence to entitle the plaintiff to recover, the jury in such cases, if tried by a jury, shall give a verdict, and the justice in every such case shall give judgment for the amount of the sum at which the defendant or his her or their ancestor testator or intestate was taxed, with costs; and the authority and jurisdiction of such justice is hereby extended to all such actions, notwithstanding the sum to be sued for shall exceed the sum of ten pounds, provided always that if such heir or heirs executor or executors administrator or administrators shall prove to the satisfaction of the justice or jury that no assets to the amount of the tax have come to his her or their hands from his her or their ancestor testator or intestate, in such case the plaintiff shall only be entitled to recover the amount of such assets. That the collectors shall be allowed and are hereby authorized to retain in their hands out of the taxes by them collected, a poundage of six pence in the pound, in full compensation for their services in the collection of the taxes foresaid — That the several county treasurers shall from time to time pay and deliver to the treasurer of this State all monies bills of credit or certificates to be received in payment of the arrearages of the said taxes, never retaining in their possession respectively a sum exceeding the amount of one thousand pounds— That the several county treasurers shall be allowed and are hereby authorized to retain the same in their hands out of the taxes they shall receive from the collectors a commission of twelve shillings for every hundred pounds for their services in receiving the said taxes and paying the same into the treasury of this State and performing all and every the duties in and by this act enjoined on them.

Collectors may bring actions to collect tax in cases where no goods are found.

Poundage.

County treasurer to pay and deliver all moneys received for arrearages of taxes to State treasurer less twelve shillings for every hundred pounds for their compensation.

IV. *And be it further enacted by the authority aforesaid* That the value of the arrearages of the said tax shall be estimated by the treasurer of the county in the list to be made by him in pursuance of this act at the rates following to wit, all such sums as are due and in arrear on the tax imposed by an act entitled An act for raising monies to be applied towards the public exigencies of this State passed the twenty eighth day of March one thousand seven hundred and seventy eight, at and after the rate of one silver Spanish milled dollar for every two dollars and three tenths of a dollar in arrear on the said tax.—All such sums as are due and arrear on the tax imposed by an act entitled “An act for raising monies by tax to be applied towards the public exigencies

Arrearages to be estimated at rates named.

of this State" passed the second day of March one thousand seven hundred and seventy nine, at and after the rate of one silver Spanish milled dollar for every twelve dollars and two tenth parts of a dollar in arrear on the said tax—All such sums as are due and in arrear on the tax imposed by an act entitled "An act for raising the sum of two million five hundred thousand dollars by tax within this State" passed the twenty third day of October one thousand seven hundred and seventy nine, at and after the rate of one silver Spanish milled dollar for every twenty nine dollars and three tenth parts of a dollar in arrear on the said tax. All such sums as are due and in arrear on the first tax imposed by an act entitled "An act for raising the sum of five million of dollars by tax within this State, and for other purposes therein mentioned" passed the sixth day of March one thousand seven hundred and eighty, at and after the rate of one silver Spanish milled dollar for every forty dollars in arrear on the said tax—All such sums as are due and in arrear on the second tax imposed by the said last mentioned act, at and after the rate of one silver Spanish milled dollar for every fifty eight dollars in arrear of the said tax—All such sums as are due and in arrear on the taxes imposed by an act entitled "An act approving of the act of congress of the eighteenth day of March one thousand seven hundred and eighty relative to the finances of the United States and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of congress" passed the fifteenth June one thousand seven hundred and eighty, at and after the rates following to wit, such sums as are due on the first payment directed to be made in and by the said act between the first day of July and the first day of October one thousand seven hundred and eighty, at and after the rate of one silver Spanish milled dollar for every sixty five dollars in arrear on the said tax—Such sums as are due on the second payment directed to be made in and by the said act between the said first day of October and the first day of January then next ensuing, at and after the rate of one silver Spanish milled dollar for every seventy five dollars in arrear of the said tax; such sums as are due on the third payment directed to be made in and by the said act between the first day of January aforesaid, and the first day of April one thousand seven hundred and eighty one, at and after the rate of one new emission dollar issued by this State in pursuance of the act of congress of the eighteenth March one thousand seven hundred and eighty or of the act of the legislature of this State passed the twenty seventh March one thousand seven hundred and eighty one, for every forty dollars in arrear of the said tax, and that no other money or any certificate of any kind whatsoever shall be receivable for the tax last mentioned.

Gold, silver, notes, certificates, etc., receivable in payment of arrearages of tax.

V. *And be it further enacted by the authority aforesaid* That gold and silver, notes issued by the superintendent of finance of the United States for gold or silver and notes issued by the directors of the bank of the United States for gold or silver, certificates issued by the agents of this State in pursuance of an act entitled "An act to procure supplies for the use of the army and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy" passed June twenty fourth one thousand seven hundred and eighty, for specie; certificates granted for horses purchased by this State for the use of the army in the year one thousand seven hundred and eighty, for specie at and after the rate of eight shillings in silver for every dollar expressed to be receivable by the possessor of such notes or certificates, bills of credit emitted on the credit of the United States previous to the eighteenth day of March one thousand seven hundred and eighty, bills of credit

emitted by the authority of the late colony of New York or by the authority of any provincial congress of the said late colony of New York, or by the convention of the State at and after the rate of one hundred and twenty eight dollars of the said bills for one silver Spanish milled dollar; certificates issued by the treasurer of this State in pursuance of an act entitled "An act to provide for the payment of certain monies taken on loan by this State" at and after the rate of forty dollars for every dollar of the said tax, and warrants with receipts thereon endorsed, given by virtue of the act entitled "An act to complete the Continental battalions raised under the direction of this State," passed the first day of July one thousand seven hundred and eighty, at the rate of one dollar in specie for each bushel of wheat specified in such warrant, shall be received in payment for the arrearages of the said tax and that such certificates shall be received from the possessors thereof respectively.

VI. *And be it further enacted by the authority aforesaid*, That if any supervisor assessor or collector shall neglect or refuse to perform any of the duties prescribed in and by this act, such supervisor assessor or collector shall for every such neglect or refusal forfeit the sum of twenty pounds, to be recovered before any justice of the peace in a summary way, by the treasurer of the county in the manner prescribed in and by an act entitled "An act for levying a tax within this State" passed at the present meeting of the legislature. Provided always that the collector or other person or persons his or their executors or administrators having a tax list in his or their possession shall not be subject to such forfeiture for neglecting or refusing to return such tax lists to the treasurers, or for refusing to answer such questions as shall be asked him or them respecting the same in the manner herein before mentioned. And that if any county treasurer shall neglect or refuse to perform any of the duties prescribed in and by this act, such treasurer shall for each and every such neglect or refusal forfeit the sum of fifty pounds to be recovered before any justice of the peace in a summary way by the treasurer of this State in the manner prescribed in and by the last mentioned act.

And whereas in some instances, assessment rolls or tax lists have not been made in pursuance and agreeable to the directions, of the above mentioned acts

VII. *Be it therefore further enacted by the authority aforesaid*, That wherever such assessment rolls or tax lists in and by any of the said acts directed to be made shall not be completed, the assessors, now in office, shall proceed to complete the same in the modes respectively prescribed by the said acts, and in completing such assessment rolls and tax lists, the supervisors and assessors shall be allowed the same time, exercise the same powers, and proceed in the same manner, as are prescribed and directed in and by the said acts respectively; and the supervisor or supervisors shall when such assessment rolls and tax lists are respectively completed, return the same to the county treasurer, who shall proceed to ascertain the value of each person's tax and enter the same in the list to be made by him in the manner prescribed and mentioned in and by this act with respect to taxes heretofore imposed and assessed.

VIII. *And be it further enacted by the authority aforesaid*, That the supervisors and assessors shall be respectively allowed for their respective services, for every day they shall be actually severally employed in executing the business by this act committed to them, each the sum of six shillings which wages shall be allowed and paid as the contingent charges

Penalty for neglect of official duty.

Proviso as to assessment-rolls not made.

Assessors now in office to complete same.

Compensation.

of the county are allowed and paid; to be charged, nevertheless, to the ward, town, manor, district or precinct, in which the same shall respectively arise.

Treasurer may issue warrant for arrest of officers, etc., neglecting to deliver tax-lists.

IX. *And be it further enacted by the authority aforesaid,* That in case any supervisor or collector his executors or administrators, or any other person or persons, who may have a tax list or tax lists in their possession shall refuse or neglect to deliver such tax lists to the treasurer of the county, or shall refuse to answer any question on oath or affirmation, of and concerning any matter or thing relative to the said tax lists and arrearages due thereon, such treasurer shall by warrant under his hand and seal, directed to any constable of the county, cause such person or persons neglecting or refusing, to be committed to the common goal of the county, there to remain until he or they shall deliver such tax lists or answer such questions proposed to him as aforesaid, on oath or affirmation.

Arrearages of tax in counties and districts named remitted.

X. *And be it further enacted by the authority aforesaid,* That all arrearages of taxes due from the counties of Tryon and Charlotte; the united districts of Duanesburgh and Schoharie and the districts of Saratoga Cambridge and Ball's-town, in the county of Albany; the precincts of North Castle and manor of Philip's-burgh, in the county of Westchester, and the precinct of Mamekating in the county of Ulster, shall be, and the same are hereby remitted, any thing in this or any other act contained to the contrary notwithstanding.

Supervisors may allow further time for collection.

XI. *And be it further enacted* That the supervisors of the respective wards, towns, manors, districts and precincts shall and may allow such further time for the collectors of their respective wards, towns, manors, districts or precincts, not exceeding six weeks for the collection of the taxes imposed by an act, entitled "An act for raising a tax in specie and a tax in paper currency" passed the thirtieth day of June one thousand seven hundred and eighty one, and the treasurers, supervisors and collectors shall have the like powers; be subject to the like penalties, and to be recovered in like manner as are mentioned in the said act. And in order that the legislature may be duly advised of any arrears due upon the taxes directed to be raised, by virtue of the act entitled "An act for raising the sum of eighteen thousand pounds, and the further sum of eighteen thousand pounds, by tax, within this State and for settling public accounts, passed the eleventh day of April one thousand seven hundred and eighty two, and also of any taxes which may be assessed, by virtue of an act, entitled "An act for levying a tax within this State" passed at this present meeting of the legislature —

County treasurer to lay copy tax-lists before legislature.

Be it enacted by the authority aforesaid, That the respective county treasurers be, and they are hereby respectively required to lay before the legislature, at their first meeting which shall be after the first day of December next, a true copy of all the tax lists, which may be made in the respective cities, towns, manors, districts and precincts in their respective counties with an account of all taxes which may then be in arrear on such tax lists.

CHAP. 10.

AN ACT to provide forage for the use of the army.

PASSED the 24th of July, 1782.

Preamble.

WHEREAS there remains a sum unappropriated of the monies to be raised by virtue of act, entitled "An act for raising the sum of eighteen thousand pounds; and the further sum of eighteen thousand pounds, by tax within this State, and for settling public accounts." Passed the eleventh day of April one thousand seven hundred and eighty two: *And whereas* application hath been made to this State, by the commander in chief of the army of the United States, for an aid in forage—

Amount to be paid to State agent for purchase of forage, etc.

Be it therefore 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 the sum of six thousand pounds out of the monies so unappropriated, shall by the treasurer of this State, whenever the same or any part thereof shall come into his hands, be paid unto Udney Hay Esquire, agent for the State, to be laid out in the purchase of such forage and procuring such pasturage as the quarter master general of the army of the United States shall require, and that, if by accident the said fund should be found incompetent and a deficiency arise, it shall and may be lawful for the treasurer of this State to make good such deficiency, out of any monies which his excellency the governor was authorized to take on loan, by virtue of an act entitled "An act for the payment of certain contingent expences of this State," passed the fourteenth day of April last passed, and that, if there should be a deficiency after the monies arising from the said funds are applied to the payment of the said sum, it shall and may be lawful for the treasurer of this State, and he is hereby required to make good such deficiency, out of any monies which may come into his hands, by virtue of the act entitled "An act to compel the payment of the arrearages of taxes passed this present meeting.

Purchase to be made and pasturage to be procured at such places as the quarter-master-general directs.

And be it further enacted by the authority aforesaid That the said Udney Hay Esqu', shall purchase such forage and procure such pasturage at such places as the quarter master general shall direct and deliver the same at the places where the same shall be purchased or procured to such person or persons as the quarter master general shall appoint to receive the same, and such forage and pasturage shall immediately after its being purchased and procured be at the risk of the United States, until the same is delivered as aforesaid: Provided always that no such forage shall be purchased or pasturage procured on account of this State, until the quarter master general shall have covenanted with the said Udney Hay, to pay for the same in specie or notes issued or to be issued by the superintendant of the finances of the United States, on or before the first day of February next, and if the said superintendant shall signify to his excellency the governor that he will credit this State with the amount of such forage and pasturage, the said covenant shall thenceforth become null and void.

CHAP. 11.

AN ACT to prevent grants or locations of the lands therein mentioned.

PASSED the 25th of July, 1782.

WHEREAS congress have by several of their acts declared that certain quantities of land should at the termination of the present war with Great Britain be granted to the persons, respectively described in such acts, officers and soldiers in the army of the United States, *and whereas* the legislature of this State are inclined to make provision to carry into effect the said acts of congress at a future day, so far as they respect officers and soldiers in the army of the United States, who have a right to such grants from this State.

Preamble.

I. *Be it therefore 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 all the lands situate lying and being in the county of Tryon bounded on the north by Lake Ontario, the Onondago river and the Oneida lake, on the west by a line drawn from the mouth of the Great Sodus or Asorodus creek, thro' the most westerly inclination of the Senica lake, on the south by an east and west line drawn thro' the most southerly inclination of the Senica lake, and on the east by a line drawn from the most westerly boundary of the Oneida or Tuscarora country on the Oneida lake thro' the most westerly inclination of the west bounds of the Oneida or Tuscarora country; shall be and the same is hereby declared to be set apart and assigned for the purpose of making grants to major generals and brigadier generals, who at the time of their entering into the service were inhabitants of this State, and to the troops of this State serving in the army of the United States, and their legal representatives, agreeable to any acts of congress, heretofore published and declared or any law or laws hereafter to be passed by the legislature of this State and to such other persons as the legislature may hereafter deem it necessary to provide for by gratuities in land, on account of their military services in the army of the United States. And the surveyor general for the time being shall be and he is hereby strictly inhibited from receiving and accepting of any location on any part of the lands so set appart except for certificates lodged in his office before the passing of this act, and excepting out of the said tract, so set apart, a certain tract of land within the bounds following (to wit) Beginning at the mouth of a brook or small river which empties into the east side of the river, proceeding from the Cayuga lake being known by the name of Teyagokaryen and running thence southerly along the northeasterly bank thereof to a ford at the north end of the pond or lake called and known by the name of Wasko, thence southwest to the Cayuga lake, thence northly along the bank of said lake to Teyagokaryen the stream first above mentioned and the surveyor general is hereby also strictly inhibited from receiving and accepting of any locations on any part of the lands contained in the tract last described.

Lands described set apart to be granted to officers and privates.

Lands excepted.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawfull for the surveyor general to reserve locations in that part of the tract by this act sett apart for the use of the troops of this State serving in the army of the United States for a quantity of land equivalent to two townships of seven miles square each in that part of the tract so set a part which lies between the Seneca and Cayuga lakes and adjoining to any locations heretofore made.

Lawful for surveyor-general to reserve locations equal to two townships between lakes named.

Surveyor-general to refuse certificates to persons locating lands occupied by subjects of this State, etc.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawfull to and for the surveyor general, and he is hereby required to refuse certificates to any person or persons who already have or hereafter shall locate any lands which at the time of such location were actually occupied and possessed, by any person or persons, subjects of this State or which have been in the actual possession and improvement of any person or persons subjects of this State since the commencement of the present war with Great Britain, or which were heretofore when this State was a colony reserved and applied for public uses, any thing in any law of this State to the contrary notwithstanding, provided always that nothing in this clause contained shall be taken or deemed to inhibit the said surveyor general for passing certificates for any lands located or to be located and which now are or heretofore were possessed and occupied by any of the six nations of Indians the Oneida and Tuscaroras excepted, provided also that the surveyor general shall not refuse any certificates to persons who have located lands, which they were authorized by law to locate, and which they themselves occupy and possess, except for such lands before mentioned which were heretofore reserved and applied for public uses.

Proviso as to fears of inhabitants of Kings district.

And whereas it has been represented to the legislature that fears and uneasiness prevails among the inhabitants of Kings district in the county of Albany by reason of suggestions and pretenses by other persons that the whole or part of the lands comprised within the said district as still vacant as having never been granted, for removing such fears and uneasiness,

Estate, etc., not to be impeached.

IV. *Be it enacted by the authority aforesaid,* That the estate right title or interest of any person or persons, of in or to any lands within the said district, and not within any grant or patent made or issued under the great seal of this State while the same as the colony of New York was subject to the crown of Great Britain shall not in any wise be impeached questioned or injured by reason or colour that such lands were not heretofore in due form of law granted in fee simple by the government of this State while the same was a colony of New York, or since the declaration of the independence thereof.

Proviso as to lands for parsonage and glebe for churches named.

And whereas the wardens and vestry of the two churches at the High Lands and Peeks Kill with sundry inhabitants of Cortlandt's manor by their memorial presented to the legislature of this State represented that in the year one thousand seven hundred and seventy two Beverley Robison and Susanah his wife tendered to convey to the said wardens and vestry the farm then in possession of Ebenezer Jones near Continental village containing two hundred acres for the purpose of a parsonage and glebe, That the memorials in consequence of such tender purchased the improvements of the said Ebenezer Jones, and proceeded to build the house now on said farm, called the yellow house. That they were in possession of the said farm and house untill the service of the country demanded them to yield the same for public use.

Commissioners not to sell same; wardens and vestry may occupy.

V. *Be it enacted by the authority aforesaid* That it shall not be lawfull for the commissioners of forfeitures of the middle district of this State to sell or dispose of the said house and farm nor the commissioners of sequestration to lett or devise the same untill the legislature shall specially order the same, and that the said wardens and vestry shall and may occupy possession and enjoy the said premises untill such further order shall be made.

L A W S
OF THE
STATE OF NEW YORK

PASSED AT

KINGSTON, IN THE SECOND MEETING OF THE SIXTH SESSION OF
THE LEGISLATURE.

CHAP. 12.

AN ACT to prevent private lotteries to remit certain penalties
and to repeal the acts therein mentioned.

PASSED the 14th of February, 1783.

WHEREAS experience has proved that private lotteries occasion idleness and dissipation, and have been productive of frauds and impositions. Preamble.

Be it therefore 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 each and every lottery other than such as shall be authorized by the legislature shall be deemed a common and public nuisance; and the justices of the supreme court and all other justices of the courts of oyer and terminer or gaol delivery and the justices of the courts of general or quarter sessions of the peace at their several courts within any of the respective counties in the State shall have cognizance of such offence, and are hereby enjoined and required in all and every of their charges hereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to enquire of, and to present, indict all offences against this act: And the court to which an indictment or presentment, shall be preferred for such offence shall be and are hereby empowered and enjoined to prosecute such indictment or cause the same to be prosecuted in the usual manner of prosecutions; and upon conviction to adjudge such fines and penalties as are herein after directed together with the cost of prosecution, and to order execution, and to direct the fines or penalties when recovered to be applied in the manner herein after directed. Lotteries not authorized by the legislature a public nuisance.
Grand juries to be charged to indict.

Lotteries,
etc., pro-
hibited.

And be it further enacted by the authority aforesaid, That no person or persons shall within this State open, set on foot, carry on, promote draw or make publickly or privately, any lottery game or device of chance of any nature or kind whatsoever, or by whatever name denomination or title it may be called known or distinguished, or shall by any such ways or means expose or set to sale any houses lands tenements or real estate, or any goods-wares merchandizes cash or other thing or things whatsoever; and that every person who shall offend in the premisses, against the true intent and meaning of this act, and shall thereof be convicted by the oath of one or more credible witness or witnesses in either of the courts hereinbefore mentioned, in any part within this State, shall forfeit the amount of the whole sum or value for which such lottery was made; and if such sum or value shall not be satisfactorily ascertained to the said court at the time of the trial, then each such offender so convicted shall forfeit five hundred pounds; and that such offender shall be committed to the common gaol of the county until such forfeiture with the costs of prosecution be paid; the one half of such forfeiture to be paid to the treasurer of this State for the use of the people of this State, to be applied for the support of government, and the other half to the person or persons who shall have voluntarily given information of such offence, and prosecuted the same to effect; and for defect of such voluntary information then to be paid and applied as the first moiety of such forfeiture is hereby directed to be paid and applied.

Penalty.

Sale or
purchase
of tickets
prohib-
ited.

III. *And be it further enacted by the authority aforesaid,* That if any person shall vend sell or barter, or offer to vend sell or barter any ticket or tickets of any such private lottery game or device of chance; or if any person or persons shall purchase the same, or in any other way become adventurer or adventurers therein; or be any ways concerned in any such lottery game or device of chance, either by printing writing or any other ways publishing an account thereof, or where tickets may be had or obtained for the same; or be in any wise aiding or assisting in the same, every person so offending shall on being convicted thereof as before mentioned in any of the courts before mentioned forfeit and pay for every such offence the sum of ten pounds and the costs of prosecution to be levied and applied in like manner as is directed with respect to the other forfeitures herein before mentioned.

Penalty.

Adventur-
ers, in lot-
teries, etc.,
becoming
entitled to
prizes to
forfeit
same with
costs of
suit to in-
formers.

IV. *And be it further enacted by the authority aforesaid* That if any person or persons who shall be adventurer or adventurers in any such lottery game or device of chance as aforesaid for transferring of any property by lot or chance, shall become entitled to any prize or prizes, he she or they shall be liable to forfeit, and shall forfeit the same with costs of suit to such person or persons who shall give information thereof, so that such offender may be convicted in manner before directed; and for the recovery of such prize or prizes such person or persons so informing, shall be entitled to maintain an action in any court of record within this State; against any person who shall have opened set on foot carried on or made such lottery game or device of chance, or against any person or persons who shall have sold or offered for sale any ticket or tickets: and if the person or persons so informing be or shall have been an adventurer only in such lottery game or device of chance, he she or they shall upon giving such information as aforesaid be exempted from the penalty otherwise incurred by this act: and any person or persons adventuring as aforesaid whose ticket or tickets shall be drawn or turn out blank, shall upon giving information as aforesaid, so that the person or persons who shall have opened set on foot carried on drawn or made the said lottery or other game or device of chance, or shall have

sold or bartered, or offered for sale or barter such ticket or tickets may be convicted, be entitled to recover against any such person or persons so convicted double the sum which he she or they adventured in such lottery game or device of chance, with double costs of suit by action of debt in any court of record within this State. And if any person or persons who shall have so opened set on foot carried on drawn or made such lottery game or device of chance as aforesaid, shall either before or after the drawing or finishing of the same give information thereof so that the persons who have adventured therein shall be convicted in the manner before directed, he she or they so giving information shall not only be exempted from the penalty otherwise incurred by this act, and be entitled to the reward allowed to persons in such case informing, but shall also have a right to retain all such monies or other effects as he she or they may have received by the sale or barter of tickets.

V. *And be it further enacted by the authority aforesaid,* That every grant bargain sale conveyance or transfer of any lands tenements hereditament or real estate, or of any goods or chattles whatsoever which shall hereafter be made in pursuance of any such lottery game or other device to be determined by chance or lot are hereby declared void and of none effect. Grants, etc made in pursuance of any lottery game void.

VI. *And be it further enacted by the authority aforesaid,* That where any two or more persons shall be concerned in setting on foot carrying on drawing or making any such lottery game or device of chance as aforesaid, or be joint adventurers in the same, the penalties hereinbefore directed for such offences respectively may be recovered against and levied from all or each or either of them any thing herein contained to the contrary notwithstanding. Penalties may be recovered against each adventurer.

VII. *And be it further enacted by the authority aforesaid,* That all offences against an act entitled "An act for the more effectual prevention of private lotteries" passed on the ninth day of March, one thousand seven hundred and seventy four, committed since the fourth day of July one thousand seven hundred and seventy six and not hitherto presented or indicted by a grand jury, are hereby pardoned; and all penalties and forfeiture thereby incurred are remitted; and the said act except as to such person or persons against whom presentment or presentments indictment or indictments have been presented, is hereby repealed. And that as to all such person or persons against whom any presentment or indictment has been preferred for such offence and judgment remains to be rendered, such court to which such indictment or presentment was preferred shall and may at a future session of such court discharge the offender or offenders on his her or their paying the costs of prosecution respectively. And for neglect of payment of the costs of prosecution that such court before whom such offender is indicted do commit such offenders respectively to the common gaol of the county until they shall respectively have paid the costs of prosecution: and that all former laws of this State respecting lotteries be and the same are hereby repealed. Offenses named pardoned.

Offenders named to be discharged on payment of costs.

VIII. *And be it further enacted by the authority aforesaid,* That the justices of the peace, mayors sheriffs bailiffs constables and other civil officers within their respective jurisdictions, are hereby empowered directed and required to use their utmost endeavors by all lawful ways and means to prevent the opening setting on foot, or drawing of any such unlawful lotteries games or devices of chance, prohibited by this act. Provided always that this act, or any matter clause or thing therein contained, shall not affect or be deemed judged or construed to affect any lottery or lotteries established or to be established by or Officers named to use utmost endeavors to suppress lotteries.

Proviso as to lotteries authorized by Congress.

under the authority of the United States in congress assembled, or any act matter or thing done or to be done in any wise relating to such lottery or lotteries by any persons whomsoever.

CHAP. 13.

AN ACT for the relief of Jacobus Wynkoop.

PASSED the 14th of February, 1783.

Preamble. WHEREAS congress on the nineteenth day of April one thousand seven hundred and eighty two did resolve in the words following to wit "that it be recommended to the State of New York to make up the depreciation on the pay which Jacobus Wynkoop hath received." *And whereas* it appears that the said Jacobus Wynkoop hath received on account from the United States on the eighteenth day of March one thousand seven hundred and seventy seven the sum of four hundred and eight pounds ten shillings, and on the seventh day of May one thousand seven hundred and seventy eight, the further sum of two hundred pounds, and on the first day of September one thousand seven hundred and seventy nine, the further sum of five hundred and eighty two pounds three shillings and six pence.

Auditors to liquidate and settle depreciation due Jacobus Wynkoop.

Be it therefore 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 the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States are hereby authorized and required to liquidate and settle the depreciation due to the said Jacobus Wynkoop on the two sums last above mentioned, and give to the said Jacobus Wynkoop such certificates as they have given to the officers noncommissioned officers and privates of the line serving in the army of the United States: Provided always that the said auditors in ascertaining the depreciation of the said two last mentioned sums shall liquidate and settle the same agreeable to the scale mentioned in the schedule annexed to an act entitled "An act directing a mode for the recovery of debts due to, and the settlement of accounts with this State," any law to the contrary notwithstanding.

Proviso as to scale.

CHAP. 14.

AN ACT to prolong the time limited for the qualification of attornies solicitors and counsellors at law whose suspension has been taken off.

PASSED the 14th of February, 1783.

Preamble. WHEREAS in and by a certain act of the legislature of this State entitled "An act to amend an act passed the ninth of October one thousand seven hundred and seventy nine relative to attornies solicitors and counsellors at law, it is among other things therein enacted that if any attorney solicitor or counsellor whose suspension was already taken off and who had not before the passing of that law been duly qualified pursuant to the directions of an act passed the fifth of March one thousand seven hundred and seventy eight and who being then an inhabitant of

this State should not within three months thereafter or if such suspension should be thereafter taken off should not within ten days after such suspension should be taken off, take the oath in and by the act first mentioned and referred to prescribed should be forever thereafter precluded and barred from pleading or practicing in any of the courts of law or equity in this State.

And whereas it has been represented to the legislature that by reason of the shortness of the time limited for taking the oath by the said first mentioned act prescribed, individuals have been surprized and disqualified from pursuing their professing although they could have taken and subscribed the said oath had it been tendered to or understood by them within the time prefixed.

Be it therefore 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 every attorney solicitor or counsellor at law whose suspension hath heretofore been taken off and who has not been duly qualified as by the said first recited act is limited and directed shall nevertheless be at liberty and he is hereby fully permitted and authorized to take and subscribe the oath by the said first recited act appointed to be taken within two months from and after the passing of this act and that upon taking of and subscribing to the said oath it shall and may be lawful to and for such attorney solicitor or counsellor to plead and practise in all and every or any of the courts of law or equity within this State in which he shall have been licensed or admitted to practice, the said first in part recited act or any other law usage or custom to the contrary in any wise notwithstanding.

Attorneys, etc., whose suspension has been taken off may take oath within two months from passage of this act.

CHAP. 15.

AN ACT to authorize the collection of monies in arrear for the support of the poor in the manor of Cortlandt.

PASSED the 18th of February, 1783.

WHEREAS the monies expended by the overseers for the support of the poor in the manor of Cortlandt in the county of West Chester during the years one thousand seven hundred and seventy six, and one thousand seven hundred and seventy seven, have not been levied on the inhabitants of the said manor, occasioned by the distresses of the war. Preamble.

And whereas an assessment was made by the supervisor and two of the justices residing in the said manor in the year one thousand seven hundred and eighty one, for levying as well the monies expended during the said last mentioned year as in the said first mentioned years for the support of the said poor, and warrants were issued for collecting the monies so assessed.

1. *Be it therefore 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 the respective collectors of the manor of Cortlandt, in the county of West Chester, to whom warrants have issued for collecting the money expended by the overseers for the support of the poor of the manor of Cortlandt in the county of West Chester during the years one thousand seven hundred and seventy six, one thousand seven hundred and seventy seven, and one thousand seven hundred and eighty one are hereby authorized and required to collect and pay the same

Collectors to whom warrants have issued to collect and pay over tax, power vested in, etc.

agreeable to the tenor and direction of the said warrants respectively, and are hereby vested with the same power and authority in collecting the same as is given to the collectors throughout this State in and by an act entitled "An act for levying a tax within this State" passed the twentieth day of November seventeen hundred and eighty one, notwithstanding the time for which such collectors were appointed shall have been expired. And to enable the collector to distinguish what proportion of the monies mentioned in the said warrants accrued for the support of the said poor during the years first above mentioned, it shall and may be lawful to and for the supervisor of the said manor, to distinguish on the said assessment roll, or on a tax list to be annexed thereto, what proportion of the monies mentioned in the assessment roll opposite to each person's name was assessed for and towards the support of the said poor during the years first mentioned, and what proportion thereof was assessed for and towards the support of the poor during the year last above mentioned.

Proviso as to persons occupying farms of persons gone off to enemy.

And whereas there are many persons residing in the said manor who occupy the farms of persons who are gone off to the enemy; and as it would be improper to compel the said occupants to discharge the tax which accrued and became due while in possession of the said persons before they respectively went off to the enemy without making provision for their relief.

Collectors to be furnished receipts in blank.

II. *Be it therefore enacted by the authority aforesaid,* That the supervisor of the said manor shall furnish the respective collectors of the said manor with receipts for monies assessed for the support of the poor of the said manor for the said years one thousand seven hundred and seventy-six and one thousand seven hundred seventy-seven with the name of the said supervisor thereto subscribed, leaving therein blanks for the names of the person who shall pay such assessment, the sum paid for the same, and the farm on account of which such assessment was paid; and that wherever any money has been or shall be collected for the support of the poor of the said manor for the years last mentioned, from persons who occupy any of the farms leased by the commissioners of sequestration for the county of West Chester which accrued and became due while in the possession of persons who have gone off to the enemy it shall and may be lawful for the collector who has collected or shall collect the same to fill up the blanks in the said receipts respectively with the name of the person who has paid or shall pay the money, the sum so paid, and the form on account of which the said money was paid and to counter sign the same; and the said receipts being produced to the commissioners who leased the said farms, they shall receive the same on account of the rent of the farms mentioned in the said receipts respectively; and the amount of such receipts shall be allowed by the auditor of the State in the settlement of the said commissioners accounts.

Blanks to be filled with names of persons paying and receipts to be received by commissioners on account of rent.

Copy assessment-roll to be furnished commissioners.

III. *And be it further enacted by the authority aforesaid* That the supervisor of the said manor shall make return to the commissioners of sequestration of a copy of the aforesaid assessment roll or tax list, to enable the commissioners to ascertain whether the receipts of the collectors correspond with the monies assessed on the farms respectively leased by the said commissioners.

In cases named present collectors may be directed to make the collection.

IV. *And be it further enacted by the authority aforesaid* That if the persons who issued the aforesaid warrants shall judge it improper for the persons respectively to whom the warrants are directed to collect and pay the money agreeable to the direction of the said warrants, it shall and may be lawful for them to direct the present collectors to collect the money aforesaid, and such collectors last mentioned shall have the same

power as is given to the collectors before mentioned in this act, and the said collectors respectively to whom the said warrants are directed shall deliver the said warrants with the rate books and the money paid therein to the present collectors when thereunto required by the persons who granted the said warrants or the major part of them.

CHAP. 16.

AN ACT to authorize his excellency the governor to raise troops for the defence of the frontiers.

PASSED the 21st of February, 1783.

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 be lawful for his excellency the governor by general orders to draw out into actual service from all or any of the districts of the brigades or regiments of the militia of this State, when and as often as he shall deem it necessary for the defence of the frontiers so many able bodied and effective men not exceeding six hundred for any term or time not exceeding eight months from the first day of April next as he shall deem most conducive to the safety of the State; provided that the United States in congress assembled shall have declared that the said troops shall be paid and subsisted at the expence of the said United States. That the commanding officer of each regiment of militia shall require the respective commanding officers of companies within his regiment to make just and true returns to him upon oath of all the male inhabitants and sojourners of the age of sixteen years and upwards within each of their respective beets, excepting such sojourners as shall produce a certificate of their having been classed with the beat of the company where they last resided and also excepting slaves. That the said commanding officer together with the other field officers of the regiment shall within one week after such return shall be made meet together at such time and place within the district of the regiment as the commanding officer of the regiment shall appoint. That at such meeting the field officers or the major part of them shall divide the regiment agreeable to such return thereof into classes, each class to consist of so many men as his excellency the governor shall direct. And it shall be the duty of the field officers to compose each of the classes with persons in their judgment, as nearly equal in property as possible so that equal justice may be done between each of the classes. That the commanding officer of the regiment shall cause to be delivered to a militia officer or to some other reputable person belonging to each class a list of the class. That each class shall within twenty days after being furnished with such list, deliver at such place as the governor shall appoint, within the county where the man shall be raised, an able bodied man to be provided with a good musket or fire lock with a bayonet, a cartouch box or pouch capable of containing seventeen charges of ammunition, a knapsack or haversack and a good blanket. That if troops shall be drawn out at different periods in pursuance of this law the governor shall apportion such troops among the different brigades and regiments so that the burthen in the rotation of service may as nearly as possible be equally borne among the inhabitants of this State.

Governor may draw militia into actual service as often as he deems necessary.

Commanding officers of companies to make returns.

Officers named to meet and divide regiments into classes.

Each class to deliver able bodied man provided with musket, etc.

Quakers liable to be classed, Each class responsible for man enlisted until delivered, etc.

Detached persons after notice deemed to belong to troops.

Assessors to be convened and apportion sum among persons composing delinquent class; collection of, how enforced.

Troops subject to orders and to rules and articles of war.

Troops to be divided into corps and officered.

Officers neglecting duty to forfeit twenty pounds.

That the people called Quakers shall be liable to be classed in like manner as the other male inhabitants any exemption in favor of the said people in any other law to the contrary notwithstanding. That each class shall be responsible for the man by them respectively enlisted until he shall be delivered and mustered at the place or places of rendezvous to be appointed in general orders, and on failure of a sufficient muster at such place or places either of an able bodied man or of arms or other appointments, the class so delinquent shall be subject to a detachment from among them of an able bodied man, not being of the people called Quakers, properly armed and appointed as aforesaid, who shall in such case be detached by the commanding officer of the regiment, wherein such class shall be, within five days after notice of such delinquency given to him by the person or persons to be appointed by the governor to muster the said troops at such place or places as aforesaid. That each person being so detached shall after notice thereof left at his usual place of abode be deemed as belonging to the said troops that such delinquent class shall nevertheless be subject to pay a sum equal to double the amount of the highest bounty given by any class within the district of the regiment. That the commanding officer of the regiment shall convene the assessors of the district in which the major part of the class reside and lay before them a list of the names of the persons composing such class, who shall thereupon apportion the said sum to and among the several persons composing such delinquent class due regard being had to the circumstances and abilities of each respective person. That the said commanding officers shall thereupon deliver the assessment roll to such sergeant in the regiment as he shall appoint for the purpose who shall forthwith by distress and sale levy of the several persons named in such assessment roll the sum opposite to their respective names, and shall, after deducting thereout a poundage of one shilling in the pound for his services in collecting the said monies, pay the same to the commanding officer of the regiment by whom the one moiety shall be paid to the person so detached and the other moiety thereof to the treasurer of the county and by him into the treasury of the State. That if any person, refusing to pay the sum assessed upon him, shall not be possessed of goods and chattles whereof the same can be levied the said commanding officer shall by warrant under his hand, to be directed to any sergeant of the regiment, cause such person to be committed to the goal of the county, and if there be no goal in the county, to the next nearest goal, there to remain without bail or mainprize until the sum so assessed upon him shall be paid to the commanding officer of the regiment. That the troops to be raised by virtue of this act shall be subject, to the orders of the commander in chief of the armies of the United States, and to the rules and regulations contained in the articles of war made or to be made by the congress of the said United States for regulating the armies of the said States, and that courts martial for the tryal of any person belonging to the said troops shall consist of officers belonging to the army of the United States, or to the militia of this State, or to the said troops, as the governor shall direct. That the governor shall from time to time make such arrangement of the said troops and divide them into such and so many corps as he shall deem proper and shall by and with the advice and consent of the council of appointment appoint the necessary officers accordingly. That every commissioned or non commissioned officer or assessor who shall wilfully neglect or refuse to do or perform any of the duties required of him by this act shall forfeit for every offence the sum of twenty pounds to be sued for and recovered with costs of suit in a sum-

mary way before any justice of the peace of the county by and in the name of the commanding officer of the regiment, in which suit a jury shall be allowed if demanded by either party in manner and form as by a certain act entitled "An act to empower justices of the peace, mayors recorders and aldermen to try causes to the value of ten pounds and to repeal sundry acts therein mentioned" is prescribed, in certain suits therein mentioned; and the said penalty when recovered shall be paid by the said commanding officer into the treasury of this State. That the measures necessary to carry this law into effect shall be executed on general orders to be issued for the respective purposes by the governor and that every commissioned officer of the militia of this State shall make such returns respecting the said troops to such officers in the militia and within such time as the governor shall from time to time direct and appoint; and that any colonel or commanding officer of a regiment disobeying such general orders shall and may be tried by a general court martial to be convened by order of the governor; and if such colonel or commanding officer shall be convicted of willful neglect or refusal to execute any of the duties enjoined on him by this act, he shall be adjudged in like manner as is directed in and by an act entitled "An act to regulate the militia" passed the fourth April, one thousand seven hundred and eighty two. That whenever any person or persons belonging to any class shall procure a man for the same at his or their own proper expence to serve in such troops, and all the persons composing such class cannot agree to a mode for the apportionment of such sum, the assessors of the district where the major part of such class shall reside, or any two or more of them, shall and may apportion the sum paid as and for a bounty to such man, and assess the persons composing such class agreeable to their circumstances and abilities; and that the assessment or apportionment so to be made in pursuance of this law, shall, upon suit to be commenced for the recovery of any part of such bounty, before any justice of the peace of the county, who is hereby authorized to take cognizance thereof, be deemed conclusive evidence to entitle the plaintiff to recover the sum assessed, with costs of suit, against the defendant; in which suit a jury shall be granted in manner aforesaid, it required, and execution shall by the said justice be forthwith granted accordingly. That the commanding officers of the several regiments shall make return to the governor of the amount of the several bounties paid by the respective classes and such return shall by the governor be transmitted to the treasurer of this State to be filed in the treasury, to the end that upon a final adjustment of the accounts of the several States this State may have credit for the amount of the said bounties as monies advanced by this State towards defraying the general expence of the war.

WHEREAS certain frontier parts of this State hereafter mentioned are exposed to incursions of the enemy and subject to frequent calls of the militia.

Be it therefore enacted by the authority aforesaid That the counties of Westchester Tryon and Charlotte, the united districts of Duanesburgh and Schoharie, the districts of Saratoga and Ballstown and such part of the district of the township of Schenectady (the settlement called Scotia excepted) as lies on the north side of the Mohawk river in the county of Albany, the precinct of Mamacotting and the township of Rochester in the county of Ulster the district of the regiment commanded by Colonel A. Hawke Hay and that part of the Goshen regiment which lies on the west side of the Minisink mountains in the county of Orange shall be and are hereby exempted from raising any of the men directed to be raised by this act.

Measures necessary to be executed on general orders issued by the governor.

When person procures man and class cannot agree, assessors to apportion sum paid.

Regimental commanders to make returns to governor.

Counties and districts named exposed to incursions of enemy exempted from raising men.

CHAP. 17.

AN ACT to incorporate the minister elders and deacons of the Reformed Protestant Dutch Church of Tappan or town of Orange in Orange county.

PASSED the 25th of February, 1783.

Preamble. WHEREAS Daniel Declark, Peter Haring, Johannes Blauvelt, Lambert Smith and Cozine Haring original patentees of the tract of land called Tappan or the town of Orange in Orange county did by a certain deed-poll bearing date the thirteenth day of October, one thousand seven hundred and twenty nine release quit claim and confirm unto the then church officers of the Reformed Protestant Dutch Church of Tappan aforesaid and their successors to the use of the said church a certain piece or lot of land lying and being in Tappan aforesaid in the said county of Orange, beginning by a beach tree standing a little to the north of Gysbert Bogerts path and from thence running west twenty seven chains to the line of Johannes Meyer to a tree there marked, then south nine degrees west one chain and ten links to a stake, then east one degree south seventeen chains to an oak marked, then south nine degrees west thirty chains to old Tappan road to a stake, then east by north eighteen chains to the Spar kill then northerly along the Spar kill and the land of Gysbert Bogert to the place where it first begun, containing fifty five acres.

Ibid. *And whereas* the present minister elders and deacons of the church aforesaid by their humble petition presented to the legislature set forth that from the time of the conveyance aforesaid until the present day the church officers of the church aforesaid for the time being have held and enjoyed the said piece or lot of land, and that the predecessors of the said petitioners have been at considerable expence in erecting on the said piece or lot of land, a decent edifice in which the public worship of God is carried on according to the usage and custom of the Reformed Protestant Dutch churches of the united provinces in Europe, and in erecting other buildings for the reception and convenience of the minister of the said church; and further that they the said petitioners and their predecessors for several years past have laboured under difficulties and disadvantages for the want of corporate powers and therefore pray to be incorporated and to have the said piece or lot of land and buildings thereon confirmed to them and their successors and assigns forever.

Corporation. *Be it therefore 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 Samuel Verbruyck, minister of the said Reformed Protestant Dutch Church of Tappan or town of Orange in Orange county Teunis Blauvelt, Robert Sickles, Abraham J. Haring and Martin Paulus, elders and Abraham L. Blauvelt, Barent H. Nagel, John J. Haring and Gerrit Jos, Blauvelt deacons of the same church and their successors, elected chosen or appointed according to the mode practised in or by the Reformed Protestant Dutch churches or congregations, be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever by the name stile and title of the ministers elders and deacons of the Reformed Protestant Dutch church of the town of Orange in Orange county.

Powers. II. *And be it further enacted by the authority aforesaid* That they the said minister elders and deacons and their successors by the name,

stile and title aforesaid shall forever hereafter be persons able and capable in law to have take receive acquire, purchase possess and enjoy lands tenements hereditaments and goods chattles, property and effects of whatsoever kind nature or quality as any person or persons or any corporation or body politic can or lawfully may do to the annual value of five hundred pounds equal to one thousand one hundred and eleven ounces and one ninth part of an ounce of Sevil Pillar or Mexico plate and no more and the same lands tenements hereditaments goods chattles property and effects to lease grant demise alien bargain sell and dispose of at their own will and pleasure

III. *And be it further enacted by the authority aforesaid,* That they the said minister elders and deacons and their successors by the name stile and title aforesaid at all times forever hereafter shall be persons able and capable in law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended in any court or courts in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form they may be, and all and every matter and thing therein to do in as full and effectual manner as any other person or persons, or corporation or body politic within this State may or can do. Ibid.

IV. *And be it further enacted by the authority aforesaid* That they the said minister elders and deacons and their successors shall have full power and authority to make have and use one common seal with such devise and inscription as they shall think proper and the same seal to break alter and renew at their pleasure. Seal.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said minister elders and deacons and their successors from time to time to elect from among themselves a president and to elect and appoint from among themselves or others a treasurer, a clerk and such other officers as they shall stand in need of and the same president treasurer clerk and other officers or any of them at their pleasure to remove change or continue. Officers.

VI. *And be it further enacted by the authority aforesaid* That all the estate right title and interest which they the said herein before named Daniel Declark, Peter Haring, Johannes Blawvelt, Lambert Smith and Cozine Haring or any or either of them immediately at and before their executing the aforesaid deed poll, had of in or to the herein before described piece or lot of land and buildings and improvements thereon, be and the same are hereby vested in and confirmed to the said minister elders and deacons of the Reformed Protestant Dutch Church of the town of Orange in Orange county and their successors and assigns to have and to hold the same unto them their successors and assigns to and for their only proper use and behoof forever. Property vested in corporation.

CHAP. 18.

AN ACT to revive and amend an act entitled "An act to restrain hawkers and pedlars within this State."

PASSED the 25th of February, 1783.

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 the act entitled "An act to restrain hawkers and peddlars within Act named revived.

Proviso as to goods, grown or produced in the United States.

this State" passed the twenty sixth of March, one thousand seven hundred and eighty one, and which expired by its own limitation the first of January last, shall be and is hereby revived and continued until the first day of February next: Provided always that nothing herein contained shall be construed to affect the sale of any goods, wares or merchandizes of the growth produce or manufacture of this or any other of the United States of America.

CHAP. 19.

AN ACT to encourage the destroying of wolves and panthers.

PASSED the 4th of March, 1783.

I. 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.

Reward for killing wolves, etc.

That from and after the passing of this act and during the continuance thereof every person who shall actually take and kill a wolf or wolves, whelp or whelps panther or panthers in any of the counties within this State, shall have and receive the following reward that is to say for every grown wolf or panther the sum of forty shillings, and for every wolf or panther under the age of one year the sum of twenty shillings, to be paid by the county treasurers respectively as shall be directed by this act, except in the county of Tryon, where the reward for every grown wolf or panther shall be twenty shillings and for every wolf or panther under the age of one year ten shillings.

Heads and skin to be taken before justice or supervisor and oath taken.

II. And be it further enacted by the authority aforesaid, That before any person or persons shall be entitled to any of the rewards allowed by this act, he or they shall carry the head or heads of such wolf or wolves, whelp or whelps, panther or panthers with the entire skin thereon to any justice of the peace, or any supervisor dwelling in the county in which such wolf or wolves, whelp or whelps or panther were killed and taken; and the said justice or supervisor shall be and is hereby empowered directed and required to administer to every such person an oath, or if of the people called Quakers an affirmation in the words following. You do swear (or affirm) that the wolf,

Certificate to be given

or panther, the head whereof you now produce to me was taken and killed within the county of so help you God. And after the taking of such oath or affirmation, the said justice or supervisor shall and is hereby impowered and required to give a certificate thereof to such person or persons as have so sworn or affirmed as aforesaid; and such justice or supervisor for administering such oath or affirmation, and giving a certificate thereof shall receive no fee or reward. And the said justice or supervisor in giving such certificates shall therein mention the name or names of such person or persons as have so sworn or affirmed that he or they had actually taken and killed such wolf or wolves whelp or whelps, panther or panthers within the county where the same shall by the oath or affirmation aforesaid appear to have been taken and killed, and to distinguish whether the same were full grown, and such justice or supervisor shall cut off the ears of every such wolf whelp or panther for which such certificate is granted; and such certificate being produced to the supervisors of the said county, the said supervisor shall allow to such person as shall produce such certificate all such sum or sums of money as are allowed by this act for destroying of wolves whelps or

Certificate to mention name, etc.

panthers; and the said reward shall be a county charge, and shall be assessed raised and levied together with the other necessary and contingent charges of the said county.

III. *And be it further enacted by the authority aforesaid,* That the supervisors of the respective counties in which wolves whelps or panthers may be killed shall and are hereby empowered required and directed to order the aforesaid sum or sums of money by this act to become due, to be paid to the county treasurer; and the said treasurer shall pay the same as shall be ordered by the said supervisors to such persons or their assigns as have taken and killed such wolf or wolves, whelp or whelps, panther or panthers.

Supervisors to order sum due to be paid.

IV. *And be it further enacted by the authority aforesaid,* That every native free Indian, free negro or mulatto or slave who shall have actually taken and killed any wolf or wolves whelp or whelps panther or panthers within any of the counties of this State, and shall carry the head or heads thereof with the entire skin thereon to any of the justices or supervisors of the county wherein such wolves or whelps or panthers shall be taken and killed, and bring such evidence or give such reasons to the satisfaction of the said justice or supervisor that such wolf or wolves whelp or whelps panther or panthers were taken and killed within the said county where such justices or supervisors were appointed or chosen; in such case the said justice or supervisor is hereby empowered required and directed to give a certificate to the master or mistress of such slave, or to any such native or free Indian, free negro or mulatto in the same manner and form as is herein before directed to be given; and such master or mistress, native or free Indian, free negro or mulatto, shall be entitled to and receive the same reward as is given by this act as aforesaid. This act to be in force from the passing thereof until the first day of January which will be in the year one thousand seven hundred and ninety.

Free Indians, negroes and slaves entitled to reward for killing wolves, etc.

V. *And be it further enacted by the authority aforesaid,* That all former laws allowing a reward for the taking killing or destroying any wolf, whelp or panther, within any of counties of this State, shall be and are hereby repealed.

Former laws repealed.

CHAP. 20.

AN ACT to prevent the sale of certain estates therein mentioned.

PASSED the 4th of March, 1783.

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 the commissioners of forfeitures in the western district are hereby directed not to sell or dispose of the real estate of Lucas Vedder in the county of Tryon, or the real estate of Henry Herring late of Tilleburgh, in Palatine district in the said county, until the further order of the legislature; and that the commissioners of sequestration of the county of Tryon are directed not to take into their possession the real estate or to dispose of the personal estate of Henry Herring late of Tilleburgh in Palatine district aforesaid until the further order of the legislature. And that the commissioners of forfeitures who or may be appointed for the sale of lands in the southern district are directed not to sell or dispose of the real estate of Jonathan Towler esquire, formerly one of the judges of the inferior court of common pleas for the county of West Chester until the further order of the legislature.

Commissioners of forfeitures not to sell real estate of parties named.

CHAP. 21.

AN ACT to enable certain persons whose buildings have been destroyed by the enemy to procure timber for building.

PASSED the 4th of March, 1783.

Preamble. WHEREAS many of the inhabitants of this State have had their dwelling houses barns mills and barracks destroyed by the enemy since the commencement of the present war, and it is represented to the legislature, that there is not a sufficient quantity of timber on the estates of some of those unfortunate persons to rebuild the same, whereby their distresses are increased, and without the aid of the legislature will be prolonged.

Be it therefore 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 be the duty of the person administering the government of the State for the time being, to grant license or licenses under his hand and seal to such and so many persons resident in the several counties of this State respectively as he shall judge to be competent and necessary for the purpose, authorising them respectively to grant permissions in writing to any and all such person or persons who shall require the same, and shall make it appear by proof to the satisfaction of the person authorized to grant permissions as aforesaid that their houses barns mills or barracks have been destroyed by the enemy, and that there is not on their estates respectively a proper and sufficient quantity of timber to rebuild the same, to cut and remove from any or such confiscated lands as may be most convenient, and not located or sold by the commissioners by virtue of any laws of the State for that purpose, such and so great a quantity of timber as may be deemed by the person by whom such permission may be granted, necessary and sufficient to rebuild the houses barns mills and barracks which belonged to the persons respectively applying, and which have been destroyed as aforesaid. And the permission aforesaid shall be granted without fee or reward. Provided nevertheless that no person shall be permitted to cut timber on any part of the said confiscated farms, unless such farm shall have more timber thereon than shall be sufficient for the use thereof. And provided also that nothing in this act contained shall be construed to extend to any inhabitant of the southern district of this State, who hath during the present war remained within the power of the enemy.

II. *And be it further enacted by the authority aforesaid,* That no person or persons whatsoever shall cut or destroy any timber or other wood, upon any such forfeited estates more than the just quantity for rebuilding, for which they shall have licenses as aforesaid; and that it shall and may be lawful for the commissioners of forfeitures of the respective districts within this State, and it is hereby made their duty to prosecute such person or persons who shall have committed trespass by cutting any wood or timber without having first obtained such permissions.

III. *And be it enacted by the authority aforesaid* That this act and every power or authority given or to be given by virtue thereof, shall be and continue in force from the passing thereof, until the first day of March one thousand seven hundred and eighty-five.

Governor to grant licenses to resident persons to give written permission to cut timber to persons named.

Proviso as to cutting timber on confiscated farms.

Amount to be cut limited to just quantity for rebuilding.

Act to continue in force till day named.

CHAP. 22.

AN ACT to amend an act entitled an act to lay a duty of excise on strong liquors; to appropriate the monies arising therefrom, and for the better regulating of inns and taverns within this State, passed the fourteenth March one thousand seven hundred and eighty-one.

PASSED the 5th of March, 1783.

WHEREAS inns and taverns are become more numerous than are necessary or advantageous for travellers, or the inhabitants of the State, whereby the morals of the people may be debauched. Preamble.

Be it therefore 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 the commissioners empowered by the abovementioned act to grant licences to retail strong or spiritous liquors shall not after the first day of May next grant licence to any person or persons to retail strong or spiritous liquors, for the purpose of keeping an inn or tavern, unless it shall appear to three or more of the said commissioners that an inn or tavern at the place at which such licence is applied for is necessary for the accommodation of travellers, and that the person applying for such licence has steadily and uniformly behaved as a good and zealous friend to the American cause since the declaration of the independence of this State and is of good moral character. That every such licence hereafter to be granted for the purpose of keeping an inn or tavern shall express the same in the licence, and also that it appears necessary to the commissioners that a public inn or tavern be kept at such place, and that the person licenced is of such moral and political character as before mentioned; which licences shall be subscribed by three or more of the said commissioners in the presence of each other (except in the city of Albany where such licences shall be given by the mayor of the said city) after the person so to be licenced shall have taken such oath, and given such security as in and by the act herein mentioned is directed. Commissioner not to grant license unless inn is necessary for accommodation of travelers, etc.

II. *And be it further enacted by the authority aforesaid,* That every keeper of any public inn or tavern to be licenced after the first day of May next, shall keep in his house at least two spare beds for guests and, provide and keep good and sufficient stabling and provender of hay in winter and hay or pasturage in the summer, and grain, for four horses more than his own stock, and shall on default of having either of the articles in this clause before mentioned be liable to a prosecution for the same by any person or persons before any justice of the peace of the county where innkeeper or tavernkeeper shall reside, and on conviction thereof shall forfeit and pay for each offence neglect or default, to the person or persons who shall have prosecuted for the same, the sum of forty shillings, with costs of suit. Facts to be stated in license.

And whereas by reason of the devastations of the enemy in the counties of Charlotte Tryon and West Chester, little resort is had to some inns or taverns in those counties, but which are nevertheless of public convenience and utility. Beds, etc., to be kept.

Be it therefore enacted by the authority aforesaid That it shall be in the direction of three commissioners in either of the said counties respectively by writing for that purpose under their hands and seals to exempt one or more innholders or tavernkeepers in the respective towns Proviso as to devastations of enemy in counties named.

manors districts or precincts in the said three counties respectively, from keeping such spare beds and stabling, provender and forage, as is herein before directed.

And whereas by reason of the said commissioners not being fully informed of the duties required of them by this act many licences to keep public inns or taverns may before the said first day of May next be granted to improper persons.

Licenses granted before first day of May to expire on that day and new licenses to be granted.

Be it further enacted by the authority aforesaid That all licences to keep public inns or taverns granted before the first day of May next (except such as shall have been granted in pursuance of and in conformity to this act) shall expire on the said first day of May next, and from thenceforth be null and void; and that the commissioners in the respective cities towns manors districts or precincts in the respective counties in this State, shall, on application, and without fee or reward, grant new licences to expire on the first day of March next ensuing the date of such licences respectively, instead of such as may have expired, to such persons only as shall in their judgment be duly and properly qualified, (to keep public inns or taverns) agreeable to the directions of this act; and shall restore to every person who shall have obtained a licence that is become void, and paid for excise, and who shall be adjudged by such commissioners not duly and properly qualified agreeable to the directions of this act to keep an inn or tavern, a proportionate sum of the money paid by such person for excise, according as the time he shall have kept an inn or tavern, shall bear to the time of his licence then to come; and declared void.

Commissioners to account with overseers of poor for monies received for licences.

And be it further enacted by the authority aforesaid That the several and respective commissioners shall and are hereby required on or before the first day of June in every year, to account with the overseers of the poor of their respective towns manors districts or precincts for the monies for them to be annually rated for excise, and pay the same to the said overseers for the use of the poor, except in the county of Ulster, where the monies to arise by virtue of this act shall be paid and applied as by the act herein before mentioned is directed.

And the more effectually to prevent every species of gaming or incitement thereto in public inns or taverns.

Cock fighting, playing with cards, etc., in inns and out houses prohibited.

Be it further enacted by the authority aforesaid, That it shall be deemed an offence against the people of this State for any person who shall keep a public inn or tavern to permit or suffer any cock fighting, playing with cards or dice, or to keep any billiard table or shuffle board within his house or within any outhouse yard or garden belonging thereto, or therein to permit any kind of gaming by lot or chance. That as well the courts of oyer and terminer and of gaol delivery, as the courts of general or quarter sessions of the peace in the several counties within this State, shall have cognizance of offences against this act, and shall and may punish offenders convicted thereof by fine and imprisonment at the discretion of the said court in which any such convictions shall be had; and that the justices of the several courts before mentioned shall in their charges hereafter to be given to every grand jury within the State, charge them diligently to enquire of and to indict or prevent all offenders against this act.

Courts to have cognizance of offenses against this act.

CHAP. 23.

AN ACT for the relief of Dirck Jansen and his creditors.

PASSED the 8th of March, 1783.

WHEREAS the said Dirck Jansen in order to obtain a general discharge, is willing to assign and deliver all his estate for the benefit of his creditors. Preamble.

I. *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 said Dirck Jansen by deed executed under his hand and seal in the presence of two credible witnesses within one month after the passing of this act to grant convey assign and deliver to Henry Remses late of the city of New York Samuel Ten Broeck, of Roeliff Jansen Kill in the county of Albany, and Peter Van Gaasbeek, Abraham Brinckerhoff and Peter Elting all of Kingston in the county of Ulster, for the use of the creditors of the said Dirck Jansen his estate real and personal both in law and equity and all books vouchers and securities relating to the same except his wearing apparel, his arms and other military accoutrements, and also excepting one bed and the necessary bedding for his own use. Dirck Jansen may convey his real estate, etc., for use of creditors to parties named.

II. *And be it further enacted by the authority aforesaid,* That the said assignees or any three of them shall have full power and authority to grant bargain and sell or dispose of all or any part of the said estate and to execute good and sufficient deeds for the same and to sue for and recover in their names or the names of any three of them all debts and things due or belonging to the said Dirck Jansen or to his real or personal estate, and shall have full power and authority to refer to arbitration settle compound or agree with any person or persons indebted to the said Dirck Jansen in such manner and form as they the said assignees or any three of them shall deem just or expedient. And shall proceed to convert the estate of the said Dirck Jansen into money as soon as conveniently may be and shall within the space of twelve months after the passing of this act proceed to make a division of all the money which shall come to their hands of the said estate among all the creditors of the said Dirck Jansen the amount of whose demands have come to the knowledge of the said assignees in ratable proportions, first giving three months notice of the time and place, of making such division, by advertising the same twelve weeks successively in one or more of the public news papers of the State, and if the whole be not then settled, shall within the space of six months thereafter make a second division of what monies may come to their hands after the first division, and so shall a third and farther division or divisions be made within the space of six months between each division till a final settlement and a just and equal division be made of the whole of the said estate. Assignees to sell same, etc., and divide proceeds among creditors.

III. *And be it further enacted by the authority aforesaid,* That the said assignees or any three of them shall (at least one month before a division be made) appoint a day by advertising the same in one or more of the public news papers of this State, for a general meeting of all such creditors of the said Dirck Jansen as shall chuse to attend, in order to examine and ascertain the debts due to each of his creditors. Notice to be given.

IV. *And be it further enacted by the authority aforesaid,* That the said assignees or any three of them shall within one month after the said assignment and before they shall proceed to the execution of the trust Assignees' official oath.

reposed in them take an oath (to be administered by any one of the judges of the supreme court or any one of the judges of any of the inferior courts of common pleas of this State) well and faithfully to execute the trust reposed in them by this act and render a true account of all that shall come to their hands of the estate of the said Dirck Jansen and for that purpose shall keep regular books of accounts, to which every creditor (at all reasonable times) may have recourse. And for the care and trouble of the said assignees in transacting the said business, they shall be allowed and paid (out of the said estate) such a consideration as any one of the judges of the said supreme court shall tax or certify to be just and reasonable.

Compensation.

Proceedings for full discovery of said estate.

V. *And be it further enacted by the authority aforesaid,* That for the more full discovery of the said estate the said assignees or any three of them shall have full power and are hereby required to summon and examine on oath the said Dirck Jansen respecting any conveyance assignment or other matter or thing relative to his said estate and every other person whatsoever known or suspected to have secreted concealed or fraudulently received or embezzled any part of the said estate, and in case any person on such summons, shall neglect or refuse to attend, having no reasonable excuse, or shall refuse to be sworn or being sworn shall refuse to answer, such person so neglecting or refusing shall forfeit and pay for every such neglect or refusal the sum of one hundred pounds to be paid to the said assignees or any or either of them, who shall sue for and recover the same together with costs, which penalty when so recovered shall be considered and disposed off as part of the estate of the said Dirck Jansen, as other his estate is hereby directed to be disposed of, and any justice of the peace of this State may administer the oath to the person or persons who shall attend as witnesses before the said assignees for the purposes aforesaid and if any such person shall wilfully or knowingly swear falsely, he or she shall be liable to the same pains and penalties as those who are convicted of wilful and corrupt perjury.

Felony for said Jansen to conceal any part of his estate, etc.

VI. *And be it further enacted by the authority aforesaid,* That in case the said Dirck Jansen shall be guilty of perjury by concealing (after being sworn as aforesaid) any part of this estate or effects, or shall after the said assignment of his estate by virtue of this act, redeem any debt or debts due to him before, or if he shall secrete any part of his estate or any books or writings relating thereto with an intent to defraud his creditors, he shall be deemed and adjudged guilty of felony.

Priority to debts due the State, etc.

VII. *And be it further enacted by the authority aforesaid,* That debts due from the said Dirck Jansen to the people of this State for taxes shall be first paid, then all costs of suit, and after deducting all such costs and charges and expenses as shall necessarily be laid out and expended by the assignees together with an allowance for their care and trouble therein, the residue shall be equally divided among the creditors, and in the division no preference shall be allowed or given to debts due by specialty or judgment, but if there shall be an overplus after all the creditors are fully paid all their just demands, it shall be paid and delivered by the said assignees or any three of them to the said Dirck Jansen his heirs executors or administrators.— Provided that nothing in this act contained shall be construed to deprive the landlord of the right of distraining or otherwise securing his rents which by law he had before the making of this act, and provided also that the said assignees shall not dispose of the messuage and lands with the appurtenances now possessed by the said Dirck Jansen lying and being in the manor of Livingston in the county of Albany, unless the residue of the estate of the

Proviso as to rights of landlord to distrain.

said Dirck Jansen shall after the expiration of three years from the passing of this act be found insufficient to pay all the just debts due by him to his creditors.

VIII. *And be it further enacted by the authority aforesaid* That the said Dirck Jansen, having assigned and given up his estate and conformed in all things to the directions of this act, all executions on any judgment or judgments that may have been obtained against him are hereby for ever barred and his person, and property acquired after his assigning and conforming as aforesaid, shall be discharged from all debts due or contracted by him before the time of the said assignment, and if he shall be prosecuted for any such debt or contract he may plead the general issue and give this act and the special matter in evidence.

Execu-
tions
barred and
person and
property
discharged

IX. *And be it further enacted by the authority aforesaid*, That the conveyance or assignment of the estate of the said Dirck Jansen lately made to Philip Rockenfeller, Samuel Ten Broeck, and Peter Van Gaasbeek, for the use and benefit of his creditors shall be and is hereby declared to be null and void from and after the time of making the assignment directed by this act.

Convey-
ance
named
null and
void.

And be it further enacted by the authority aforesaid That the assignees of the said Dirck Jansen or any three of them shall and may have and enjoy all the benefits which the said Dirck Jansen might or could have had and enjoyed in consequence of an act entitled "An act relative to debts due to persons within the enemy's lines" if such assignment had not been made, and such assignees are hereby declared to all intents and purposes to be in the place and stead of the said Dirck Jansen as if the said act had particularly and expressly provided that assignees should and might be entitled to all the benefits intended in and by the said act to be secured to debtors who have not remained with the enemy.

Benefits to
be enjoyed
by as-
signees.

CHAP. 24.

AN ACT to amend an act, entitled an act for the further settle-
ment of the accounts of the troops of this State, in the service
of the United States.

PASSED the 8th of March, 1783.

WHEREAS it is represented to the legislature that the pay directed to be liquidated in and by the act entitled an act for the further settlement of the accounts of the troops of this State, in the service of the United States, is still unsettled by means of difficulties which have arisen.

Preamble.

I. *Be it therefore 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 in the settlement of the accounts of the troops of this State, for the pay accrued during the year one thousand seven hundred and eighty one, the auditors shall not charge any noncommissioned officer or private for any cloathing received by them respectively, the said law to the contrary notwithstanding. That the said auditors shall charge the officers, noncommissioned officers and privates of the two regiments of infantry, and the regiment of artillery of this State, serving in the army of the United States, with the monies advanced to them respectively on account of this State, during the year one thousand seven hundred and eighty one, ascertaining the value thereof if in paper currency, agreeable to what shall be deemed by such auditors the actual value thereof at the time of such payments respectively.

Auditors
in settling
accounts
not to
charge for
clothing,
but to
charge for
money
advanced.

Advances to be deducted from amount of pay due.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawfull to and for such auditors, to deduct from the amount of the pay of each officer, noncommissioned officer and private, previous to settling the ballance thereof, the amount of monies advanced by the paymasters of the said regiments respectively, in which such officer noncommissioned officer and private served during the year aforesaid, to such officer noncommissioned officer and private; and that the auditors shall thereupon credit such paymasters in the accounts to be transmitted to the treasurer, as in and by the act hereby amended is directed, with the amount of such monies advanced by them respectively. Provided always, that such paymasters respectively shall produce an account to the said auditors wherein they shall specify the names and ranks of the officers, noncommissioned officers and of the privates, to whom they shall have advanced monies during the year aforesaid, or at any time since, for account of pay for the said year and the sums advanced to each respective person and the kind of money in which such advances were made; and that the said auditors shall previous to any settlement as aforesaid, require such paymasters respectively, to make oath before the said auditors, or one of them, that the monies and articles specified in such account, were actually and bona fide advanced, and delivered, to the officers, noncommissioned officers and privates charged for the same during the said year one thousand seven hundred and eighty one, or at any time since.

Proviso as to accounts to be produced by paymaster.

Auditors to transmit accounts, etc., to State treasurer.

And be it further enacted by the authority aforesaid, That the auditors shall transmit such accounts, with a certificate of such oath having been taken, thereon endorsed, to the treasurer of this State, with the accounts of the ballances by them ascertained as aforesaid: and the treasurer of this State shall, and he is hereby required, to charge the United States, with all clothing delivered by this State, for the use of the noncommissioned officers, and of the privates, of the troops of this State, serving in the army of the United States, and with all monies advanced to them, and to the commissioned officers, of the said troops, by this State.

Treasurer to pay annual interest.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to and for the treasurer of the State, to pay the annual interest arising from such ballances, to the order of any officer, noncommissioned officer or private, entitled to the name, or the order of their executors or administrators respectively, any former law to the contrary notwithstanding.

CHAP. 25.

AN ACT for the relief of Abraham Swart.

PASSED the 8th of March, 1783.

Preamble.

WHEREAS it appears that Abraham Swart of Montgomery precinct in Ulster county hath purchased the improvements of a farm in the said precinct late the property of David Colden, but was uninformed of the time within which a certificate of the character of the assignor should be produced to the commissioners of forfeitures without which he can have no benefit from his said purchase —

Further day given to produce certificate of character of assignor.

Be it therefore 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 a farther day be given to the first day of May next to the said Abraham Swart to produce to the commissioners of forfeitures for the middle district a certificate of the character of the assignor or tenant

from whom he hath purchased the said improvements; and that it shall be lawful for the said commissioners to receive such certificate on or before the said first day of May next, any law to the contrary notwithstanding: Provided always, that no person hath legally made any deposit with, or shall have obtained a legal title for the same from the said commissioners before the passing of this act.

CHAP. 26.

AN ACT to enable John Cochran Esq^r to locate two thousand acres of waste and unappropriated lands within this State.

PASSED the 8th of March, 1783.

WHEREAS the said John Cochran by his humble petition presented to the legislature hath prayed permission to locate two thousand acres of waste and unappropriated lands within this State and that the legislature would be pleased to direct a grant to be made out to him for the same, as by the said petition more fully and at large appears. Preamble.

And whereas it appears to the legislature that the reasons assigned, in the said petition, to induce them to grant the prayer thereof are cogent and conclusive.

Be it therefore 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 the said John Cochran may and he is hereby permitted to locate for the use of himself his heirs and assigns two thousand acres of the waste and unappropriated lands within this State, with the usual allowance for highways: Provided that such location shall not be made on lands prohibited to be located by any former law of the legislature of this State and that the said two thousand acres of lands shall be located and laid out as nearly in a square as the next adjacent appropriated lands will admit of: And provided also that the said lands shall be settled and improved by at least four families within three years after the termination of the present war. John Cochran may locate waste and unappropriated lands.

And be it further enacted by the authority aforesaid That whenever such location shall be made by the said John Cochran as aforesaid a certificate thereof shall be made and subscribed by the said John Cochran and filed with the surveyor general of this State for the time being; and if it shall appear to the said surveyor general that the said two thousand acres of land are located in manner and form aforesaid and described with sufficient certainty, then and in such case he shall approve of the said location and cause the same to be filed in the secretary's office of this State and also shall thereupon cause a survey of the land so located to be made and returned at the expence of the said John Cochran; whereupon the said John Cochran shall immediately be entitled to a grant of the same. Certificate to be made and filed with surveyor-general.

CHAP. 27.

AN ACT to repeal an act entitled "An act authorizing the United States in congress assembled to levy a duty on foreign merchandize imported into this State," and for making more effectual provision therefor.

PASSED the 15th of March, 1783.

Preamble.

WHEREAS the people of this State represented in senate and assembly did pass a certain act entitled "An act authorizing the United States in congress assembled to levy a duty on foreign merchandize imported into this State," in expectation that the legislatures of the other United States would pass similar laws for the purposes therein mentioned; and it appears that several of the legislatures have passed laws upon the subject matter aforesaid dissimilar to the tenor and true intent and meaning of the before mentioned act of the legislature of this State: by reason whereof, and of the proviso therein contained, the said act can have no operation.

And whereas the legislature of this State are disposed to give a further proof of their earnest desire to contribute towards a fund for the payment of the public debts, and on such terms and conditions as will be more likely to meet with the concurrence and co operation of the other States.

Act named repealed.

Be it therefore 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 the above mentioned act of the legislature of this State entitled "An act authorizing the United States in congress assembled to levy a duty on foreign merchandise imported into this State," and every clause article and thing in the said act contained, be and the same hereby are repealed and annulled.

Grant to United States of ad valorem duty of five per cent on foreign imported goods.

And the people of this State do give and grant to the United States in congress assembled, and it is hereby declared and enacted by the authority aforesaid, that the people of this State do hereby give and grant to the United States in congress assembled, a duty or duties of five per cent ad valorem at the time and place of importation upon all goods wares and merchandise of foreign growth or manufacture which may be imported into this State from any foreign port island or plantation except as the act of congress of the third day of February in the year one thousand seven hundred eighty one, recited in the before mentioned act of the people of this State represented in senate and assembly, is excepted: and also a live duty or duties on all prizes and prize goods to be condemned in the court of admiralty of this State as lawful prizes; so as the said duties shall not be continued longer than until the principal and interest of the debts already contracted, or which may be contracted on the faith of the United States for supporting the present war, shall be fully and finally discharged.

Duties to be levied by officers under authority of this State.

And be it further enacted by the authority aforesaid, That the same duties or such proportion thereof as congress shall from time to time require, and the several legislatures of the rest of the respective States on their part shall agree to give and grant, shall be levied and collected by such officers, under the authority of this State, and in such manner and form, and under such pains penalties and regulations as the people of this State represented in senate and assembly by laws to be for that purpose from time to time enacted and made shall enjoin and direct.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the collectors appointed to collect the said duty to pay the same to such person as shall by the United States in congress assembled be authorized to receive the same.

Collectors to pay duties to person authorized by congress to receive same.

Provided always that the force and operation of this act shall be and is hereby suspended untill all the States except such whose legislatures are by the events of the war prevented from assembling, shall have passed laws for vesting the United States in congress assembled with a grant and powers similar to those vested in them by this act.

CHAP. 28.

AN ACT to appoint commissioners to compleat the running of a jurisdiction line between this State, and the State or Commonwealth of Massachusetts.

PASSED the 17th of March, 1783.

WHEREAS an agreement was made and entered into on the eighteenth day of May in the year one thousand seven hundred and seventy three, between commissioners appointed by an act of the legislature of the late colony of New York, and commissioners appointed by an act of the legislature of the late colony of Massachusetts Bay, which agreement is in the words following; to wit, "This agreement indented, made the eighteenth day of May in the thirteenth year of the reign of his most gracious majesty George the third king of Great Britain, France and Ireland, defender of the faith, &c. and in the year of our Lord one thousand seven hundred and seventy three, between John Watts, William Smith, Robert R. Livingston, and William Nicoll, Esquires, duly authorized to make such agreement by virtue of a law of the province of New York, of the one part; and William Brattle, Joseph Hawley, and John Hancock, Esquires, thereunto also duly authorized by virtue of a law of the province of the Massachusetts Bay, of the other part, witnesseth, that the commissaries aforesaid being met at Hartford in the colony of Connecticut, for the settlement of a partition line of jurisdiction between the said provinces of New York and the Massachusetts Bay, on the easterly part of the said province of New York, and from the south to the north boundaries of the said Massachusetts Bay, in pursuance of the said laws and certain commissions respectively issued to the commissaries above named by the governors of the provinces aforesaid, and in compliance with the royal recommendation heretofore signified to Sir Henry Moore, baronet, and Francis Bernard, Esquire, the then governors of the said provinces, by letters from the right honorable the Earl of Shelburn late one of his majesties principal secretaries of State; and after having had divers conferences relative to the aforesaid boundary of the said provinces, they the said commissaries do thereupon unanimously agree, that the following line, that is to say, a line beginning at a place fixed upon by the two governments of New York and Connecticut, in or about the year of our Lord one thousand seven hundred and thirty one, for the north west corner of a tract of land commonly called the oblong, or equivalent land; and running from the said corner north twenty one degrees, ten minutes and thirty seconds east, as the magnetic needle now points, to the north line of the Massachusetts Bay, shall at all times hereafter be the line of jurisdiction between the

Preamble.

said province of the Massachusetts Bay, and the said province of New York, in all and every part and place where the said province of New York on its eastern boundary shall adjoin on the said province of the Massachusetts Bay. In testimony whereof the commissaries aforesaid have hereunto set their hands and seals, the day and year first above mentioned."

Ibid.

And whereas the governors of the said colonies of New York and Massachusetts Bay, by an instrument in writing under their hands and seals respectively bearing date the eighteenth day of May in the year one thousand seven hundred and seventy three signified their approbation of the said agreement which said instrument is in the words following, to wit, "We the governors of the provinces aforesaid, having been present at the execution of the agreement aforesaid, in testimony of our consent thereto, and of our approbation thereof, have hereunto set our hands and seals, at Hartford aforesaid, this eighteenth day of May in the year of our Lord one thousand seven hundred and seventy three, and the thirteenth year of his majesty's reign."

And whereas after the settlement of the said jurisdiction line, commissioners and surveyors were appointed as well on the part of this State while the colony of New York, as on the part of the State or Commonwealth of Massachusetts, while the colony of Massachusetts Bay, who in pursuance of the said articles of agreement, did proceed in part to run and mark the said line, but did not compleat the same.

Commissioners named on part of this State to run out jurisdiction line.

Be it therefore 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 the honorable Robert Yates and Philip Schuyler Esquires and Gerard Bancker Esquire shall be and are hereby declared commissioners on the part of this State, and who, or any two of them, shall have full power and are hereby authorized to meet with commissioners who are or may be lawfully authorized and appointed by the said State or Commonwealth of Massachusetts, and in conjunction with such commissioners to be appointed on the part and behalf of the said State or Commonwealth of Massachusetts, to run out and mark the said jurisdiction line, according to the true intent and meaning of the said articles of agreement.

Line so run to be the boundary line.

And be it further enacted by the authority aforesaid That the line so to be run out and marked shall be and forever hereafter remain a jurisdiction or boundary line between the State or Commonwealth of the Massachusetts and this State.

Return of survey to be made and filed.

And be it further enacted by the authority aforesaid, That the said commissioners after the completion of the said survey, shall under their hands and seals, make a true and exact return of the said survey, into the secretary's office of this State, in order to be there filed as a perpetual evidence of the said jurisdiction line.

Treasurer to pay commissioners one hundred pounds.

And be it further enacted by the authority aforesaid That the treasurer of this State shall pay to the said commissioners the sum of one hundred pounds, for and towards the expence of such survey, out of any monies which may be in his hands unappropriated.

CHAP. 29.

AN ACT to settle and finally establish the line or lines of division between the patents of Wawayanda and Cheescocks in the county of Orange.

PASSED the 17th of March, 1783.

WHEREAS Queen Anne by her letters patent under the great seal of Preamble.
New York bearing date the twenty ninth day of April in the year of our Lord one thousand seven hundred and three, did grant in fee simple to Doctor John Bridges and eleven others, certain tracts of vacant land in the county of Orange called or known by the name of Wawayanda and some other small tracts or parcels of like land, these being bounded on the eastward by the high hills of the Highlands, and the patent lands of Captain John Evans on the north by the division line of the said county of Orange and Ulster, on the westward by the high hills to the eastward of Minisink, and on the south by the division line of the province of New York and east New Jersey.

And whereas her said late majesty Queen Anne by her letters patent Ibid.
under the said great seal dated the twenty fifth day of March in the year of our Lord one thousand seven hundred and seven, did grant in fee simple to Anne Bridges and six other persons therein named a certain tract of upland and meadow before purchased from the native Indian proprietors situate lying and being in the county of Orange called Cheescocks being bounded to the northward by the patented lands of Captain John Evans and the patent of Doctor Bridges and company to the westward by the said patent of Bridges and company, and the west side of the high hills called the Highlands to the southward by the patented lands of Mr. Daniel Honan and Michael Haudon and to the eastward by the Christian patented lands of Haverstraw and Hudsons river.

And whereas the said patents of Wawayanda and Cheescocks have been Ibid.
divided agreeable to the claims of the respective proprietors in which divisions their bounds do greatly interfere with each other by which means many considerable parcels of land lay in dispute. *And whereas* the proprietors of the said patents taken together are very numerous and some of them feme coverts and infants and the prosecutors of so many suits in the ordinary course of law as would be necessary finally to settle the said controversy, and to determine the title and property, of the said disputed lands would prove a heavy burthen to the said county of Orange, and would unreasonably protract the dispute, impede the cultivation of the country, and be extremely expensive to the parties interested. *And whereas* for the prevention of all the aforesaid evils the major part of the proprietors of each of the said patents of Wawayanda and Cheescocks finding it impossible on account of the infancy and coverture of some of the parties interested to make one determination of the said controversy binding on all parties interested without the aid of the legislature, have nominated and appointed separate committees to wit John Morin Scott, Evert Bancker Henry Wisner William Wickham and William Thompson esquires as a committee for the proprietors of the said patent of Wawayanda, and John Stevens Peter Van Brugh Livingston Thomas Smith Thomas Jones and Andrew Bostwick esquires, as a committee for the said patent of Cheescocks to manage their respective claims to the land in controversy before the commissioners hereinafter mentioned who are to settle and finally determine the said

matters in controversy in such manner as by one determination finally to bind all parties claiming under the said two patents respectively.

Committee to select seven commissioners to settle boundary line between patents named.

I. *Be it therefore 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 be lawful for the said committee to select seven commissioners to agree fix upon settle and finally ascertain the boundary line or lines between the said patents of Wawayanda and Cheescocks, and the said commissioners shall be and are hereby fully and absolutely authorized and empowered in and by such ways and means as they shall judge expedient to fix, settle, ascertain and finally determine the boundaries between the said two patents of Wawayanda and Cheescocks.

Settlement to be final and binding upon all persons concerned.

And also what part of the controverted lands do lie within the bounds of each of the said patents respectively which settlement and determination under the hands and seals of the said commissioners, shall, as to all rights, titles or interests derived by from or under the said two letters patent or either of them, be absolutely binding and conclusive to upon and against all persons now having or claiming, or hereafter to have or claim any estate, right, title or interest in the bonds granted by the said two letters patent or either of them, and shall to all intents constructions and purposes whatsoever absolutely vest the right title and interest of such parts of the said lands in controversy as shall be so determined to lie within the bounds of each of the said patents respectively in such person and persons and with such estate and estates as the same would be, were they undoubtedly included in such of the said letters patent within which they shall be so determined to lie, and that all and every person and persons claiming by title derived from and under one or the other of the said two letters patent in the said lands that shall be so determined to lie within either of these letters patent from having or claiming any estate, right, title or interest by virtue of the other letters patent immediately from and after such determination, shall be utterly barred and excluded forever, and that immediately thenceforward all such lands as shall by such determination be adjudged to lie within the bounds of each of the said patents shall as to all titles, claims and interests derived from and under the said two letters patent or either of them, be deemed esteemed and taken to all intents constructions and purposes whatsoever to lie within the bounds of such of the said letters patent respectively, wherein they shall be so determined. Provided always that nothing herein contained shall be deemed construed taken or understood to affect the estate right, title or interest of the people of this State, or of any person or persons, bodies corporate or politic, not claiming or deriving title by from or under the said two letters patent, or either of them, any thing herein contained to the contrary thereof in anywise notwithstanding; and provided further that the commissioners aforesaid shall before they execute any of the duties prescribed in and by this act, take the following oath before any justice of the peace, which oath such justice is hereby authorized to administer, towit, I ——— do hereby solemnly swear and declare that I will well and truly execute the part reposed in me in and by an act entitled "An act to settle and finally establish the line or lines of division between the patents of Wawayanda and Cheescocks in the county of Orange to the best of my knowledge and ability: So help me God.

Provide that the rights of the people of this State shall not be affected.

Official oath of commissioners

Determination to be acknowledged and entered of record in offices named.

And be it further enacted by the authority aforesaid, That the determination of the commissioners as aforesaid being duly acknowledged or proved in the usual form before one of the judges of the supreme court and entered of record in the county records of the said county of Orange, as in the secretary's office of this State, shall be good evidence in all

courts both of law and equity of such determination. Provided nevertheless that it shall not be lawful for the said commissioners, or any or either of them to proceed to the execution of any of the powers authorities or trusts hereby granted or reposed to or in them, until after the first day of May which will be in the year one thousand seven hundred and eighty four.

And be it further enacted by the authority aforesaid, That they the said commissioners shall be and hereby are authorized and empowered to summon and order any person or persons within this State, to appear before them when and as often as they the said commissioners or the major part of them or the survivors of them or the major part of such survivors shall think necessary, to be examined and give evidence touching the matters in controversy, and also to bring with them all such books, deeds, papers, records or other written evidence, as the said commissioners shall from time to time think proper to order and direct for the execution of the trust reposed in them by this act — and that it shall and may be lawful to and for the said commissioners or either of them to administer an oath or affirmation in cases where the law directs on affirmation to the witnesses to be examined before them to declare the truth touching the matters in question; and if any witness so to be examined shall give false evidence or wilfully and knowingly affirm or depose falsely on such examination, and shall thereof be duly convicted such witness shall for such offence suffer the pains and penalties inflicted by law for wilful and corrupt perjury. And if any person or persons being summoned by writing subscribed by the said commissioners, or any or either of them, duly served on such person or persons, or left at his or their usual place of abode, six days before the day required by such summons, for his her or their attendance as aforesaid, to give evidence before the said commissions, or to bring with him her or them, any book, deed, paper or record, or any books, deeds, papers or records, shall neglect refuse or delay to give such attendance or to bring such written evidence as shall be required by the said commissioners or any one of them, or for any person so summoned as a witness, attending shall refuse to give evidence either by oral testimony or the production of such written evidences as aforesaid, such person or persons shall forfeit for every such neglect refusal or delay the sum of one hundred pounds lawful money of this State to be recovered in the name of the committee at whose instance the summons for the attendance of such witness shall have been granted in any court of record having cognizance thereof. Provided, that no witness shall be subject to the penalty hereby enacted unless a tender of a reasonable compensation for his loss of time and for his expences of attendance shall have been previously made. And provided also that no person shall be compelled to produce any written evidence other than such as he might be compelled to in an ordinary course of law by subpoenas duces tecum.

Commissioners authorized to summon persons to appear and be examined and may require books, etc., to be produced.

Penalty for refusal to appear and produce books, etc.

And be it further enacted by the authority aforesaid, That if the said committee shall not elect seven commissioners for the purposes aforesaid before the first day of January term next, it shall then be lawful for the supreme court of judicature for this State on motion in behalf of either of the said committees, to appoint by rule of the said court seven commissioners for the purposes aforesaid, and which commissioners so to be appointed shall be vested with the like powers authorities and trusts, as if they had been elected by the said committees; and further that any five of the said commissioners to be elected or appointed as the case may be shall be a quorum to execute and exercise the said several powers, trusts and authorities and that the decisions and adjudications of the

If committee does not elect commissioners within time named then supreme court may appoint. Quorum.

manors districts or precincts in the said three counties respectively, from keeping such spare beds and stabling, provender and forage, as is herein before directed.

And whereas by reason of the said commissioners not being fully informed of the duties required of them by this act many licences to keep public inns or taverns may before the said first day of May next be granted to improper persons.

Licenses] granted before first day of May to expire on that day and new licenses to be granted.

Be it further enacted by the authority aforesaid That all licences to keep public inns or taverns granted before the first day of May next (except such as shall have been granted in pursuance of and in conformity to this act) shall expire on the said first day of May next, and from thenceforth be null and void; and that the commissioners in the respective cities towns manors districts or precincts in the respective counties in this State, shall, on application, and without fee or reward, grant new licences to expire on the first day of March next ensuing the date of such licences respectively, instead of such as may have expired, to such persons only as shall in their judgment be duly and properly qualified, (to keep public inns or taverns) agreeable to the directions of this act; and shall restore to every person who shall have obtained a licence that is become void, and paid for excise, and who shall be adjudged by such commissioners not duly and properly qualified agreeable to the directions of this act to keep an inn or tavern, a proportionate sum of the money paid by such person for excise, according as the time he shall have kept an inn or tavern, shall bear to the time of his licence then to come; and declared void.

Commissioners to account with overseers of poor for moneys received for licenses.

And be it further enacted by the authority aforesaid That the several and respective commissioners shall and are hereby required on or before the first day of June in every year, to account with the overseers of the poor of their respective towns manors districts or precincts for the monies for them to be annually rated for excise, and pay the same to the said overseers for the use of the poor, except in the county of Ulster, where the monies to arise by virtue of this act shall be paid and applied as by the act herein before mentioned is directed.

And the more effectually to prevent every species of gaming or incitement thereto in public inns or taverns.

Cock fighting, playing with cards, etc. in inns and out houses prohibited.

Be it further enacted by the authority aforesaid, That it shall be deemed an offence against the people of this State for any person who shall keep a public inn or tavern to permit or suffer any cock fighting, playing with cards or dice, or to keep any billiard table or shuffle board within his house or within any outhouse yard or garden belonging thereto, or therein to permit any kind of gaming by lot or chance. That as well the courts of oyer and terminer and of gaol delivery, as the courts of general or quarter sessions of the peace in the several counties within this State, shall have cognizance of offences against this act, and shall and may punish offenders convicted thereof by fine and imprisonment at the discretion of the said court in which any such convictions shall be had; and that the justices of the several courts before mentioned shall in their charges hereafter to be given to every grand jury within the State, charge them diligently to enquire of and to indict or prevent all offenders against this act.

Courts to have cognizance of offenses against this act.

CHAP. 23.

AN ACT for the relief of Dirck Jansen and his creditors.

PASSED the 8th of March, 1783.

WHEREAS the said Dirck Jansen in order to obtain a general discharge, is willing to assign and deliver all his estate for the benefit of his creditors. Preamble.

I. *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 said Dirck Jansen by deed executed under his hand and seal in the presence of two credible witnesses within one month after the passing of this act to grant convey assign and deliver to Henry Remses late of the city of New York Samuel Ten Broeck, of Roeliff Jansen Kill in the county of Albany, and Peter Van Gaasbeek, Abraham Brinckerhoff and Peter Elting all of Kingston in the county of Ulster, for the use of the creditors of the said Dirck Jansen his estate real and personal both in law and equity and all books vouchers and securities relating to the same except his wearing apparel, his arms and other military accoutrements, and also excepting one bed and the necessary bedding for his own use. Dirck Jansen may convey his real estate, etc., for use of creditors to parties named.

II. *And be it further enacted by the authority aforesaid,* That the said assignees or any three of them shall have full power and authority to grant bargain and sell or dispose of all or any part of the said estate and to execute good and sufficient deeds for the same and to sue for and recover in their names or the names of any three of them all debts and things due or belonging to the said Dirck Jansen or to his real or personal estate, and shall have full power and authority to refer to arbitration settle compound or agree with any person or persons indebted to the said Dirck Jansen in such manner and form as they the said assignees or any three of them shall deem just or expedient. And shall proceed to convert the estate of the said Dirck Jansen into money as soon as conveniently may be and shall within the space of twelve months after the passing of this act proceed to make a division of all the money which shall come to their hands of the said estate among all the creditors of the said Dirck Jansen the amount of whose demands have come to the knowledge of the said assignees in ratable proportions, first giving three months notice of the time and place, of making such division, by advertising the same twelve weeks successively in one or more of the public news papers of the State, and if the whole be not then settled, shall within the space of six months thereafter make a second division of what monies may come to their hands after the first division, and so shall a third and farther division or divisions be made within the space of six months between each division till a final settlement and a just and equal division be made of the whole of the said estate. Assignees to sell same, etc., and divide proceeds among creditors.

III. *And be it further enacted by the authority aforesaid,* That the said assignees or any three of them shall (at least one month before a division be made) appoint a day by advertising the same in one or more of the public news papers of this State, for a general meeting of all such creditors of the said Dirck Jansen as shall chuse to attend, in order to examine and ascertain the debts due to each of his creditors. Notice to be given.

IV. *And be it further enacted by the authority aforesaid,* That the said assignees or any three of them shall within one month after the said assignment and before they shall proceed to the execution of the trust Assignees' official oath.

reposed in them take an oath (to be administered by any one of the judges of the supreme court or any one of the judges of any of the inferior courts of common pleas of this State) well and faithfully to execute the trust reposed in them by this act and render a true account of all that shall come to their hands of the estate of the said Dirck Jansen and for that purpose shall keep regular books of accounts, to which every creditor (at all reasonable times) may have recourse. And for the care and trouble of the said assignees in transacting the said business, they shall be allowed and paid (out of the said estate) such a consideration as any one of the judges of the said supreme court shall tax or certify to be just and reasonable.

Compensation.

Proceedings for full discovery of said estate.

V. *And be it further enacted by the authority aforesaid,* That for the more full discovery of the said estate the said assignees or any three of them shall have full power and are hereby required to summon and examine on oath the said Dirck Jansen respecting any conveyance assignment or other matter or thing relative to his said estate and every other person whatsoever known or suspected to have secreted concealed or fraudulently received or embezzled any part of the said estate, and in case any person on such summons, shall neglect or refuse to attend, having no reasonable excuse, or shall refuse to be sworn or being sworn shall refuse to answer, such person so neglecting or refusing shall forfeit and pay for every such neglect or refusal the sum of one hundred pounds to be paid to the said assignees or any or either of them, who shall sue for and recover the same together with costs, which penalty when so recovered shall be considered and disposed off as part of the estate of the said Dirck Jansen, as other his estate is hereby directed to be disposed of, and any justice of the peace of this State may administer the oath to the person or persons who shall attend as witnesses before the said assignees for the purposes aforesaid and if any such person shall wilfully or knowingly swear falsely, he or she shall be liable to the same pains and penalties as those who are convicted of wilful and corrupt perjury.

Felony for said Jansen to conceal any part of his estate, etc.

VI. *And be it further enacted by the authority aforesaid,* That in case the said Dirck Jansen shall be guilty of perjury by concealing (after being sworn as aforesaid) any part of this estate or effects, or shall after the said assignment of his estate by virtue of this act, redeem any debt or debts due to him before, or if he shall secrete any part of his estate or any books or writings relating thereto with an intent to defraud his creditors, he shall be deemed and adjudged guilty of felony.

Priority to debts due the State, etc.

VII. *And be it further enacted by the authority aforesaid,* That debts due from the said Dirck Jansen to the people of this State for taxes shall be first paid, then all costs of suit, and after deducting all such costs and charges and expenses as shall necessarily be laid out and expended by the assignees together with an allowance for their care and trouble therein, the residue shall be equally divided among the creditors, and in the division no preference shall be allowed or given to debts due by specialty or judgment, but if there shall be an overplus after all the creditors are fully paid all their just demands, it shall be paid and delivered by the said assignees or any three of them to the said Dirck Jansen his heirs executors or administrators.— Provided that nothing in this act contained shall be construed to deprive the landlord of the right of distraining or otherwise securing his rents which by law he had before the making of this act, and provided also that the said assignees shall not dispose of the messuage and lands with the appurtenances now possessed by the said Dirck Jansen lying and being in the manor of Livingston in the county of Albany, unless the residue of the estate of the

Proviso as to rights of landlord to distrain.

said Dirck Jansen shall after the expiration of three years from the passing of this act be found insufficient to pay all the just debts due by him to his creditors.

VIII. *And be it further enacted by the authority aforesaid* That the said Dirck Jansen, having assigned and given up his estate and conformed in all things to the directions of this act, all executions on any judgment or judgments that may have been obtained against him are hereby for ever barred and his person, and property acquired after his assigning and conforming as aforesaid, shall be discharged from all debts due or contracted by him before the time of the said assignment, and if he shall be prosecuted for any such debt or contract he may plead the general issue and give this act and the special matter in evidence.

Execu-
tions
barred and
person and
property
discharged

IX. *And be it further enacted by the authority aforesaid*, That the conveyance or assignment of the estate of the said Dirck Jansen lately made to Philip Rockenfeller, Samuel Ten Broeck, and Peter Van Gaasbeek, for the use and benefit of his creditors shall be and is hereby declared to be null and void from and after the time of making the assignment directed by this act.

Convey-
ance
named
null and
void.

And be it further enacted by the authority aforesaid That the assignees of the said Dirck Jansen or any three of them shall and may have and enjoy all the benefits which the said Dirck Jansen might or could have had and enjoyed in consequence of an act entitled "An act relative to debts due to persons within the enemy's lines" if such assignment had not been made, and such assignees are hereby declared to all intents and purposes to be in the place and stead of the said Dirck Jansen as if the said act had particularly and expressly provided that assignees should and might be entitled to all the benefits intended in and by the said act to be secured to debtors who have not remained with the enemy.

Benefits to
be enjoyed
by as-
signees.

CHAP. 24.

AN ACT to amend an act, entitled an act for the further settlement of the accounts of the troops of this State, in the service of the United States.

PASSED the 8th of March, 1783.

WHEREAS it is represented to the legislature that the pay directed to be liquidated in and by the act entitled an act for the further settlement of the accounts of the troops of this State, in the service of the United States, is still unsettled by means of difficulties which have arisen.

Preamble.

I. *Be it therefore 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 in the settlement of the accounts of the troops of this State, for the pay accrued during the year one thousand seven hundred and eighty one, the auditors shall not charge any noncommissioned officer or private for any cloathing received by them respectively, the said law to the contrary notwithstanding. That the said auditors shall charge the officers, noncommissioned officers and privates of the two regiments of infantry, and the regiment of artillery of this State, serving in the army of the United States, with the monies advanced to them respectively on account of this State, during the year one thousand seven hundred and eighty one, ascertaining the value thereof if in paper currency, agreeable to what shall be deemed by such auditors the actual value thereof at the time of such payments respectively.

Auditors
in settling
accounts
not to
charge for
clothing,
but to
charge for
money
advanced.

Advances to be deducted from amount of pay due.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawfull to and for such auditors, to deduct from the amount of the pay of each officer, noncommissioned officer and private, previous to settling the ballance thereof, the amount of monies advanced by the paymasters of the said regiments respectively, in which such officer noncommissioned officer and private served during the year aforesaid, to such officer noncommissioned officer and private; and that the auditors shall thereupon credit such paymasters in the accounts to be transmitted to the treasurer, as in and by the act hereby amended is directed, with the amount of such monies advanced by them respectively. Provided always, that such paymasters respectively shall produce an account to the said auditors wherein they shall specify the names and ranks of the officers, noncommissioned officers and of the privates, to whom they shall have advanced monies during the year aforesaid, or at any time since, for account of pay for the said year and the sums advanced to each respective person and the kind of money in which such advances were made; and that the said auditors shall previous to any settlement as aforesaid, require such paymasters respectively, to make oath before the said auditors, or one of them, that the monies and articles specified in such account, were actually and bona fide advanced, and delivered, to the officers, noncommissioned officers and privates charged for the same during the said year one thousand seven hundred and eighty one, or at any time since.

Proviso as to accounts to be produced by paymaster.

Auditors to transmit accounts, etc., to State treasurer.

And be it further enacted by the authority aforesaid, That the auditors shall transmit such accounts, with a certificate of such oath having been taken, thereon endorsed, to the treasurer of this State, with the accounts of the ballances by them ascertained as aforesaid: and the treasurer of this State shall, and he is hereby required, to charge the United States, with all clothing delivered by this State, for the use of the noncommissioned officers, and of the privates, of the troops of this State, serving in the army of the United States, and with all monies advanced to them, and to the commissioned officers, of the said troops, by this State.

Treasurer to pay annual interest.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to and for the treasurer of the State, to pay the annual interest arising from such ballances, to the order of any officer, noncommissioned officer or private, entitled to the name, or the order of their executors or administrators respectively, any former law to the contrary notwithstanding.

CHAP. 25.

AN ACT for the relief of Abraham Swart.

PASSED the 8th of March, 1783.

Preamble.

WHEREAS it appears that Abraham Swart of Montgomery precinct in Ulster county hath purchased the improvements of a farm in the said precinct late the property of David Colden, but was uninformed of the time within which a certificate of the character of the assignor should be produced to the commissioners of forfeitures without which he can have no benefit from his said purchase —

Further day given to produce certificate of character of assignor.

Be it therefore 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 a farther day be given to the first day of May next to the said Abraham Swart to produce to the commissioners of forfeitures for the middle district a certificate of the character of the assignor or tenant

from whom he hath purchased the said improvements ; and that it shall be lawful for the said commissioners to receive such certificate on or before the said first day of May next, any law to the contrary notwithstanding: Provided always, that no person hath legally made any deposit with, or shall have obtained a legal title for the same from the said commissioners before the passing of this act.

CHAP. 26.

AN ACT to enable John Cochran Esq^r to locate two thousand acres of waste and unappropriated lands within this State.

PASSED the 8th of March, 1783.

WHEREAS the said John Cochran by his humble petition presented to the legislature hath prayed permission to locate two thousand acres of waste and unappropriated lands within this State and that the legislature would be pleased to direct a grant to be made out to him for the same, as by the said petition more fully and at large appears. Preamble.

And whereas it appears to the legislature that the reasons assigned, in the said petition, to induce them to grant the prayer thereof are cogent and conclusive.

Be it therefore 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 the said John Cochran may and he is hereby permitted to locate for the use of himself his heirs and assigns two thousand acres of the waste and unappropriated lands within this State, with the usual allowance for highways: Provided that such location shall not be made on lands prohibited to be located by any former law of the legislature of this State and that the said two thousand acres of lands shall be located and laid out as nearly in a square as the next adjacent appropriated lands will admit of: And provided also that the said lands shall be settled and improved by at least four families within three years after the termination of the present war. John Cochran may locate waste and unappropriated lands.

And be it further enacted by the authority aforesaid That whenever such location shall be made by the said John Cochran as aforesaid a certificate thereof shall be made and subscribed by the said John Cochran and filed with the surveyor general of this State for the time being; and if it shall appear to the said surveyor general that the said two thousand acres of land are located in manner and form aforesaid and described with sufficient certainty, then and in such case he shall approve of the said location and cause the same to be filed in the secretary's office of this State and also shall thereupon cause a survey of the land so located to be made and returned at the expence of the said John Cochran; whereupon the said John Cochran shall immediately be entitled to a grant of the same. Certificate to be made and filed with surveyor-general.

CHAP. 36.

AN ACT making further provision for persons who have or may become disabled while in the service of the United States.

PASSED the 18th of March, 1783.

Preamble. WHEREAS the United States in congress assembled, did on the twenty third day of April, one thousand seven hundred and eighty two, "Resolve that all sick and wounded soldiers of the armies of the United States, who should in future be reported by the inspector general, or the inspector of a separate department, and approved by the commander in chief, or commanding officer of a separate department, as unfit for farther duty either in the field or in garrison, and who should apply for a discharge in preference to being placed or continued in the corps of invalids, should be entitled to receive as a pension, five dollars per month in lieu of all pay and emoluments."

And whereas it was in and by the said resolution recommended to the several States to discharge such persons annually, and to draw on the superintendent of finance for the money they should so advance. In compliance therefore with the said recommendation.

State treasurer to pay pensions.

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 to and for the treasurer of this State to pay and discharge on the first Monday of June in every year such pensions as may become due to any soldier discharged in pursuance of the said resolution from the regiments of artillery or infantry of this State, in the service of the United States, or to such soldiers as were or shall be drafted from the said regiments to serve in the corps of sappers and miners, out of any monies which may be in his hands, and directed by law to be paid to the superintendent of finance of the United States; and that the treasurer shall annually charge the United States for the amount of the monies so paid, transmitting an account of such payments to the said superintendent of finance.

Treasurer to make entry of names.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall make an entry of the names of the soldiers who shall in pursuance of the said acts of congress and this act be entitled to receive pensions, and the dates of their discharges respectively, and shall retain the said discharges in his hands, giving such soldiers a certificate thereof.

Amount to be paid immediately.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer forthwith after the passing of this act, out of the monies aforesaid to pay to such soldiers respectively the sum of fifteen dollars in specie on account of the said pensions.

CHAP. 37.

AN ACT for naturalizing the persons therein named.

PASSED the 20th of March, 1783.

Preamble. WHEREAS Anthony Smith Johannes Coenradt Muinchaus Frederick Wilhelm Haselt, and Lodewyck Weyker, by their petitions to the legislature setting forth that they are of foreign birth hath prayed to be naturalized, and be-come subjects of this State.

Be it therefore 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 the said Anthony Smith Johannes Coenrad Muinchaus Frederick Wilhelm Hazelt and Lodowyck Weyker, and each of them shall be naturalized and deemed subjects of this State to all intents constructions and purposes whatsoever, and be entitled to all and every right, privilege and immunity within this State in manner as persons are entitled to who are born within the same, from and immediately after having respectively taken and subscribed in any court of record within this State, the following oath of abjuration and allegiance to this State, to wit, I ——— do solemnly without any mental reservation or equivocation whatsoever swear and declare and call God to witness that I renounce and abjure all allegiance and subjection to all and every foreign king prince potentate and State in all matters ecclesiastical as well as civil, and that I will bear truth faith and allegiance to the State of New York as a free and independent State, and that I will in all things to the best of my knowledge and ability do my duty as a good and faithful subject of the said State ought to do, so help me God.

Persons named naturalized.

Oath to be taken by each of them.

CHAP. 38.

AN ACT to protect the persons and property of the inhabitants of the county of Westchester from injury and abuse.

PASSED the 20th of March, 1783.

WHEREAS the peculiar circumstances of the inhabitants of the county of Westchester have exposed them to be plundered of their property and abused in their persons by evil minded persons from different parts of this State and the neighboring States; to prevent such abuses in future

Preamble.

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 every act which shall hereafter be committed against the persons or properties of any of the inhabitants residing in the county of Westchester, which by law would be an offence against the people of this State in case such person or persons were within the protection of this State, and did reside in any other part of the State, such acts are hereby declared to be an offence against the people of this State, and on conviction, the offenders shall suffer the like pains and penalties as if the offence had been committed in any other part of this State.

Acts declared to be offenses against the people of this State.

And whereas it is not the intention of the legislature to give protection to the disaffected who have fled to the enemy, it is provided, that this act, or any clause therein contained, shall not extend to or be construed to give protection to the persons or property of any person or persons residing to the southwest of a due east and west line which will pass, over the bridge across Brunkes river commonly called Williams's bridge, unless such person or persons had steadily resided there before the first day of July seventeen hundred and seventy six; and provided also, that this act, or any clause therein contained, shall not extend or be construed to extend, to give protection to any person or persons who may be found lurking, skulking or sojourning in the said county who had before withdrawn himself or themselves within the enemies lines as to any person or persons who had taken up arms against this State, or the United States nor shall any clause in this act be construed or taken to operate

Act not to extend to and give protection to persons named.

Act not to subject troops of the United States to penalties for taking forage.

as, or imply a pardon to any of the said inhabitants of Westchester county for any offence or crime by any or either of them heretofore done or committed against this State. Provided always, that nothing in this act contained shall be construed to prohibit parties of the troops of the United States or of the militia of this State under the command of a commissioned or non-commissioned officer authorized by the order of his excellency the governor, the commander in chief of the American army, or other officer commanding a detachment of troops, or to subject such officer or party to any pains or penalties for taking such forage for their horses, sustenance for themselves, or such other aids as the necessities of such officer and party may absolutely require for the furtherance of the military service they may be engaged in.

CHAP. 39.

AN ACT for giving relief against the operation of the statute of the twenty first of James the first commonly called the statute of limitations and of an act of this State, while it was a colony,
 “ An act for giving relief on promissory notes.

PASSED the 21st of March, 1783.

Preamble.

WHEREAS the disturbances which preceded and have attended the present happy revolution have greatly interrupted the full course of justice; and it would be altogether unreasonable that during this period the statute made in the twenty first year of the reign of King James the first entitled “ An act for limitation of actions and for avoiding of suits in law ” or the act of the legislature of this State, while it was the colony of New York, entitled “ An act for giving relief on promissory notes ” should operate to the prejudice of creditors or suitors.

Time between periods deemed not to be computed as part of time limited for commencing suits.

Be it therefore 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 no part of the time from the fourteenth day of October in the year one thousand seven hundred and seventy five to this day of the passing of the act shall be deemed computed pleaded or adjudged as part of the respective periods limited by the said recited statute an act respectively for commencing suing or prosecuting any of the writs actions suits or complaints in and by the said statute and act respectively specified and described; the said statute and act or any law usage or custom, or any plea of the said statute of limitations or act or any judgment in favor of any defendant or defendants, which are hereby respectively set aside and vacated, to the contrary thereof in any wise notwithstanding.

CHAP. 40.

AN ACT for suspending the prosecutions therein mentioned.

PASSED the 21st of March 1783.

Preamble.

WHEREAS many zealous friends to the freedom and independence of the United States of America have during the present contest with Great

Britain committed and done acts in support of the said freedom and independence, which were not conformable to the strict letter of the law.

And whereas no sufficient discrimination can be made, before the restoration of public tranquility, between wanton acts of violence and acts which proceeded from a desire to promote the public safety,

Be it therefore 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 no action suit or prosecution for any imprisonment escape assault battery or trespass, done or committed by any such person or persons, with intent to further the common cause of America from and after the nineteenth day of April in the year one thousand seven hundred and seventy five and before the first day of January last shall be commenced sued or brought or prosecuted by bill plaint indictment or information by any persons whomsoever until the further order of the legislature, and that any person or persons against whom any suit or action shall be commenced for such imprisonment escape assault battery or trespass either by bill plaint indictment or information shall and may plead this act in bar and discharge of such suit action or prosecution and that in cases where any such suit action or prosecution has already been commenced and not determined the defendant or defendants may give in evidence this act on the trial upon any issue already joined or to be joined. Provided that nothing herein contained shall affect any action suit or prosecution in which judgment has been rendered and execution awarded and levied.

Suits, etc., named not to be prosecuted until further order of the legislature.

This act may be plead in bar of suit.

Provide as to cases in which judgment has been rendered.

CHAP. 41.

AN ACT for staying execution in suits against public officers on contracts and acts by them made and done in behalf of the United States and this State.

PASSED the 21st of March, 1783.

WHEREAS the low state of the treasury of the United States and of the treasury of this State, occasioned by the great expences of the war, have in many instances compelled the officer of the civil departments of the army of the United States and officer of the State of the military departments thereof and other officers appointed to special departments of service for the United States and this State by authority of congress or of the legislature of this State to engage themselves by contracts promises and other engagements by specialty or otherwise on credit for the use of the United States and this State respectively on which contracts, suits have been brought and others may be brought. And whereas divers of such officers as aforesaid authorized as aforesaid may have done certain acts for the promotion of the public service in the departments in which they were respectively employed from unavoidable necessity and by order of the commanding officer or officers of some principal military post or department or of some officer of this State under whose direction they were placed by a law or laws of this State for which suits have been or may be brought by persons conceiving themselves to have been injured by such acts.

Preamble.

And whereas it appears expedient that in all such cases as aforesaid

the legislature should interpose as far as may be to prevent the ruin of such officers as aforesaid without putting an absolute bar to the course of justice in the aforesaid cases.

Plaintiff may proceed to trial and judgment and if cause arose upon any contract named judge to certify the same and certificate shall stay execution.

Be it therefore 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 in all and every action and actions suit and suits already commenced or hereafter to be commenced for any or either of the causes aforesaid against any such officer or officers as aforesaid, the plaintiff or plaintiffs therein respectively may proceed to ascertain his her or their respective demands by trial and judgment in the due and ordinary course of law or by decree in equity; and if it shall appear in evidence on the trial or hearing in any such suit or action, that the cause of action or suit arose upon any such contract engagement or specialty as aforesaid or act done by any such officer or officers as aforesaid for any such use or in virtue of any such authority as aforesaid the court in which such trial or hearing shall have been had or any judge thereof shall certify the same on the record or decree in such action or suit; which certificates shall stay executions on the judgment or decree in any such action or suit until the first day of March next.

CHAP. 42.

AN ACT for carrying into effect an act of congress of the seventeenth day of February, seventeen hundred and eighty three.

PASSED the 21st of March, 1783.

Preamble reciting resolution of congress.

WHEREAS congress did by their act the seventeenth day of February one thousand seven hundred and eighty three resolve in the words following to wit, whereas by the eighth article of the Confederation and perpetual union it is agreed and declared that all charges of war, and all other expences for the common defence or general welfare allowed by the United States in congress assembled shall be defrayed out of a common treasury which shall be supplied by the several States in proportion to the value of all land within each State granted to, or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in congress assembled shall from time to time direct and appoint. Resolved that the legislature of each State be and they are hereby required to take such measures as shall appear to them most effectual for obtaining a just and accurate account of the quantity of land in such State granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of its inhabitants, distinguishing white from black — That the legislature of each State be and they are hereby also required to cause the said account to be transmitted and delivered to congress on or before the first day of March one thousand seven hundred and eighty four, and that congress will on the second day of March one thousand seven hundred and eighty four; or at their next sitting thereafter appoint a grand committee consisting of a member present from each State, to take into their consideration the said returns, any nine of whom concurring shall make a just and true estimate of the value of all the lands in each of the United States granted to or surveyed for any person, and of the buildings and improvements thereon, and shall report such estimate to

congress to be subject only to their approbation or rejection. That the said estimate when approved by congress shall be a rule for adjusting all accounts between the United States and the individual States, that is, each State shall be debited for its just quota or proportion on the principal aforesaid, of the money theretofore advanced or paid, and of the amount in value of the supplies furnished by all the States for the service of the United States, and credited for the money advanced, and the amount in value of the supplies furnished, by such State, for the service of the United States. That the said estimate shall operate for a term not exceeding five years as a rule for apportioning on the several States the sums which congress shall from time to time deem necessary and require to be raised for supporting the public credit and contingent expences; and that the money which shall be paid from time to time by any State into the Continental treasury on account of such quota or apportionment, shall be duly passed to the credit of such State on the said account."

And whereas it is necessary that the legislature of this State should be seasonably furnished with proper returns and documents to enable them to comply with the above recited resolution.

I. *Be it therefore 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 the surveyor general be and he is hereby authorized and required by such ways and means as he shall devise for the purpose, to collect all such returns and information which may be necessary to enable the legislature fully to comply with and carry into execution the said act of congress and to levy the same before the legislature as soon as may be, before the first day of February next, for their consideration.

Surveyor-general to collect information required to enable legislature to comply with act of congress.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said surveyor general to require the several supervisors and assessors throughout this State, to transmit to him such returns and documents as he shall from time to time order and direct; and also, to have access to any of the records or public documents of this State without fee or reward, and to take such copies or extracts therefrom, as may be necessary to enable him to perform the duties prescribed in and by this act; and it is hereby made the duty of the said supervisors and assessors to carry into execution such directions as they may from time to time receive from the said surveyor general for the purpose aforesaid, and the legislature will hereafter make provision for the payment of the several persons who may be employed by the said surveyor general, in executing such orders and directions as aforesaid.

May require supervisors and assessors to transmit returns and documents, etc.

And be it further enacted by the authority aforesaid, That the said supervisors and assessors shall be allowed the sum of five shillings per day for every day in which they shall be respectively employed in performing the duties prescribed by this act, to be raised and paid as the other contingent charges of the county respectively are paid.

Compensation of supervisors and assessors.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall and he is hereby required to pay unto the surveyor general a sum of money not exceeding fifty pounds out of any monies in the treasury, or which may come into the same, except out of any monies appropriated to the use of the United States, or to the use of the troops of this State in the service of the United States.

Sum to be paid surveyor-general.

CHAP. 43.

AN ACT more effectually to prevent the purchasing or receiving articles of public property from the soldiers.

PASSED the 21st of March, 1783.

Penalty for purchasing or receiving arms, etc., from non-commissioned officers and privates.

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 if any person or persons whosoever within this State shall directly or indirectly purchase or shall take or receive for his her or their own use or for the use of any other person or persons, from any noncommissioned officer or private of the army of the United States of America any arms, accoutrements clothing or other munition of war, the person or persons so purchasing taking or receiving, shall forfeit treble the value of the same to be sued for and recovered with costs of suit before any justice of the peace of the county where the offence shall arise by any person who will sue for the same, the one moiety thereof to the prosecutor and the other to the use of the poor of the district where the conviction shall happen; and be subject to indictment for an offence against the people of this State.

CHAP. 44.

AN ACT to limit the operation of the acts to prevent illicit trade with the enemy.

PASSED the 21st of March, 1783.

Acts to prevent illicit trade with enemy to be null on governor issuing proclamation declaring peace with Great Britain.

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 whenever the person administering the government of this State shall by proclamation declare that a treaty of peace has been concluded between the United States of America and the king of Great Britain, that then and in such case the said act entitled "An act to prevent illicit trade with the enemy," passed the twenty second day of July one thousand seven hundred and eighty two, and all other acts of this State relative to illicit trade with the enemy shall cease and become void as fully to all intents and purposes, as if the same had been repealed by express act of the legislature.

CHAP. 45.

AN ACT for the relief of Joseph Pierson.

PASSED the 21st of March, 1783.

Preamble.

WHEREAS Joseph Pierson by his humble petition represents to the legislature, that on the fourth day of July one thousand seven hundred and eighty one he paid into the hands of John H. Slegt one of the commissioners appointed by virtue of an act entitled "An act to procure a sum in specie for the purpose of redeeming one-sixth part of the

bills emitted on the credit of this State pursuant to the act of congress of the eighteenth of March one thousand seven hundred and eighty, for discharging the interest of such bills and for other purposes therein mentioned" the sum of seventy eight pounds two shillings and four pence as part of the consideration money for obtaining a conveyance from the said commissioners of a certain house and farm formerly belonging to Abel Fluwelling and forfeited to the people of this State; and on the twenty eighth day of November following the further sum of one hundred and nine pounds seven shillings. That the said two sums were then supposed to be the full value of the said house and farm. That when the survey of the said farm was made in the month of January one thousand seven hundred and eighty two it was found to contain one hundred and six acres and half acre of land appraised at two pounds two shillings per acre. That therefore the payment of the consideration money not being completed, the petitioner on the second day of February one thousand seven hundred and eighty two paid the sum of twenty four pounds twelve shillings being the residue of the purchase money to the said commissioners and obtained a deed from the aforesaid John H. Sleight and Jonathan Lawrence Esquires for the premises. That the petitioner is now informed that as the said last mentioned payment was not made within the time prescribed by law and that the petitioners title to the said premises is for that reason defective and that as the delay of making the said payment did not happen by means of any neglect or fault of the petitioner, but was occasioned by mistaken information given to him by one of the said commissioners and on that ground he prays for the interposition of the legislature.

Be it therefore 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 the conveyance made by the said commissioners to the said Joseph Pierson for the said house and farm shall be as good, valid and effectual in the law to all intents constructions and purposes as the same would have been had the whole purchase money been paid within the time limited by law.

Conveyance declared valid.

CHAP. 46.

AN ACT to continue the powers of the commissioners appointed by an act entitled "An act to stay certain prosecutions and for the remission of certain fines in the county of Tryon."

PASSED the 24th of March, 1783.

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 the powers and authority which the commissioners in the said act named are authorized and empowered to exercise shall be and the same are hereby continued until the first day of March next.

Powers of commissioners continued.

And be it further enacted by the authority aforesaid, That the said commissioners shall transmit a copy of such schedule as they were directed to make in and by the said act, to the auditor of this State, instead of transmitting the same to the agent, and the auditor shall thereupon sign such certificates as the said agent was directed to sign, and transmit the same to the commissioner aforesaid.

Copy of schedule to be transmitted to auditor, etc.

CHAP. 47.**AN ACT for abolishing the offices of State agent and commissioners of prisoners.**

PASSED the 24th of March, 1783.

Preamble.

WHEREAS the present mode of furnishing the army of the United States by contracts renders the office of State agent unnecessary.

Office of State agent abolished.

Be it therefore 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 the said office of State agent shall be and it is hereby declared to be abolished; and that the salary granted to the said agent shall cease from and after the passage of this act.

Agent to state accounts to auditor.

And be it further enacted by the authority aforesaid, That Udney Hay Esquire the said agent shall state his accounts and exhibit the same to the auditor within six months after the passing of this act, to the intent that the same be finally adjudged and audited.

Proviso as to controversy with Daniel Parker and submission of same to arbitration

And whereas in and by an act entitled An act relative to the office of State agent it is recited that whereas the agent of this State entered into a contract in behalf of this State with Daniel Parker of the State of Massachusetts and a controversy had arisen between the said agent and the said Daniel Parker relative to the said contract it was in and by the said act declared that it should and might be lawful for the said agent to settle the said controversy either by composition reference or arbitration as he should deem most advantageous for the State.

And whereas the said Udney Hay after the passing of the said act submitted the said controversy to reference, and the referees upon such submission awarded that the said Udney Hay should pay to the said Daniel Parker one thousand pounds together with the expenses attending the said reference.

Udney Hay to pay Parker one thousand pounds and also expenses accrued.

Be it therefore further enacted by the same authority, that it shall and may be lawful to and for the said Udney Hay to pay to the said Daniel Parker the said one thousand pounds, and to pay and discharge the expences which may have accrued in the said reference, out of any monies which may have come to his hands as agent, and the auditor is hereby directed to credit the same in the accounts of the said Udney Hay.

Vouchers, etc., to be delivered to auditor.

And be it further enacted by the authority aforesaid That the said Udney Hay shall and is hereby directed upon the settlement of his accounts with the said auditor to deliver to the said auditor all such papers and vouchers as may be in his possession relating to provisions or any species of supplies whatever by which vouchers have been procured by him or which were furnished by this State under the direction of the said Udney Hay, and delivered by him, for the use of the Continental army.

Act named repealed.

And be it further enacted by the authority aforesaid That the act entitled an act for the appointment of a commissary of prisoners for this State passed the twenty second day of October one thousand seven hundred and seventy nine be and is hereby repealed.

CHAP. 48.

AN ACT for Indian affairs.

PASSED the 25th of March, 1783.

WHEREAS it is necessary that commissioners should be appointed to manage Indian affairs within this State. Preamble.

Be it therefore 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 be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to appoint three commissioners for Indian affairs within this State with power and authority to superintend the conduct and affairs of the Indians and to perform such acts and things respecting them as from time to time shall be ordered and directed by the legislature. Commissioners of Indian affairs to be appointed.

And whereas the Oneida and Tuscarora tribes inhabiting within this State have been distinguished for their attachment to the cause of America, and have thereby entitled themselves to protection and the said tribe, by their humble petition, having prayed that their lands may be secured to them by the authority of the legislature; and it being just that such a settlement should be made of the territorial claims of the said tribes as will give them reasonable satisfaction and secure their future tranquillity. Proviso as to loyalty of tribes named.

Be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners and they are hereby authorized and required to examine into and ascertain the claims of the said Oneida and Tuscarora tribes and to devise such measures and make and enter into such propositions and agreements to secure their contentment and tranquillity as to the said commissioners shall appear just and proper: Provided always that no proposition or agreement for the purposes aforesaid shall be deemed to be conclusive until the same shall be reported to and ratified by the legislature. Claims of tribes named to be ascertained and agreements to secure their tranquillity made. Proviso as to ratification by legislature.

CHAP. 49.

AN ACT for raising money by tax.

PASSED the 25th of March, 1783.

I. 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 there shall be raised by tax within this States and paid into the treasury of this State the sum of forty two thousand one hundred pounds in specie, that the quota of the county of Albany of the said sum shall be eighteen thousand seven hundred and sixty four pounds, the quota of the county of Dutchess eleven thousand seven hundred and thirteen pounds, the quota of the county of Ulster six thousand three hundred and eighty nine pounds, the quota of the county of Orange four thousand three hundred and sixty five pounds, the quota of the county of Westchester seven hundred and sixty nine pounds, and the quota of the county of Charlotte one hundred pounds. That the quotas hereby assigned to the said several counties shall by the supervisors Tax levied. County quotas. To be apportioned by super-

visors amongst towns, etc.

Secretary of State to cause act to be printed and copies transmitted to the supervisors' clerks, etc.

Meeting of boards of supervisors to be called.

In case of death or absence of supervisors notice to be served on assessors.

Assessors to be convened.

Assessment how to be made.

Notice of meeting to review assessment.

After having proofs, etc., rolls to be completed.

Meeting may be adjourned.

of the respective counties be apportioned to and amongst the respective cities towns manors districts and precincts within such counties respectively, according to what may be deemed their respective circumstances and abilities at the time of making such apportionment. That the secretary of this State or his deputy shall without any delay after the passing of this act cause a competent number of copies thereof to be printed, and shall cause as many copies as may be necessary for the supervisors of each county, to be transmitted by special messengers, and at the expence of this State, to the respective clerks of the supervisors, and such clerks shall give duplicate receipts for the same, each specifying the day of such delivery, one whereof shall by the said secretary or his deputy be lodged with the treasurer of this State; and every such clerk shall within five days next after the receipt of such copies, by circular letters to be conveyed by special messengers, call a meeting of the supervisors for the purpose aforesaid, and such clerk within three days next after such apportionment shall be made, shall by special messengers cause the several supervisors who shall not be present at such meeting to be served with a notice in writing of the sums at which the quotas of their respective cities towns manors districts or precincts shall have been so apportioned. That in case of the death or absence of the supervisor, such notice shall be served on any of the assessors, and the supervisor or assessors on receiving such notice shall give duplicate receipts therefor, specifying the day on which such notice was delivered, and the expence of such messengers shall be charged in the county charges to the cities towns manors districts or precincts whose supervisor did not attend at the meeting aforesaid. That the several supervisors after such apportionment shall be made, or in case such notice as aforesaid shall be served on an assessor, such assessor, shall within five days next after the day on which such notice was received, convene the assessors, in order that they may proceed to make the assessment of the city town manor district or precinct. That the assessors shall thereupon immediately proceed to make assessments on the several inhabitants residents and persons holding or possessing real or personal estate within the city town manor district or precinct, according to the estate and other circumstances and abilities to pay taxes, of each respective person collectively considered; distinguishing in such assessment roll between the real and personal estate of such persons respectively, specifying the residence in the city town manor district or precinct, and the residence in the county, and not within the city town manor district or precinct, and also such as are not residents of either. That after the assessors shall have made out the assessment roll, they shall thereupon cause notifications thereof in writing to be fixed in at least four public places in the city town manor district or precinct, and shall in said notifications assign a time and place when and where they shall meet, and that such time shall not be less than six nor more than ten days from the last day of their last meeting, and that all persons who will attend may inspect the assessment roll. That upon hearing the proofs or allegations of any person or persons who are assessed at an higher or lower rate than they respectively ought to be, the assessors shall add to or deduct from the respective assessments in such manner as they shall deem reasonable, and make the necessary alterations in such assessment roll accordingly. That the assessors shall be authorized to adjourn the said meeting to such and so many different places as they shall deem most convenient, and such meeting may be continued from day to day (Sundays excepted) until it shall appear to the assessors that there hath been reasonable time for the inhabitants of the city town manor district or precinct to

have appeared before them and have had respectively an hearing, so as in the whole such time shall not exceed six days. That as soon as the assessors shall have completed the assessment roll, the same subscribed by them shall be delivered to the supervisor or supervisors of the city town manor district or precinct or in case of his or their death or absence to a justice of the peace of the county, whom the assessors shall notify for the purpose, and the supervisor or justice receiving the same shall give duplicate receipts therefor, specifying the day on which the same was delivered, one of which receipts shall be without delay transmitted by the assessors to the county treasurer; that such supervisor or justice shall immediately on receipt of such assessment roll proceed to make out two separate sets of tax lists, one set for the tax first to be collected as herein after directed, and the other set for the second tax to be collected as herein after directed. That the assessment roll and tax list shall respectively be of the form and upon the plan contained in the schedule hereunto annexed. That the amount of the monies to be inserted in each set of the tax list as and for the tax to be paid by each respective person shall bear such proportion to the amount of the sum at which such person shall be assessed, as half the sum to be raised within the city town manor district or precinct doth bear to the whole amount of the assessment thereof. That the supervisor or supervisors or such justice shall within five days thereafter complete and sign a tax list, and deliver to the collector or collectors such parts of the said lists signed by such supervisor or supervisors, or justice, as contains the tax which such collector or collectors respectively are authorized to collect of both the taxes to be collected by this act, taking duplicate receipts therefor, specifying the day on which the same was delivered; one whereof shall be without delay transmitted by such supervisor or justice to the treasurer of the county; and every such collector shall without delay proceed to levy and collect the tax in manner herein after mentioned, so as that the tax payable by residents in the city town manor district or precinct on one of the lists, be paid into the treasury of the county on or before the expiration of eight weeks, to be computed from the day on which such collector shall have received the tax lists from the supervisor or justice, and so as that the tax payable by residents within the county, not residing in the city town manor district or precinct, be paid into the said treasury on or before the expiration of nine weeks from the receipt of such lists as aforesaid, and so as that the tax payable by persons not residing within the county, be paid into the said treasury on or before the expiration of twelve weeks from the receipt of such lists as aforesaid.

Rolls when completed to be delivered to supervisors.

Tax list to be made.

Form of assessment roll and tax list. Amount to be inserted in tax list.

Delivery of, to collector, etc.

II. *And be it further enacted by the authority aforesaid,* That such collectors shall in manner aforesaid, begin to collect the second tax directed to be collected by virtue of this act on the first day of October next, and pay the tax so to be collected from residents in the case first above mentioned, into the treasury of the county on or before the first day of December next, and from residents in the second case above mentioned, on or before the fifteenth day of December next, and from non-residents in the county, on or before the first day of January next.

When tax to be collected.

III. *And be it further enacted by the authority aforesaid* That gold and silver, notes issued by the directors of the bank of the United States for gold or silver, at the value expressed on the same respectively, and no other species of money or notes shall be received in payment for the said tax. That if any of the persons so taxed shall neglect or refuse to pay the tax imposed on them, the collector shall levy the same by distress and sale of the goods and chattles of the person so refusing or

Moneys to be received in payment.

Proceedings to enforce collection of tax.

neglecting; that where distress and sale shall be made in either of the cases above mentioned, the overplus after deducting the charges of such distress and sale, shall be returned to the person by reason of the neglect or refusal of whom such distress and sale shall have been made. That for want of goods and chattles whereon to levy the tax the collector shall be and is hereby authorized and required to commence a suit in his own name, before any justice of the peace of the county, and the justice or jury shall give a verdict and judgment for the amount of the sum at which the defendant shall be so taxed, with costs, upon the tax lists being duly proved to have been signed by the supervisor or supervisors or justice, which is hereby declared to be conclusive evidence to entitle the plaintiff to recover: And the authority and jurisdiction of such justices is hereby extended to all such actions notwithstanding the sum to be sued for shall exceed the sum of ten pounds. And it shall and may be lawful to and for the justice giving judgment as aforesaid, and he is hereby strictly enjoined and required, to award execution forthwith after such judgment, any former law to the contrary in any wise notwithstanding, directing the officer to make return of such executions within ten days from the date of the said execution, and to pay the amount of the tax to be paid by the person against whom such execution shall have been awarded to the collector who sued for the same, within fifteen days from the date of such execution, or if the person is committed to the custody of the sheriff, or cannot be found, to give such collector a certificate thereof. That the collectors shall be allowed and are hereby authorized to retain in their hands out of the taxes by them collected six pence in the pound for their services in the execution of this act. That the county treasurers shall pay the monies they shall respectively receive from time to time receive from the collectors in to the treasury of this State, within twenty days next after the days and times in which the collectors by this act are directed and required to pay the same into the county treasury. That the several county treasurers shall be allowed and are hereby authorized to retain in their hands out of the monies they shall respectively receive from the collectors, a commission of eight shillings for every hundred pounds, for their services in receiving the said monies, and paying the same into the treasury of this State.

Amount to be retained by collectors for compensation. Payment to county treasurer.

Special town meetings for election of assessors or collectors may be called, etc.

IV. *And be it further enacted by the authority aforesaid,* That the supervisor or justice shall or may call special town meetings for election, in case of the death refusal to serve, or removal of any assessor or collector; shall cause an assessment roll and tax list to be fairly made out, sign the tax list, and cause the same to be delivered to the collector or collectors and a copy thereof to be filed with the treasurer of the county; and the said treasurer shall cause the collectors to appear before him from time to time, and at such times and at such places within the county as he shall appoint, to render an account of the monies they shall have respectively collected, and of the taxes which shall be then remaining unpaid; and to direct the collectors to pay the monies which they shall severally have in hand into the county treasury.

On failure of collector to pay county treasurer to issue warrant to sheriff to levy same by distress and immediate sale

V. *And be it further enacted by the authority aforesaid,* That if any collector within this State shall not pay the several taxes which by virtue of this act he is directed to pay into the county treasury, on the days and times herein before specified that then and in every such case the treasurer of the county, shall, and he is hereby strictly enjoined and required, to issue a warrant under his hand and seal, directed to the sheriff of the county, commanding him to levy by distress and immediate sale of the lands and tenements goods and chattles of such

delinquent collector, such deficiency, which deficiency and the time when the same became deficient shall be specified in the warrant; and such sheriff shall make return within ten days from the date of said warrant, and with such return pay any monies which may have come into his hands by virtue of such distress and sale, and shall also for want of sufficient distress in lands and tenements goods and chattles whereon to levy the whole amount of such deficiency, commit such delinquent collector to the common goal, there to remain without bail or mainprize until such deficiency shall be paid. Provided always, that it shall and may be lawfull for the county treasurer to allow such collector upon any settlement subsequent to such distress and sale, or prior thereto, if any such settlement shall be made, the amount of the taxes due from persons who after assessment and before the times respectively limited for payment into the treasury shall have removed out of the city town manor district or precinct, and upon such collectors making oath that such removed persons are not to the best of his knowledge within the county, and have not left sufficient goods and chattles within the district; and shall also allow the said collector the amount of all monies due from persons committed to the custody of the sheriff by a justice for non-payment of taxes; and shall further allow for such tax as may not have come to his hands by the sale of any lands by the supervisor or justice as hereinafter directed.

of lands, goods, etc. of such delinquent collector.

Proviso as to allowances to collector on settlement.

VI. *And be it further enacted by the authority aforesaid,* That if any county treasurer shall neglect or refuse to pay any monies paid unto him by the collectors, or any of them, or by the sheriff in manner aforesaid, or shall not in case of deficiency issue this warrant as herein before directed, or shall not make oath before any justice of the peace, and deliver a copy thereof certified by such justice, purporting that he has done what by this law he was directed to do to bring delinquent collectors to account, that then or in either of the said cases, it shall and may be lawfull for the treasurer of this State, at the expiration of twenty days next after the days and times on which the collectors are directed by this act to pay the tax into the county treasury, and he is hereby strictly enjoined and required, to proceed against such delinquent county treasurers, in like manner as such county treasurer is authorized by the last preceding section to proceed against a delinquent collector. Provided always, that in any settlement with a county treasurer he shall allow such discount for the county tax as the collectors severally are legally intitled to by virtue of the last preceding section.

State treasurer must proceed against delinquent county treasurers.

Discount to be allowed on settlement.

VII. *And be it further enacted by the authority aforesaid,* That if any sheriff shall neglect or refuse to execute any warrant to him directed by virtue of this act, such sheriff shall for every neglect or refusal forfeit the sum of one hundred pounds, to be recovered in like manner as is directed by this act for the recovery of tax before a justice of the peace, to be recovered by the treasurer of this State, and in his name, for the use of the people of this State.

Penalty in case sheriff neglects to execute warrant.

VIII. *And be it further enacted by the authority aforesaid,* That the assessors, or a majority of them, may by writing under their hands summon any person actually resident within the city town manor district or precinct to appear before them at such time and such place within the respective city, town, manor district or precinct, as they may think proper, to be examined on oath, or if of the people called Quakers on affirmation, which oath or affirmation the assessors or a majority of them are hereby authorized to administer, touching the value or amount of any personal estate, and if the person so to be summoned shall not upon being served with such summons appear before

Assessors may summon resident persons to appear and be examined on oath as to value of their personal estate.

the assessors, or appearing shall refuse to answer to interrogatories upon oath, or if the people called Quakers on affirmation touching the value or amount of the personal estate of any person or persons within such city town manor district or precinct, the person or persons so offending shall for every such offence forfeit the sum of five pounds, to be recovered with costs, in an action of debt in the name of the treasurer of the county, and when recovered, paid in like manner as last aforesaid; so as the person to be summoned shall not be compelled to answer to any interrogatories touching the value or amount of his other property. And provided always, that no such evidence shall be conclusive for forming any assessment, but that the assessors shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means which in their judgment may be deemed most proper for estimating such actual value.

Ministers not to be taxed for salaries and persons in line of army for personal estates. Compensation of supervisors, justices of the peace and assessors.

IX. *And be it further enacted by the authority aforesaid* That ministers of the gospel shall not be taxed by virtue of this act for their salaries; and that any person serving in the line of the army of the United States shall not be subject to be taxed by virtue of this act for his personal estates.

X. *And be it further enacted by the authority aforesaid*, That the supervisor or such justice of the peace as aforesaid, shall be severally allowed for their respective services and expenses, for every day they shall be severally employed in executing the business by this act committed to them, the sum of five shillings besides the expence of clerks messages and paper; and that the assessors shall each be allowed and paid for their services and expences for each day they shall be respectively actually employed in making the assessments in pursuance of this act the like sum of five shillings, not expences as aforesaid, which wages and incidental expences of the supervisors, justices of the peace and assessors, as aforesaid, shall be allowed and paid as the contingent charges of the county are, allowed and paid; to be charged nevertheless to the city town manor district or precinct in which the same shall respectively arise.

Penalty for neglect of official duty by supervisors, justices of the peace, etc.

XI. *And be it further enacted by the authority aforesaid*, That if any supervisor or justice of the peace, or supervisors clerk shall neglect or refuse to execute any of the duties enjoined on him by this act, or if any collector shall neglect or refuse to appear before the treasurer of the county as aforesaid when duly notified by writing under his hand, or if any collector shall refuse to render an account to the said treasurer of the county as aforesaid, in manner heretofore directed, when thereunto required, by the said treasurer of the county, or if the assessors shall neglect to complete the assessments within the time by the said supervisor or supervisors, or such justice of the peace as aforesaid from time to time to be assigned, the person or persons so offending shall for each and every such offence forfeit the sum of ten pounds to the people of this State, to be recovered by action in the name of the treasurer of the county, in assumpsit for monies received to the use of the plaintiff, before any justice of the peace of this county in which such neglect or refusal shall happen, with costs of suit; and such forfeiture when recovered shall be paid into the treasury of this State, and it is hereby expressly made the duty of the supervisor or supervisors as such justice of the peace as aforesaid, to report such offenders to the treasurer of the county; and it is hereby expressly made the duty of the said treasurer to sue and prosecute for the recovery of any such penalty, and to pay the same when recovered into the treasury of this State; and such suit shall and may be prosecuted to effect, although the treasurer

in whose name the same shall be commenced should die resign or be displaced.

XII. *And be it further enacted by the authority aforesaid,* That when lands not being in the possession nor held by any person residing in the county in which the lands lay are assessed by virtue of this act, and the collector upon enquiry shall find that the person whose name is mentioned in the tax list as the holder of any lands within the city town manor district or precinct doth not reside in the county where the lands lay, that then the collector shall apply to any two of the assessors of the city town manor district or precinct for a description of the lands for which the person whose name is mentioned in the tax list is intended to be taxed; and such assessors are hereby required to make such descriptions of such lands and subscribe the same with their names, and deliver the same to the collector, and that thereupon it shall and may be lawfull for the collector of the city town manor district or precinct in which the said lands lie to publish in any of the public news papers printed in this State for eight weeks successively, a general description of the said lands, the city town manor district or precinct in which the said lands lie, the name or names of the supposed owner or owners of the said lands the sum assessed on the same, and the time when the said sum ought to be paid, and requiring such person or persons as are interested in the said lands, or any part thereof, to pay to him the sum assessed on the same within ten days of the expiration of the said eight weeks; and that in case the sum so assessed is not paid at the-day mentioned in the said publication, that part of the said lands will be sold at public vendue to the highest bidder for the payment of the sum assessed on the same, at a day in the said notice mentioned, at the place in the city town manor district or precinct in which the lands lie, at which the town meetings are most usually held; and which day appointed for the sale shall not be more than eight days, nor less than four days from the expiration of such time limited for the payment of the tax by such publication. And in case the tax assessed on the lands with all the charges attending the said publication be not paid to the said collector within the said time so to be limited, that then it shall and may be lawful to and for said collector to make return of the amount of the said tax, and the description of the lands on which the same was assessed, so signed by the assessors as aforesaid, to any of the supervisors of the city town manor district or precinct, that such supervisor shall at the day and place appointed by the said advertisement between the hours of ten in the forenoon and four in the afternoon, sell and dispose of such lands at public vendue or outcry to the best bidder, and at the time of sale such person or persons as will accept of the least quantity of lands to pay the tax due, and all charges which such supervisor shall then make a true account of, shall be deemed the best bidder. And upon such sale such supervisor shall cause such land so sold to be surveyed and shall then make sign seal and deliver a deed for such land (upon receipt of such purchase money) to the purchaser or purchasers thereof, which deed so made and executed shall be a sufficient title within law and equity to all intents and purposes whatsoever; and the purchaser or purchasers of such lands by virtue of this act and their respective heirs and assigns shall be thereby severally vested with and entitled to an estate in fee-simple of in and to the said lands: Provided always, that such deed shall be entered on the records of the county in which the lands lie within sixty days after such sale, being first duly proved. And provided also, that the lands so to be sold in pursuance of this act shall be surveyed and laid out in one entire piece,

Proceedings to collect tax when owner is non-resident by advertisement and sale of lands.

Sale to be made by supervisor.

Land to be surveyed and deed to be given to purchaser.

Deed to be entered for record within sixty days.

and at one end or side of the tract out of which the same is sold: Provided also that nothing in this act contained shall effect any uncultivated lands which belong to persons well attached to the liberty and independence of the United States, and which are so exposed to the enemy as to be incapable of settlement and cultivation by persons well attached to the liberty and independence of the United States.

Purchase-money to be paid to collector.

XIII. *And be it further enacted by the authority aforesaid,* That the supervisors shall immediately upon the receipt of the purchase money pay the amount of the tax imposed on the lands of which part is sold as aforesaid to the collector.

Lands not to be taxed.

XIV. *And be it further enacted by the authority aforesaid,* That no tax shall be imposed on any unoccupied real estate forfeited to this State, during the time such estate is the property of the State.

Payment to be made to superintendent of finances of United States.

XV. *And be it further enacted by the authority aforesaid,* That the treasurer of this State shall pay to the order of the superintendent of the finances of the United States, the sum of thirty six thousand pounds, as soon as may be out of the monies described to be raised in and by this act.

Proviso as to quota of State.

And whereas the United States in congress assembled on the tenth day of September last did require this State to furnish fifty four thousand dollars as the quota of this State towards the payment of the interest on the domestic debt of the United States.

Ibid, as to quarter masters' certificates, etc.

And whereas many of the inhabitants of this State are vested with a variety of, certificates given by commissioners quarter masters and others for articles furnished and services performed for the United States.

And whereas it is the intention of this legislature to provide the proportion of this State of the monies necessary for paying the interest of all such debts when the certificates given as aforesaid shall be liquidated.

Persons not to be taxed for certificates held by them until congress provides for payment of interest.

XVI. *Be it therefore enacted by the authority aforesaid,* That no person within this State vested with certificates issued out of the Continental loan office within this State for monies loaned to the United States, or with certificates issued by the treasurer of this State for monies loaned for the use thereof or with certificates from the State agent thereof, or with certificates from any commissary or quarter master or other officer for services performed or articles delivered for the use of the United States by inhabitants of this State, shall be taxed for such certificates or any of them, until congress or the legislature of this State shall provide for the payment of such interest, any thing in this act to the contrary notwithstanding.

Purchase by, etc., officers named invalid.

XVII. *And be it further enacted by the authority aforesaid,* That no purchase of any land sold in pursuance of this act made by any supervisor assessor or collector, or any person or persons in trust for him or them, shall be valid but the same shall be and are hereby declared to be null and void to all intents and purposes.

Second tax not to be collected if governor issues proclamation that peace is concluded with Great Britain.

XVIII. *Provided always and be it further enacted by the authority aforesaid,* That if his excellency the governor or person administering the government of this State for the time being shall signify by proclamation to be published in one or more news papers printed in this State, that a peace with Great Britain is concluded, or that the enemy shall have evacuated the southern great district of the State, that then the collection of the second tax to be raised by virtue of this act shall not be proceeded on, and if already commenced the collectors respectively shall by advertisement notify all persons from whom they have respectively collected the said tax severally to come and receive the same.

Articles not taxable.

XIX. *And be it further enacted by the authority aforesaid,* That no person shall be taxed by virtue of this act for any of the articles taxable by the

act entitled "An act for the appointment of commissioners to procure monies on loan and clothing for the use of the State," passed the seventh day of March seventeen hundred and eighty one.

SCHEDULE.

Assessment Roll.

Form of assessment-roll.

Persons residing in the of	Real estate.	Personal estate.	Persons residing in the county and not within the of	Real estate.	Personal estate.	Persons not residing in the of nor in the county.	Real estate.	Personal estate.
A. B.....	£ 100	£ 50	A. B.....	£ 100	£ 50	A. B.	£ 100	£ 50

Tax List.

Of tax-list.

Persons residing in the of	Real estate.	Personal estate.	Amount.	Persons residing in the county and not within the of	Real estate.	Personal estate.	Amount.	Persons not residing within the of nor in the county.	Real estate.	Personal estate.	Amount.
A. B.....	£ 100	£ 50	l. s. d. 000	A. B.....	£ 100	£ 50	l. s. d. 000	A. B.....	£ 100	£ 50	l. s. d. 000

CHAP. 50.

AN ACT for the payment of the salaries of the several officers of government, and of certain contingent expences of the State.

PASSED the 26th of March, 1783.

I. *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 the treasurer of this State shall out of the monies which now are or hereafter may be in the treasury, and not otherwise specially appropriated, pay the following sums of money and to the following persons viz: To the person administering the government of this State for the time being, to defray the incidental charges which may arise in and about the administering the government of this State such sum or sums, as he shall from time to time by warrant under his hand and the privy seal of the State draw from the treasury of the State for the purpose, not to exceed in the whole the sum of two hundred and fifty pounds.

Treasurer to pay sums named.

To the governor.

To his excellency the governor for administering the government of this State, from the first day of July last to the first day of July next, at and after the rate of one thousand two hundred pounds per annum, which sum he is hereby authorized to take on loan on the credit of this State, to be paid with interest within one year after the expiration of the present war.

Chief justice.

To the Honorable Richard Morris Esquire chief justice of this State for his services in that station, from the first day of July last, to the first day of July next, at and after the rate of three hundred and fifty pounds per annum.

Puisne justices.

To the Honorable Robert Yates and John Sloss Hobart Esquire puisne justices of the supreme court, for their services in that station from and to the respective times aforesaid, each the sum of three hundred pounds.

To the said Richard Morris Robert Yates and John Sloss Hobart Esquires, exclusive of the above salaries for each day they shall have respectively attended from and to the respective times aforesaid, in the execution of commissions of oyer and terminer and gaol delivery in the several counties, as shall have been travelling for that purpose, each the sum of twelve shillings per day, agreeable to such accounts thereof, as they shall respectively produce, audited by the auditor of this State.

Delegates in congress.

To each of the delegates of this State at and after the rate of five dollars per day for such time as they have attended or shall attend, or were going to or returning from congress to the respective places of their abode, from and after the first day of July one thousand seven and eighty one, to the first day of May next, according to such accounts as they shall respectively produce audited by the auditor of this State. Provided that the monies from time to time advanced to the said delegates, shall be charged to their accounts respectively.

Secretary of State.

To the secretary of this State for attending the legislature during the present session for the purpose of receiving the laws and for attending the council of appointment from the first day of July last to the first day of July next, at and after the rate of thirty pounds per annum.

To the said secretary for his services for recording the laws, making copies thereof with marginal notes for the press, and making copies by the direction of the governor or of the senate and assembly and for engrossing the minutes of the council of appointment from time to time after the rate of one shilling and six pence per folio, each folio to consist of one hundred and forty four words, as agreeable to such account thereof as he shall produce, audited as aforesaid.

Senators and members of assembly.

To the several members of the senate and assembly for each and every day they shall have severally attended in senate or assembly during the present and the last meeting of the legislature, and for each and every day they shall have been or may be travelling to and from their respective places of abode, to the places of the said meetings of the legislature each the sum of eight shillings per day, agreeable to such accounts thereof as they shall severally produce, certified by the president of the senate or the speaker of the assembly as the case may be; the accounts of the president of the senate to be certified by the clerk of the senate, and the accounts of the speaker of the assembly to be certified by the clerk of the assembly.

Clerks of the senate and assembly.

To Robert Benson Esquire clerk of the senate and John M^c Kesson Esquire clerk of the assembly for their services in their respective stations, during the present and the last meeting of the legislature each twenty shillings per day, and for several sums by them severally advanced for the use of the senate and assembly respectively, the amount

of such accounts thereof respectively as they shall severally produce certified by the president of the senate or speaker of the assembly as the case may require.

To Robert Benson Esquire aid de camp to his excellency the governor, Aids de camp. the amount of Continental pay as a lieutenant colonel from and to the respective time aforesaid, and exclusive of the time that he shall be employed as clerk of the senate, for such days only as the governor shall certify that he performed service or was actually attending him. And to Stephen Lusk Esquire his said excellency's other aid de camp the like allowance to be certified as aforesaid.

To the doorkeepers of the senate and assembly, for their services during the present and last meetings of the legislature, each ten shillings per day agreeable to such certificates thereof as they shall respectively produce certified by the president of the senate or speaker of the assembly.

To John Holt printer, the sum of two hundred pounds on account, for Printer. printing the laws of the State, and journals of the senate and assembly, out of such monies which may first come to the hands of the said treasurer in consequence of forfeitures incurred on the act entitled An act to prevent illicit trade with the enemy.

To Robert Graham Esquire for assisting in amputating and curing Robert Graham. the arm of Jacob Travis a lieutenant of the militia who was wounded in the service of the United States, when opposing the enemy at Danbury in Connecticut, and for attending the said Jacob Travis during his illness the sum of twelve pounds; and the said treasurer is hereby directed to charge the same to the United States.

To Ebenezer Purdy Esquire the sum of three hundred and fifty-two pounds six shillings and sixpence being the amount of his account audited by the auditor of the State, for monies laid out for the support of the poor removed from the city of New York into Westchester county, and also lawful interest for the said sum from the time of the said account being audited until the same is paid. Auditor.

To the present and former members of the council of appointment, at and after the rate of eight shillings per day during their attendance on the council in the recess of the legislature, and for the time of travelling from and to their respective places of abode, according to such accounts as the clerk of the said council shall have certified. Members of council of appointment.

To David Hopkins Zephaniah Batcheller and John Lawrence Esquires at and after the rate of eight shillings per day for going to attending in and returning from a committee at Albany on public business, agreeable to such accounts thereof as they shall respectively produce audited by the speaker of the assembly. David Hopkins and others.

To William Scudder a lieutenant in the line of the troops of this State in the service of the United States, sixteen pounds sixteen shillings, for monies by him advanced for vegetables and other necessaries for the support of some of the said troops while in captivity with the enemy in Canada, to be charged by the said treasurer to the United States. William Scudder.

To Stephen White forty pounds on account of his pay as a captain in the regiment of levies whereof Marinus Willett Esquire was lieutenant colonel commandant in the year seventeen hundred and eighty, for the repayment of monies by him taken on loan during his captivity in Canada, to be charged by the treasurer to the said Stephen White as part of his pay as a captain in the said regiment. Stephen White

To Albert Pawling Esquire seven pounds ten shillings for monies due to Silas Bayker, Silas Bayker jr, William Rosa, John Conneway and Philip Hyne privates in the regiment of levies lately commanded by the Albert Pawling.

said Albert Pawling, for certain extra service by them respectively performed by order of his excellency the governor.

St. Ledger
Cowley.

To St. Ledger Cowley the sum of twenty pounds in lieu of one hundred pounds given to him as a gratuity by the act entitled an act to provide for the payment of certain contingent expences of this State, passed twenty fifth October, seventeen hundred and seventy nine.

Abraham
Bevier.

To Abraham Bevier the sum of thirty nine pounds three shillings and eleven pence with interest at the rate of six per cent per annum from the first day of June last until the same shall be paid, for the payment of debts by him incurred and monies expended for the support of the poor removed from the city of New York; provided that the said Abraham Bevier shall previous to his receiving the said money, pay to the treasurer of this State the sum of fifty eight pounds seven shillings in bills of the new emission part of monies formerly paid to the Abraham Bevier for the support of the said poor, and now remaining in his hands.

James
Hamilton.

To James Hamilton the amount of such account as he shall produce, audited to the auditor of the State being the amount of the damages and costs recovered against him by Jacobus Low for four cattle which were receipted for by the said James Hamilton in the year one thousand seven hundred and seventy seven for the use of the militia of this State and of the regiments of the troops of the United States, then in the service of the United States, opposing the enemy in their progress into the interior parts of this State; and that the treasurer charge the same to the United States.

Proviso as
to former
grant.

WHEREAS the legislature did by act passed the first day of July one thousand seven hundred and eighty grant to Daniel Graham the sum of eight thousand two hundred and eighty four pounds eight shillings, payable in Continental currency, and by an act passed the first day of July one thousand seven hundred and eighty one did direct that the treasurer of this State should pay four hundred pounds in bills of the new emission on account of the said grant, and it is represented to the legislature that neither of the said sums have been paid to the said Daniel Graham.

Daniel
Graham.

Be it therefore enacted by the authority aforesaid, That the treasurer shall pay to Daniel Graham Esquire the sum of two hundred and fifty four pounds eight shillings and ten pence in lieu of the said sum of eight thousand two hundred and eighty four pounds eight shillings, and that the treasurer charge the said two hundred and fifty four pounds eight shillings and ten pence to the United States.

Treasurer
to retain
amount
named
for his
services.

That it shall and may be lawful for Gerard Bancker Esquire treasurer of this State to retain a sum out of any monies which may be in his hands unappropriated, at and after the rate of three hundred pounds for his services in that station from the first day of July last, to the first day of July next.

Udny Hay
to pay out
of public
moneys to
John
McKesson.

III. *And be it further enacted by the authority aforesaid* That Udny Hay Esquire shall pay the following sums out of any public monies which may be in his hands viz. To John M^cKesson Esquire clerk of the assembly the sum of one hundred pounds on account for disbursements for the use of the assembly before the first meeting of the legislature in the year seventeen hundred and eighty two, which shall be in lieu of the like sum directed to be paid to the said John M^cKesson by the treasurer of this State by the act entitled "An act for the payment of certain contingent expences of this State" passed the fourteenth April one thousand seven hundred and eighty two; and that out of the said sum it shall and may be lawful for the said John M^cKesson to pay to

McKesson
to pay

John J. Myer the sum of forty six pounds sixteen shillings in full for his services to the legislature in the year one thousand seven hundred and eighty one.

John J. Myer.

To Robert Harpur Esquire deputy secretary for removing the records of this State and other incidental expences attending the same the sum of ten pounds in lieu of the like sum directed to be paid to him by the treasurer of the State by the act last above mentioned.

Robert Harpur.

To the secretary of this State one hundred pounds on account, for his services in recording the laws making copies thereof for the press with marginal notes, and for engrossing the minutes of the council of appointment, which sum when paid shall be charged by the treasurer of this State to the account of the said secretary.

Secretary of State.

To Fredrick Weissenfels Esquire sixty pounds in full for two months pay as a lieutenant colonel commandant of one of the regiments of infantry of this State in the service of the United States in the year one thousand seven hundred and eighty, and that the treasurer of this State charge the said Fredrick Wessenfels for the amount of two months pay to be returned on the settlement of the said Fredrick Wessenfels' account for pay accruing during the months of August and September, one thousand seven hundred and eighty.

Frederick Weissenfels.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for his excellency the governor out of any monies which he has taken, or hereafter may take on loan for the use of this State pursuant to any law of this State to advance on account to such of the delegates as shall attend in congress during the present year such sums as may be necessary for defraying the expences of such delegates respectively during the time they shall so attend — That in case his said excellency shall procure a further sum on loan and may be sufficient for the purpose aforesaid, the same shall be applied towards paying such of the delegates of this State as have monies due to them on account of their attendance in congress, agreeable to such account thereof as they shall respectively produce audited by the auditor general or auditor of this State.

Governor may make advances to delegates in congress.

V. *And be it further enacted by the authority aforesaid,* That the treasurer of this State is hereby authorized and directed to liquidate and settle the accounts of the respective judges of the supreme court of this State and shall deliver or transmit to them respectively a certificate under his hand of such ballance as he shall find due to them respectively on account of their respective sallaries which became due from and after the nineteenth day of July one thousand seven and seventy seven, or on account of the depreciation of any sums in Continental bills of credit which they may have respectively received on account of such sallaries agreeable to the scale of depreciation for settling the accounts of the officers and soldiers belonging to the State in the service of the United States; and his excellency the governor is hereby authorised on the application of the said judges and their producing to him such certificates from the treasurer and certificates from the auditor for their services in attending the courts of oyer and terminer, to pay to such judges respectively the amount of such ballances, out of any monies which he is empowered by law to take on loan on the credit of this State.

Treasurer to liquidate and settle accounts of judges.

VI. *And be it further enacted by the authority aforesaid,* That the treasurer of this State shall pay to Peter S. Curtenius Esquire auditor of this State the sum of two hundred pounds on account out of any of the monies which may be taken on loan for the use of this State, and which may come to the hands of the said treasurer.

Peter S. Curtenius.

Samuel
Dodge.

VII. *And be it further enacted by the authority aforesaid,* That the said treasurer shall pay to Samuel Dodge Esquire the sum of two hundred pounds out of the first monies which shall come into his hands of the sums to be taken on loan on the credit of this State, to be applied to the support of the poor under the care of the said Samuel Dodge.

Samuel
Dodge to
pay bills
named to
treasurer.

VIII. *And be it further enacted by the authority aforesaid,* That the said Samuel Dodge shall forthwith after the passing of this act pay to the treasurer of this State six hundred and sixty-six pounds, in bills of the new emission now in the hands of the said Samuel Dodge, and by him received out of the treasury of the State for defraying the expences of supporting the said poor.

Proviso as
to flour
furnished
by Robert
Living-
ston.

And whereas Robert Livingston did in compliance with a request of the legislature of this State by a letter dated fourteenth day of June one thousand seven hundred and eighty, furnish certain quantities of flour for the use of the public on the order of his excellency the governor,

Auditor to
audit his
accounts,
etc.

IX. *Be it therefore further enacted by the authority aforesaid,* That it shall and may be lawful to and for the auditor to audit the accounts of the said Robert Livingston agreeable to such vouchers of the delivery of such flour as shall be exhibited to the said auditor— That the price of the said flour shall be estimated agreeable to the current price of flour in the county of Albany at the time of such delivery, and that the treasurer of this State shall pay the amount of the said account with interest at the rate of six per cent per annum from the time of the delivery of such flour out of any monies which may be in his hands unappropriated.

Proviso as
to resolu-
tions of
legislature
as to pay-
ments to
be made to
Christo-
pher Tap-
pen, etc.

And whereas the legislature of this State did on the fifth day of March instant by concurrent resolutions of senate and assembly resolve that the treasurers of the counties of Dutchess and Orange respectively pay to Christopher Tappen Esquire or to his order any public monies now in their possession, and that Udny Hay Esquire pay unto the said Christopher Tappen or to his order any public monies now in his possession or of which he may be possessed before the rising of the legislature, beyond what may be necessary to discharge any debts he may heretofore have been directed to pay—That the said monies when received by the said Christopher Tappen shall together with the public monies now in his hands as treasurer of the county of Ulster be applied to the discharge of the expences of the last and present meeting of the legislature; and that the said Christopher Tappen shall pay the overplus, if any shall be into the treasury of this State within four weeks next after such expences shall be paid; and that the legislature will by law indemnify the said treasurer and Udny Hay for such payments.

Officers
named in-
demnified,
etc.

X. *Be it therefore further enacted by the authority aforesaid,* That the treasurer of the county of Dutchess and Orange and the said Udny Hay respectively shall be and they are hereby severally indemnified for the payments made to the said Christopher Tappen in pursuance of the said resolution and that it shall and may be lawful to and for the said treasurer of the county of Ulster, and the treasurers of the other counties in this State respectively to pay to the order of the said Christopher Tappen such monies as he shall certify in such orders to be due to the members of the legislature respectively for their attendance at the present meeting, and that it shall and may be lawful to and for the said Christopher Tappen to pay out of the said monies to the members of the legislature and their officers respectively the amount of their accounts respectively for their attendance on the legislature during the present

meeting together with the amount of the disbursements made by their officers ; and the treasurer of this State is hereby required to credit the said treasurers, and the said Udny Hay, with the amount of such monies so paid or to be paid by them respectively in pursuance of the said resolution and this act.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the treasurers of the several counties to pay to the members of the legislature and their respective officers the amount of their accounts respectively for their attendance during the first meeting of the legislature in the present session, together with the amount of the disbursements made by their officers and the treasurer of the State shall credit the said county treasurers respectively with the amount of such payments, upon their returning the certificate to the said treasurer of this State granted on such accounts, as directed by law, with receipts thereon endorsed.

County treasurers may pay members of the legislature, etc.

XII. *And be it further enacted by the authority aforesaid,* That the commissioners on sequestration for the county of Albany shall and they are hereby required out of any monies which now are or hereafter may come into their hands in the execution of their office, to procure for, and furnish to Tacamentie Vrooman the wife of Captain Walter Vrooman, two hundred weight of flour monthly, to be computed from the first day of January last, and to continue for one year unless her said husband shall sooner return from captivity with the enemy ; and that they charge the same in their account with the State.

Flour to be furnished wife of Captain Vrooman.

XIII. *And be it further enacted by the authority aforesaid,* That the commissioners of sequestration in the several counties be and are hereby required forthwith after the passing of this act to deliver to the treasurer of this State all the wrought plate which may have come to their or either of their hands or possession, or shall hereafter come to either of their hands or possession, in the execution of their duty as commissioners as aforesaid.

Wrought plate to be delivered to State treasurer.

And whereas by a concurrent resolution of the senate and assembly passed the twenty first day of July last Udny Hay Esquire State agent was directed to pay Peter F. Curtenius Esquire State auditor the sum of two hundred pounds, and charge the same to this State.

Proviso as to payment to be made to auditor.

XIV. *Be it therefore enacted by the authority aforesaid,* That the auditor of the State in the settlement of the said Udny Hay's account is hereby authorised to allow a credit to the said Udny Hay for the said sum of two hundred pounds.

Sum paid to be allowed.

XV. *And be it farther enacted by the authority aforesaid,* That the treasurer of this State shall pay the following sums of money out of any unappropriated monies which may come into his hands to the following persons to wit, to Richard Ten Eyck at and after the rate of six shillings per day for the time he shall have been actually employed as store keeper under the direction of John Lasher Esquire commissary of military stores previous to the first day of January one thousand seven hundred and eighty one in pursuance of concurrent resolution of senate and assembly passed on the fourth day of April one thousand seven hundred and seventy eight agreeable to such account thereof as shall be audited by the said auditor. And that the said auditor shall audit the said account on a certificate to be granted by the said John Lasher, and an affidavit of the said Richard Ten Eyck respectively specifying the number of days the said Richard Ten Eyck has been actually employed as aforesaid. To Philip DuBois Bevier the sum of forty two pounds seven shillings to defray the expences incurred in going to and returning from Canada with a flag of truce and for his services to nego-

Richard Ten Eyck.

Account to be audited.

Philip Dubois.

Garrett
Abeel.

tiate an exchange of prisoners. To Garrett Abeel for his expences in the same business the sum of six pounds two shillings and nine pence.

CHAP. 51.

AN ACT to repeal an act entitled an act to revive the laws appointing commissions for detecting and defeating conspiracies and to give certain powers to magistrates and courts in cases therein mentioned.

PASSED the 27th of March, 1783.

Act named
repealed.

I. *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 the act entitled "An act to revive the laws appointing commissioners for detecting and defeating conspiracies" shall be and the same is hereby repealed.

Commissioners to deliver recognizances to clerk, etc.

II. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid shall forthwith after the passing of this act, deliver the recognizances by them taken, and not forfeited to the clerk of the court of general sessions of the peace of the county in which the same were taken, and the person or persons bound by such recognizances shall be subject to the directions of, and be compelled to appear before the said sessions in like manner as they were respectively required by law to subject themselves to the directions of, and were compellable to appear by the said recognizances before such commissioners, and such recognizances shall to all intents and purposes have the like effect and be estreated or discharged in the same manner as if the same had been entered into before such court of sessions.

When forfeited recognizances to be delivered.

III. *And be it further enacted by the authority aforesaid,* That the said commissioners shall as soon as may be deliver all such recognizances as may have become forfeited to the people of this State, to the clerk of the supreme court, to the end, that prosecutions may be instituted for recovery of the same.

Accounts to be extended to auditor and he to report thereon.

IV. *And be it further enacted by the authority aforesaid,* That the said commissioners shall exhibit the accounts to the auditor, on or before the first Monday of August next, that the same may be ascertained and settled; and it is hereby made the duty of the auditor to report to the legislature at their next meeting after the said first Monday of August the amount of such accounts respectively.

Names of persons committed to be returned to a justice of the peace.

V. *And be it further enacted by the authority aforesaid,* That the said commissioners shall on or before the first day of May next make return to a justice of the peace of the county in which such commissioners reside of the names of the persons by them committed and the cause of such commitment. That the said justice may take action thereon in due form of law that no person committed by the said commissioners shall be discharged before the said first day of May next.

Justice of the peace may cause any person coming from the enemy to be arrested, etc.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any justice of the peace within this State to cause to be arrested and brought before him any person who shall come within his jurisdiction out of any place within the power of the enemy and to require sufficient security for the appearance of the offender at the next court of general sessions of the peace to be held

for the county where such offender shall be apprehended and for his good behavior in the meantime and for the want of such surety to commit such offender to the common gaol there to remain until he shall find such security or until the next general sessions of the peace where the recognizance or mittimus as the case may be shall be returned and which recognizance or mittimus shall respectively set forth that the offender bound over or committed had without lawful authority come within the jurisdiction of such justice out of a place within the power of the enemy and thereupon shall and may be lawful to and for the court of general sessions of the peace to commit such offender to the common gaol there to remain until the then next court of oyer and terminer and general gaol delivery in the county to answer unto all such matters and things as shall then and there be objected against such offender (unless he shall be sooner thence discharged by due course of law) or the said court of general sessions of the peace may take surety according to their discretion for the appearance of the offender at such court of oyer and terminer and general gaol delivery as aforesaid then and there to answer in manner aforesaid at the said court of general sessions of the peace may take surety only for the good behaviour of the offender or may permit him to go at large without surety as the said court in their discretion shall judge fit. — Provided always that nothing in this act contained shall be construed in any wise to restrain the supreme court of judicature of this State or any of the justices of the said court from dealing with such offender according to law for any crime of which such offender may be accused or indicted before the said court or with which such offender may be charged before any justice of the said court.

Proviso that offenders may be dealt with according to law.

CHAP. 52.

AN ACT for the relief of John Cantine and others.

PASSED the 27th of March, 1783.

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 John Cantine Esquire colonel of a regiment of militia in Ulster county to pay unto John Lasher commissary of military stores for this State all such sums of money as are charged to the said John Cantine by the said commissary for amunition drawn by the said John Cantine out of the military store for the use of his regiment, and the said John Lasher is hereby authorized and required to receive in payment, bills of credit of this State issued in pursuance of the resolution of congress of the eighteenth day of March one thousand seven hundred and eighty, at their nominal value, at the rates at which the said amunition at the respective times of the delivery thereof was charged to the said John Cantine; and if at the time of the delivery of any of the said amunition, any part thereof was charged in Continental money, that the said commissary shall receive for such dollar parts thereof, one dollar in the said bills of credit for every forty part lars of Continental money at which the same was charged at the time of the delivery thereof.

Colonel Cantine may pay sums charged to him to commissary of military stores in bills of credit, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for John Vandeußen quarter master of a regiment of mil-

John Vandeußen may pay

money remaining in his hands in same manner.

itia commanded by Colonel Johannes Snyder to pay unto the said John Lasher commissary of military stores, all sums of money remaining in his hands for amunition drawn out of the said store and issued to the men belonging to the regiment of the said Colonel Snyder in the same bills of credit, and in the same manner as is directed by this act to be paid by the said John Cantine for amunition by him drawn out of the said store.

Credit for amunition to be given.

And be it further enacted by the authority aforesaid That the residue of the amunition drawn out of the said store which has been issued by the said John Vandeußen in obedience to the orders of the said Colonel Snyder and for which he did receive no pay shall be credited by the said commissary of stores to the account of the said John Van Deußen in full discharge for all the amunition drawn out of the said store by the said John Van Deußen for the use of the said regiment any thing to the contrary thereof notwithstanding.

Auditor to liquidate accounts named.

And be it further enacted by the authority aforesaid That the auditor of the State be and he is hereby authorized and directed to liquidate and certify the accounts of Mathew Cantine Jonathan Lawrence and William Harpur Esquires formerly appointed by the convention of this State to be commissioners for the purpose of exploring mines of lead and sulphur charging them separately and only for such sums of money as it shall appear that they have respectively received from the treasurer of the State.

Proviso as to memorial of Colonel Webster.

And whereas Colonel Alexander Webster of Charlotte county has by his memorial represented that he received a quantity of amunition out of the State magazine which he delivered to the officers of his regiment commanding companies with express directions for receiving on the issues thereof pay for the same.

And whereas the militia composing the same regiment refuse to receive the said amunition on the terms above mentioned.

And whereas on pressing emergencies in the frontier situation wherein the said regiment resided the said Alexander Webster was compelled by reasons which regarded the public safety to give orders for the issuing of the said amunition for which no pay has been received.

Colonel Webster released from liability.

Be it therefore enacted by the authority aforesaid That the said Alexander Webster be and he is hereby released and discharged from any demands which this State may have against him on account of the said amunition.

Proviso as to indebtedness of Zepheniah Batchellor.

And whereas Zepheniah Batchellor of Tryon county did on the twenty second day of May in the year one thousand seven hundred and eighty stand indebted to this State for about fifteen bushels of salt by him sold or to be sold at the rate of eight shillings Continental money per quart

And whereas on the said day the house of the said Zepheniah Batchellor was burnt by the enemy and the money arising from the sale of part of the said salt and the remainder of the salt unsold was destroyed or taken away.

Indebtedness released.

Be it therefore enacted by the authority aforesaid That the said Zepheniah Batchellor be and he is hereby released and discharged from the debt so due by him to this State, any law to the contrary notwithstanding.

Proviso as to judgment against Peter Yates for penalty.

And whereas Peter Yates late a supervisor of the district of Schachta-kook in the county of Albany was prosecuted to judgment by Udny Hay Esquire agent of this State before John F. Beckman Esquire an alderman of the city of Albany and one of the justices of the peace for the county of Albany for the penalty of twenty pounds supposed to

have been forfeited on an act entitled "An act for procuring a quantity of wheat by an equal tax in kind passed the twenty seventh day of March one thousand seven hundred and eighty one.

And whereas it appears that the said conviction was had on the said act on a non delivery by the said Peter Yates of a copy of the tax list of the said district to the said State agent or one of his assistants.

And whereas for reasons appearing sufficient to the legislature, the said penalty and cost on the said conviction ought to be remitted.

Be it therefore enacted by the authority aforesaid, That the said Peter Yates be and he is hereby fully and absolutely released and discharged of and from the said penalty and all costs of conviction thereon. Penalty and costs discharged

CHAP. 53.

AN ACT to prolong April term in the year one thousand seven hundred and eighty three.

PASSED the 27th of March, 1783.

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 the term of the supreme court of judicature to commence and be held on the third Tuesday of April next, shall be, and is hereby declared to be extended and prolonged until the Saturday third day of May next, and that besides the usual return days, the last Tuesday and last day in the said term so prolonged shall be return days of the said term. Term of court extended.

CHAP. 54.

A SUPPLEMENTARY ACT to the act entitled "An act to provide for the temporary government of the southern ports of this State whenever the enemy shall have abandon or be dispossessed of the same and until the legislature can be convened."

PASSED the 27th of March, 1783.

WHEREAS upon the present prospect of a conclusion of a general peace between the several beligerent powers in Europe and the United States of America, the southern district and other ports of this State may in that case soon be evacuated. Preamble.

And whereas it appears necessary that provision should be made for contingencies which may arise and are not provided for by an act entitled "An act to provide for the temporary government of the southern ports of this State whenever the enemy shall abandon or be dispossessed of the same and until the legislature can be convened" passed the twenty third October one thousand seven hundred and seventy nine.

Be it therefore 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 his excellency the governor or person administering the government of this State for the time being with any seven or more of the persons described in the act aforesaid to make any convention or conventions with the commander Governor and persons named may make convention with British com-

mander for
obtaining
possession
of south-
ern dis-
trict, etc.

in chief of the British force for the speedy obtaining possession of the southern district of this State, or for the purpose of gaining possession of any post or place occupied by the British troops and for giving those troops the protection they may be entitled to by any treaty of peace or the laws of nations as the said persons may in their discretion judge proper:

Proviso as
to time.

Provided always that such convention or conventions shall not continue in force for any longer time than until the British troops shall actually leave this State.

Necessary
measures
to take
possession
to be pur-
sued.

And be it further enacted by the authority aforesaid, That it shall be lawful for his excellency the governor or person administering the government of this State for the time being with seven or more of the persons described in the act aforesaid to pursue such effectual measures, as they shall deem expedient and necessary for taking possession of the posts occupied by the British troops in the northern and western parts of this State and for maintaining garrisons in the same; until the further order of the legislature herein.

L A W S

OF THE

S T A T E O F N E W - Y O R K ,

P A S S E D A T T H E

FIRST MEETING OF THE SEVENTH SESSION OF THE LEGISLATURE
OF SAID STATE.

CHAP. 1.

AN ACT to lay a duty of tonnage on vessels for defraying the
expence of the lighthouse at Sandy Hook.

PASSED the 12th of February, 1784.

I. 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, Duty levied.
That a duty of four pence per ton shall be levied and collected on all vessels which shall arrive from sea into the port of New York excepting vessels the property of citizens of this State while actually employed on whaling or coasting voyages, and all vessels the entire property of citizens of any of the United States, which shall not exceed the burthen of sixty tons carpenters tonnage.

That for the orderly collection of the said duty it shall be lawful for the master and wardens of the port of New York, who are or shall be appointed by the council of appointment, to appoint a clerk to execute the duties enjoined upon him by this act. Clerk to be appointed to collect same.

That every master or commander of a vessel claiming an exemption from the said duty shall if required make oath before the said clerk or in his absence before any of the said wardens who are hereby respectively empowered to administer the same. That according to the best of his knowledge and belief such vessel is a whaling or a coasting vessel entitled to exemption from the said duty, according to the true intent meaning of this act; and in case of refusal to take the said oath such master or commander shall be liable not only to the duty of tonnage the penalties in such cases to be imposed by this act. That every master of a vessel subject to the said duty who shall not within twenty-four Masters claiming exemption to make oath. Penalty for failure to report to clerk on arrival.

hours after his arrival into the said port make report to the said clerk of his arrival, and of the burthen of his vessel, shall forfeit and pay for every such neglect the sum of fifteen pounds. That every master or commander of a vessel subject to the said duty, shall within three days after the arrival of such vessel in the said port from sea, make report of the dimensions thereof to the said clerk; and at the same time make oath before him, or if a Quaker, an affirmation in form following to wit—

“ I. A. B. master or commander of the _____ do swear (or affirm) that her length upon the main deck from the after part of the stern, to the after part of the stern post is _____ and that her breadth upon the midship beam, outside of both wales after taking off four inches for the thickness of one wale is _____ and no more.

And if a single decked vessel “ The depth of the hold is _____ and no more,” which form being entered in a book to be kept for that purpose, the blanks thereof are properly to be filled up and being sworn or affirmed to, by such master, or commander, he is likewise to sign the same. And if any master or commander of a vessel liable to the said duty shall neglect or refuse to make report on oath or affirmation in manner and in the time before mentioned. Or shall be suspected of having made a fraudulent report, it shall be lawful for the said clerk in either case, to cause a shipwright or other fit person on oath to survey and take the exact dimensions of such vessel, and compute the contents of her tonnage, by the rule herein after prescribed, and to make report thereof to the said clerk accordingly; and the master or commander of such vessel shall be subject not only to the full duty of tonnage, and likewise to the charges of surveying, which however shall not exceed the sum of ten shillings; and in the case of a fraudulent report of tonnage, the master or commander guilty thereof shall moreover forfeit and pay to the said clerk the sum of eight shillings for every ton unreported by him.

II. *And be it enacted by the authority aforesaid,* That the said duty shall be paid within six days after such vessel's arrival in port, and every master owner or factor liable thereto shall fail to make such payment as aforesaid; within the time above mentioned, shall pay double the tonnage hereinbefore directed. That the tonnage of vessels shall be computed in manner following, that is to say. Three-fifths of the beam to be deducted from the length of the main deck, the remainder multiplied by the breadth of the beam, that sum to be multiplied by half the breadth of the beam for the depth of the hold, that divided by ninety-five to be the contents of the vessel in tons, but if a single deck vessel to multiply her length and breadth by her depth in the hold from skin to skin and divide as above.

III. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the officers of the customs within this State, or any of them, to clear any vessel subjected to the said duty of tonnage, before it shall appear to such officers by a certificate under the hand of the said clerk that the duty aforesaid is paid and discharged for such vessel.

IV. *And be it further enacted by the authority aforesaid,* That the clerk be for the time being of the master and warden of the said port of New York, shall be, and hereby is authorized, and required to receive and collect the duty of tonnage, to arise by virtue of this act, and if need be to sue for the same in his own name, to administer the oaths and affirmations, and receive the reports before mentioned; and also to sue in his own name for the fines and forfeitures, that shall be incurred, by any person or persons, whomsoever for breach of this act, or any part thereof; and further to do and perform all other acts proper and

Form of
oath.

Survey
may be
ordered on
failure to
make oath,
etc.

When
duty to be
paid.

Tonnage,
how to be
computed.

Clearance
not to be
granted
till duty is
paid.

Clerk to
collect
duty im-
posed by
this act
and may
sue for
same, etc.

necessary for securing and collecting the said duty; and upon the recovering thereof he shall give a certificate or receipt for the same gratis.—But for the report, and oath or affirmation above mentioned, he may demand and receive one shilling and no more; and he is hereby enjoined to keep exact books of the said duty of tonnage, and of what shall arise from time to time by the same.—And to render accounts thereof, upon oath, to either branch of the legislature, or the auditor of the State, when by them respectively thereunto required.

Fees.

To account to legislature.

V. *And be it enacted by the authority aforesaid,* That the said duty of tonnage and of fines and forfeitures that shall or may arise for any breach of this act, shall be sued for, and recovered before the mayor recorder and aldermen, of the city of New York, or any two or more of them, whereof the mayor or recorder to be one.

Duty to be sued for by the mayor, etc.

VI. *And be it enacted by the authority aforesaid,* That the said clerk shall be allowed for his services at and after the rate of forty pounds per annum, out of the monies to be raised and collected by virtue of this act; and that the residue thereof shall be paid to the master and wardens of the port of New York, to be by them applied for and towards the supporting and defraying the necessary expences of the light-house at Sandy Hook, in such manner as to them in their discretion shall seem fit, keeping fair and regular accounts of all their proceedings and expenditures, to be rendered on oath or affirmation to either branch of the legislature, or the auditor of the State, when thereunto required.

Clerk to retain forty pounds for compensation and pay balance to master and wardens.

VII. *And be it enacted by the authority aforesaid,* That if any person shall wilfully remove damage or destroy any buoy which shall be fixed by the authority of the said master and wardens for the direction of mariners, such offender for every offence shall suffer one years imprisonment, and moreover shall forfeit the sum of one hundred pounds; which forfeiture the master and wardens aforesaid are hereby empowered to sue for in their own names, in any court of record in this State, and to apply the same for the use of the said light-house, in the manner directed in the last preceeding clause.

Penalty for wilfully removing buoy.

VIII. *And be it further enacted by the authority aforesaid* That the said clerk for the time being, shall previous to entering on the execution of his office take an oath before the mayor or recorder of the city of New York, that he will well faithfully and impartially execute the duties required of him by this act, according to the best of his knowledge and ability; and shall also enter into a recognizance before the said mayor or recorder in the sum of five hundred pounds, with one surety in the sum of two hundred and fifty pounds, conditioned. That he will faithfully and impartially execute the said trust according to the best of his knowledge and abilities and that he will pay all the monies by him to be received by virtue of this act to the said master and wardens of the said port of New York, from time to time, as they shall require the same; only deducting therefrom the allowance made him by this act for his services.

Official oath and bond of clerk.

IX. *And be it further enacted by the authority aforesaid,* That this act shall continue in force until the first day of February which, will be in the year of our Lord one thousand seven hundred and eighty six.

Act to continue in force till February 1, 1786.

CHAP. 2.

AN ACT for the further relief of Dirck Jansen and his creditors.

PASSED the 14th of February, 1784.

Preamble. WHEREAS it has been represented to the legislature, that some unavoidable circumstances have prevented Henry Remsen one of the assignees named in an act entitled "An act for the relief of Dirck Jansen and his creditors" from taking the oath prescribed in and by the said act, within the time in and by the said act for that purpose limited.

And whereas it has also been suggested that it is expedient and necessary to enable the assignees of the said Dirck Jansen to discharge the trusts reposed in them in and by the said act with greater ease and the least expence, that the said Henry Remsen should join in the execution of the same, that a further day for making the first division of the monies arising from the produce of the estate of the said Dirck Jansen should be given.

Time within which Henry Remsen may take oath, etc.

Be it therefore 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 to and for the said Henry Remsen, within ten days from and after the passing of this act, to take the oath in the said act mentioned, in like manner as is directed and prescribed in and by the said act; and that from and immediately after the said Henry Remsen shall have taken such oath, it shall and may be lawful to and for the said Henry Remsen, to join with the other assignees in the said act named, in the execution and performance of the trusts in and by the same reposed in the said assignees, in like manner as if the said Henry Remsen had taken the said oath, before the expiration of one month after the passage of the said act.

First division of money to be made in eight months.

And be it further enacted by the authority aforesaid, That the first division of the monies arising from the produce of the estate of the said Dirck Jansen, shall and may be made within the space of eight months from and after the passing of this act, any thing in the said herein before mentioned act to the contrary thereof in any wise notwithstanding. And if the whole estate of the said Dirck Jansen shall not be settled on said first division, the said assignees of the said Dirck Jansen, or any three of them, shall and may proceed to such further and other division or divisions thereof, in the mode and at the times for those purposes limited and directed in and by the said act; such times to be nevertheless computed and taken from the time the said first division shall be made as aforesaid.

Assignees may deliver bonds, etc., to creditors.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said assignees, or any three of them, on making any division or divisions directed and prescribed in and by the said act, to assign and deliver any obligations, bonds, bills penal or single, promissary note or other securities to any of the creditors of the said Dirck Jansen, who shall elect the same rateable proportions, in satisfaction of the dividend or dividends to which such creditors may respectively become entitled on such division or divisions as aforesaid. And the person or persons to whom such obligations, bonds, bills penal or single, promissary notes or other securities shall be assigned by the said assignees, or any three of them, shall and may commence and prosecute any action or actions in the name of the assignees of the said

Dirck Jansen, for the recovery of the monies due on such obligations, bonds, bills penal or single, promissary notes or other securities, against the person or persons by whom the same were respectively executed or given, his her or their heirs executors or administrators, in like manner as if such assignment by the assignees aforesaid, had never been made; provided always that any creditor or creditors of the said Dirck Jansen who shall elect and receive such assignments as aforesaid, shall not if the person or persons who shall have executed or given such obligations, bonds, bills penal or single, promissary notes or any other security, by any of the creditor or creditors received as aforesaid, his her or their heirs executors or administrators, should prove insolvent, or have no assets to satisfy the monies due thereon respectively, recover any compensation for the loss by such creditor or creditors sustained by the means aforesaid, against the said assignees or any of them; but from any compensation therefor from the said assignees he she or they shall be barred and forever excluded.

Creditors taking bonds, etc., not to have recourse to estate.

CHAP. 3.

AN ACT to revive and continue in force certain ordinances therein mentioned.

PASSED the 19th of February, 1784.

WHEREAS in and by a certain act of the legislature of this State passed the twenty third day of October in the year of our Lord one thousand seven hundred and seventy nine entitled "An act to provide for the temporary government of the southern ports of this State whenever the enemy shall abandon or be dispossessed of the same, and untill the legislature can be convened" certain persons therein mentioned or described were constituted and appointed a council and vested with power and authority among other things to make ordinances for certain purposes in the said act mentioned. Preamble.

And whereas by a certain other act passed the twenty seventh day of March one thousand seven hundred and eighty three entitled "A supplementary act entitled "An act to provide for the temporary government of the southern ports of this State whenever the enemy shall abandon or be dispossessed of the same and until the legislature can be convened" certain other powers were given to the said council.

And whereas by the first above mentioned act it is provided that the powers and authorities of the said council with all and every their ordinances shall cease determine and become void on the sixteenth day after the first day on which they shall meet, or on the first day after a quorum of both houses of the legislatures shall be convened after the enemy shall abandon or be dispossessed of the southern district of this State whichever shall first happen by virtue of which provision the ordinances passed by the said council have expired. Ibid.

And whereas sufficient legislative provision hath not nor can immediately be made for the government of the said southern ports of this State other than by enacting that the several ordinances hereinafter mentioned be revived and continued in the manner hereinafter mentioned.

Ordinances named revived and continued in force.

Be it therefore 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 the ordinance for the appointment of commissioners to have the superintendence of the poor in the city of New York passed the first day of December one thousand seven hundred and eighty three.

The ordinance to prevent breaches of the peace in the southern district, and to enable persons having just debts and demands to recover the same passed the first day of December one thousand seven hundred and eighty three.

The supplementary ordinance to the ordinance for securing debts and demands passed the fifteenth day of December one thousand seven hundred and eighty three—The ordinance for preventing intrusions on forfeited lands, and giving remedies in cases where possessions are tortuously withheld from persons who removed from the southern district on the invasion thereof in one thousand seven hundred and seventy six. Passed the seventeenth day of December one thousand seven hundred and eighty three.—And the ordinance for vesting the estate of the corporation of Trinity Church in the trustees therein named passed the twelfth day of January one thousand seven hundred and eighty four, be, and they hereby are revived and continued in full force and virtue untill the rising of the legislature at this their present meeting.

Persons acting under same indemnified.

And be it further enacted by the authority aforesaid That all and every person and persons who have heretofore acted by or under any or either of the ordinances passed by the said council be indemnified and saved harmless therefor, and that all matters, and things so done conformable with the directions in such ordinances, or either of them contained, be, and they hereby are made good and valid in the law.

CHAP. 4.

AN ACT for the regulation of sales by public auction.

PASSED the 20th of February, 1784.

Preamble.

WHEREAS it is necessary that provision should be made for the better regulation of sales at public vendue or auction within this State.

Duty levied on goods sold at public auctions.

I. Be it therefore enacted by the People of the State, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all goods, wares, merchandize and effects whatsoever, which shall or may at any time or times from and after the passing of this act be exposed to sale at public vendue auction or outcry within this State, by any vendue master or vendue masters, auctioneer or auctioneers, or by any person whatsoever who shall be duly qualified and licenced as by this act is hereafter prescribed and directed, shall be struck off to the highest bidder, and shall be and hereby are declared to be made subject to a duty of two pounds ten shillings for every hundred pounds of the value or price at which the same shall be sold as aforesaid, and at and after the same rate for every greater or lesser sum, to be paid by such person or persons who shall so sell and dispose of the same. And in all cases where the vendue master or auctioneer or the owner or owners of such goods so exposed to sale, or any person or persons employed by them, or any or either of them, shall be the highest bidder, the said goods shall be subject to the payment of the said duties, as if they had been sold to any other person.

II. *And be it further enacted by the authority aforesaid,* That no person or persons whatsoever other than such person or persons authorized and licenced in the manner herein after prescribed, shall from and after the passing of this act sell, dispose of, or expose to sale at public vendue auction or out cry, within this State, any goods, wares, merchandize or effects whatsoever. And that it shall and may be lawful to and for the persons hereinafter mentioned and described, by licence under their hands respectively, to authorize and impower such person or persons, citizen or citizens of this State, or any other of the United States of America, as shall or may apply for the same, qualified as in and by this act is required and prescribed, to act as vendue master or vendue masters, auctioneer or auctioneers, in the counties in which such person or persons granting such licence or licences shall respectively be mayor recorder or judge;— that is to say in the city and county of New York the mayor thereof or in case of a vacancy in the said office, the recorder of the said city and county for the time being, in the city of Albany, the mayor thereof, or in case of vacancy in the said office, the recorder of the said city for the time being, and in the county of Albany, and in the other counties, the first judge of the inferior court of common pleas of the said counties, or in case of a vacancy in the said office, or absence of such judge, either of the judges of such court in the said counties respectively.

Only licensed persons to sell goods at public auction.

Officers who may grant licenses.

III. *And be it further enacted by the authority aforesaid,* That no licence shall be granted to any person or persons in the manner herein before mentioned, untill such person or persons applying for such licence, shall have entered into a recognizance to the people of the State of New York, with two sufficient freeholders as sureties, before the mayor, recorder, or judge, who shall grant such licence, in the sum of two thousand pounds lawful money of the said State, conditioned for the payment of the duty herein before mentioned, to the treasurer of the State for the time being; and also that the person or persons licenced as vendue master, or vendue masters, auctioneer or auctioneers, shall in all things well truly and faithfully, behave and conform himself or themselves according to the true intent and meaning of this act: Of the record of which recognizance the mayor, recorder, or judge before whom the same was taken, shall make duplicates, one whereof to be delivered as soon as conveniently may be to the treasurer of this State, and the other to be retained by such mayor, recorder or judge in his own possession; and until the person or persons so applying for such licence, shall produce to the mayor recorder or judge to whom he or they shall make application for a licence, a certificate subscribed by at least six reputable inhabitants of the city or county, of known and undoubted attachment to the American cause to be approved by the said mayor, recorder, or judge; and which inhabitants shall severally declare upon oath the truth of the matter by them certified, according to the best of their knowledge and belief, before such mayor, recorder or judge, or any justice of the peace of the county, who are hereby authorized to administer such oath, and at the time of such subscribing, being convened together for that purpose, that the person or persons in whose favor such certificate is given, hath uniformly and unequivocally since the ninth day of July one thousand seven hundred and seventy six, demeaned himself or themselves as friendly and well affected to the independence of the United States, and to the constitution and government of this State, and hath or have taken an active or decided part to establish and support the same.

Licensee to give bond.

Condition of.

Duplicates to be made.

Certificate of loyalty to be produced by person applying for license.

And be it further enacted by the authority aforesaid, That every vendue master or vendue masters, auctioneer or auctioneers, qualified and

Account to be rendered

every three months to the State treasurer.

What account to state.

Form of oath to.

Duty to be levied within time limited after rendering account.

Penalty for neglecting to deliver account and make payment.

Penalty for selling goods at auction without license.

licenced as in and by this act is directed, and during the continuance thereof, who shall sell and dispose of any goods, chattles, wares, merchandize or effects, at public vendue auction or outcry, shall within twenty days after the expiration of every three months, the first three months to be computed from the date of the licence granted to such vendue master or vendue masters, auctioneer or auctioneers, respectively, render a just and true account in writing, by him or them respectively with his or their name or names subscribed, to the treasurer of this State for the time being, of all goods, wares, merchandize or effects by him or them sold at public vendue auction or out-cry, from the time of his or their appointment, or the time that the last account by him or them was rendered to the treasurer as aforesaid; the price thereof, and the days when the same were respectively sold, distinguish and specify in such account the articles and value thereof by him or them so sold, and not subject to duty, from those which are liable thereto by virtue this act; and shall thereupon take the following oath or affirmation before the said treasurer, which oath or affirmation the said treasurer is hereby authorized to administer viz. I do solemnly and sincerely swear (or if of the people called Quakers affirm,) that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the goods, wares merchandize and effects, sold by me within the time mentioned in the said account, and the value thereof, as well those which are subject to duty, as others, and of the days upon which the same were respectively sold — so help me God. And such vendue master or vendue masters, auctioneer or auctioneers respectively, shall within ten days after the rendering of such account, and taking the said oath, pay to the treasurer of this State for the time being, the amount of the duty upon such account of sales by virtue of this act, according to the true intent and meaning thereof. Provided always, that it shall and may be lawful for such vendue master or auctioneer whose place of residence shall be more than sixty miles from the city of New York, to render his said account, and to pay the amount of such duties as by this act he is directed to pay unto the treasurer of this State, within twenty days of the expiration of every six months; the first six months to be computed from the date of the licence granted to such vendue master or auctioneer.

And be it further enacted by the authority aforesaid, That if any vendue master or vendue masters, auctioneer or auctioneers, shall neglect or refuse to deliver such account on oath, and to pay the duty within the time limited as aforesaid, he or they so neglecting or refusing shall respectively forfeit three hundred pounds lawful money of this State, for every such offence, which forfeiture the treasurer of this State for the time being, is hereby impowered and directed to sue for and recover in the name of and for the people of this State, in any court of record within the same. And every vendue master or vendue masters, auctioneer or auctioneers, who shall neglect or refuse to render such account, and pay the duty according to the true intent and meaning of this act, shall be deemed for such neglect or refusal, to have forfeited his or their licence, and be thereafter disqualified from acting as a vendue master or auctioneer by virtue thereof.

And be it further enacted by the authority aforesaid, That any person or persons who shall presume to sell or dispose of any goods, wares, merchandize or effects, by way of public vendue auction or outcry without having previously obtained a licence as in and by this act before directed and prescribed, shall forfeit the sum of fifty pounds like money aforesaid, for each respective article so exposed to sale, to t

recovered in manner as hereinbefore directed. Provided always, and be it further enacted by the authority aforesaid, that no vendue master or vendue masters, auctioneer or auctioneers, shall expose to sale at public vendue auction or outcry within the city of New York, or of Albany, any goods, wares, merchandize or effects liable to the duty aforesaid, but at their respective houses or stores, except rum, wine, brandy, molasses, indigo, rice, coffee, cotton, sugar, cordage, tobacco, mahogany, logwood, brasillette, tustick, camwood, earthenware in crates or casks and provisions in casks, under the penalty of ten pounds like money as aforesaid for every such offence, to be recovered in manner as is hereinbefore directed.

And be it further enacted by the authority aforesaid, That any and every vendue master, or vendue masters, auctioneer or auctioneers, who shall receive or accept of any higher or further reward for his or their services in the sale or disposal of any goods, wares, merchandizes or effects, which shall or may be committed to his or their care or management, then at and after the rate of two pounds ten shillings for every hundred pounds in value, to which the said goods, wares, merchandize or effects, by him or them actually sold and disposed of shall amount, unless a previous agreement shall be made in writing between the owner of such goods, wares, merchandizes or effects, and such vendue master or auctioneer, for a higher or further award, shall forfeit the sum of one hundred pounds like money as aforesaid, for every such offence, which forfeiture shall be recovered in the manner hereinbefore directed. Provided always, and it is hereby enacted by the authority aforesaid, that all lands and tenements, and goods belonging to this State, or the United States of America, and all goods and chattles which shall or may be seized by any public officer, for or on account of any forfeiture or forfeitures, penalty or penalties, ships and vessels, goods and effects of deceased persons, or goods distrained for rent or taken in execution, effects of insolvent debtors, utensils of husbandry, goods damaged at sea, and sold for the benefit of the owners or insurers within twenty days after same shall be landed, under the inspection of the master and port wardens of the port of New York, or of such inspector or inspectors as are herein after mentioned horses, neat cattle, hogs, sheep, and also all articles the growth, produce or manufacture of this State shall in nowise be subject to, but are hereby exempted and declared free from the duty above mentioned, and may be sold by any person or persons being a citizen or citizens of this State, in any part of this State, other than the city and county of New York, anything hereinbefore contained, to the contrary in anywise notwithstanding. And that goods damaged at sea, and sold for the benefit of the owners or insurers in any other city or county in this State, than the city of New York, shall be sold under the inspection of such person or persons as shall be thereunto appointed by the civil officers in such city or county respectively, who by this act are authorized to grant licences to vendue masters or auctioneers; and the said civil officers are hereby authorized and required to appoint in each such city or county one or more, not exceeding three discreet persons to be inspectors of such damaged goods as aforesaid.

Penalty for accepting higher reward for selling goods at auction than sum named.

Proviso exempting property named from duty.

And be it further enacted by the authority aforesaid, That no bell man or cryer shall be employed at any vendue or auction in the city of New York, except at the sale of such articles as by this act are allowed to be sold at other places than the residence of the respective vendue masters, or auctioneers; and that every person acting as bell man or cryer at any vendue or auction in the city of New York, except as before ex-

Bell men only to be employed at sale at places other than residence of auctioneers.

cepted, shall forfeit and pay for every such offence the sum of twenty shillings with costs of suit, to any person who will first sue for the same, before any of the aldermen of the said city.

Fees for granting license.

And be it further enacted by the authority aforesaid, That the mayor recorder or judge who shall grant such licence, and take such recognizance in manner as by this act is required, shall not exact or receive any greater or other fees than the sum of ten shillings for taking the said recognizance, and granting the said licence as aforesaid.

Distinct account to be kept.

And be it further enacted by the authority aforesaid, That the treasurer of this State for the time being, shall, and is hereby required, to keep exact and distinct accounts of the monies to arise from time to time by virtue of this act.

Fraud or deceit in execution of act, how punished.

And be it further enacted by the authority aforesaid, That if any person shall be guilty of any fraud or deceit in the execution of this act, or in eluding or defeating the operation thereof, such person shall on being legally convicted thereof, forfeit the sum of five hundred pounds as a penalty for every such offence, when recovered, to be paid, the one half to the treasurer of the State, for the use of the State, and the other half to the use of the person who shall sue for the same.

CHAP. 5.

AN ACT relative to the gaols in Suffolk, King's, Queen's, Richmond and Westchester counties, and for other purposes therein mentioned.

PASSED the 2d of March, 1784.

Preamble.

WHEREAS the gaol and court-house in the county of Westchester, was, in the fall of the year one thousand seven hundred and seventy six, destroyed by fire; whereby the said county is without a gaol.

Prisoners may be committed to jail named and sheriff may appoint keeper, etc.

Be it therefore 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 sheriff of the county of Westchester, the officers and ministers of justice in and for the said county, for the time being, to commit any prisoners which they respectively, now have, or hereafter may have in custody upon civil process, to the gaol of the burrough town of Westchester, in like manner as if the same was the proper gaol of the county; and the sheriff of the said county, is hereby authorized to appoint a keeper of the said gaol, during the time the said sheriff shall make use of the same that if the gaol-room in the said gaol, shall be thought by the said sheriff, to be insufficient for the purpose of safely keeping prisoners, it shall be lawful for the said sheriff, to cause the said gaol-room to be repaired and secured in such manner as he shall think necessary; and that the expences attending such repairs, shall be allowed and paid as the other contingent charges of the said county are levied and paid. Provided, that nothing in this act contained, shall be construed to impair the right which the corporation of the burrough town of Westchester, have heretofore had, or may hereafter legally have, to the use of the said gaol, in such manner as the said corporation by its charter, have had, or may hereafter legally have.

Proviso as to rights of town of Westchester.

Proviso as to room in jail.

And whereas the gaol in the burrough town of Westchester contains only one room for prisoners; and it may in some cases, be improper, to confine prisoners upon civil process and prisoners upon criminal process, in one and the same room.

And whereas the gaols of the counties of Kings, Queens, and Richmond, are not sufficient for the safe detention of prisoners.

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the sheriffs of the counties of Kings, Queens, Richmond and Westchester respectively, and the officers and ministers of justice in and for the said counties, and they are hereby respectively authorized, having criminal process, and the custody of prisoners therein, to commit such prisoners to the gaol of the people of this State, in the city and county of New York, on the sheriff of the county from whence such prisoners, on criminal process, shall be committed, paying or securing to be paid to the gaoler of the gaol at New York the expence of supporting and maintaining such prisoners respectively, to be charged by such sheriff to his county, and levied and paid as the other contingent charges of the county shall be levied and paid; and the gaoler of the said gaol at New York, shall receive such prisoners, and be answerable for them in like manner, as for other prisoners delivered into his custody.

Prisoners in counties named held on criminal process may be committed to jail in New York.

And be it further enacted by the authority aforesaid, That the sheriffs of the counties of Kings, Queens and Richmond, at the risk of such sheriffs respectively, may commit prisoners on civil process, to the said gaol at the city of New York, until proper gaols in the said counties respectively shall be provided.

Also those held on civil process at risk of respective sheriffs.

And whereas the court house and gaol in the county of Suffolk have been greatly injured during the late war —

Be it further enacted by the authority aforesaid, That the supervisors of the several towns, manors, precincts, and districts, in the said county, for the time being, shall, and they hereby are required to direct to be raised and levied, on the freeholders and inhabitants of the said county, for the purpose of repairing the said court house and gaol, a sum not exceeding three hundred pounds, which sum shall be raised, levied and collected, in like manner with the other contingent and necessary charges of the said county.

Supervisors of Suffolk county to levy tax to repair court room and jail.

And be it enacted by the authority aforesaid, That the supervisors of the said county, shall meet at the usual place of the meeting of the supervisors of the said county, on the last Tuesday in March next, and such supervisors, or a majority of them, then and there present, are hereby im powered and required to appoint three persons as trustees, for the purpose of receiving the money so raised, and to superintend the repairing such court house and gaol.

To meet and appoint trustees.

And be it enacted by the authority aforesaid, That the monies so to be raised by virtue of this act, shall be paid and delivered by the several and respective collectors, of the towns, manors, precincts and districts in the said county, unto such trustees as aforesaid, and such trustees, or any two of them, shall and may from time to time inspect, examine, audit and pay, the several respective accounts for labour done, and materials provided, on repairing the said court house and gaol.

Moneys raised to be paid to trustees.

And whereas the legislature by con current resolution of both houses, did on the eleventh day of February one thousand seven hundred and eighty four, resolve, " That Daniel Wells Esquire of South Hold in Suffolk county, be authorized to repair one of the gaol rooms of the said county, with all convenient speed, so that the same may be suitable for the reception and confinement of prisoners, and that the legislature at their present meeting, by law would make provision, that the expence of such repairs be paid by the said county.

Proviso as to concurrent resolution in reference to repairing one of the jail rooms.

Be it further enacted by the authority aforesaid, That the said trustees or any two of them, shall and may inspect, examine and audit, the ac-

Justice to audit and pay ac-

counts
for.

counts of the said Daniel Wells for labour done, and materials provided, in repairing the said gaol room, and pay the same out of the monies to be raised as aforesaid.

County
treasurer
to bring
trespass
for injur-
ies to
court-
house and
jail.

And be it further enacted by the authority aforesaid, That the treasurer of the said county, for the time being, hereafter to be appointed, is hereby authorized, to bring an action of trespass, in any court of record within this State, having cognizance of the same, against any person or persons who may have injured or destroyed any part of the said court house or gaol, during the late war, in which action the defendant or defendants shall be held to bail, and such action shall be finally determined in the court in which the same shall be brought, and the monies to be recovered by such treasurer shall be paid into the county treasury, for the use of the said county.

CHAP. 6.

AN ACT relative to the courts of the common pleas and general sessions of the peace for the city and county of New York and the other counties therein mentioned.

PASSED the 2d of March, 1784.

Processes,
on what
day to be
tested.

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 all processes to be issued in the several inferior courts of common pleas and courts of general sessions of the peace for the city and county of New York, and the counties of Suffolk, Queens, Kings and Richmond, between the passing of this act and the next ensuing term of each respective court shall be tested on the day which would have been the test, had the said several courts been held uninterruptedly and that all processes heretofore issued in such courts as aforesaid since the twenty fifth day of November last, and tested as aforesaid shall be deemed legal any law to the contrary notwithstanding.

When a
general
session
of the
peace may
be held in
New York.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull to and for the justices of the courts of general sessions of the peace for the city and county of New York or any other counties aforesaid respectively to hold a general session of the peace at any time which they may respectively appoint between the passing of this act and the next usual term of holding such courts.

CHAP. 7.

AN ACT to repeal the fourteenth section of the act, entitled an act "To empower justices of the peace, mayors, recorders and aldermen to try cases to the value of ten pounds and under, and to repeal sundry acts therein mentioned."

PASSED the 12th of March, 1784.

Preamble.

WHEREAS, in and by the fourteenth section of the act entitled an act to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of ten pounds and under, and to repeal sundry

acts therein mentioned, passed, eleventh April, one thousand seven hundred and eighty two, it is provided that no person shall be entitled to commence any suit or process in any court of record, either of law or equity within this State until he, she, or they shall first take the oath in the said section prescribed, which provision since the restoration of peace is attended with many inconveniences, and is become unnecessary.

Be it therefore 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 the said fourteenth section of the said act, and every matter and thing contained therein be and the same is hereby repealed. Section named repealed.

CHAP. 8.

AN ACT to enable the freeholders of the town of Huntington to hold their annual town meetings on the first Tuesday in April.

PASSED the 17th of March, 1784.

WHEREAS the trustees of the freeholders and commonalty of the town of Huntington in Suffolk county, by their petition in behalf of themselves and the said freeholders, have set forth, that by their charter bearing date the fifth day of October in the year of our Lord one thousand six hundred and ninety four, they are obliged to hold their annual town meetings on the first Tuesday in May, which is found to be attended with great inconvenience, and have prayed the legislature to enable them to hold the said meetings at an earlier period. Preamble.

Be it therefore 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 from and after the passing of this act, it shall and may be lawful to and for the freeholders and inhabitants of the town of Huntington as aforesaid, to hold their annual town meetings on the first Tuesday in April in every year, and on no other day, and then elect trustees, a supervisor, town clerk, assessors, constables, overseers of the poor, overseers of the highways and fence viewers: and at such annual town meetings to make all such rules and regulations respecting the said town, and to transact all such business in the same manner as it was lawful for them to do at their annual town meetings heretofore. Any law, usage or custom to the contrary, in any wise notwithstanding. Annual town meeting to be held on first Tuesday in April.

CHAP. 9.

“AN ACT to remove doubts which may have arisen respecting the charter rights of the minister elders and deacons of the Reformed Protestant Dutch Church of the city of New York, in consequence of the late invasion of this State.”

PASSED the 17th of March, 1784.

WHEREAS the operation of the charter of incorporation to the minister elders and deacons of the Reformed Protestant Dutch Church of the city of New York, granted by the late King William the third bearing date the eleventh day of May in the year of our Lord one thousand Preamble.

six hundred and ninety-six, hath been suspended by the war lately waged by the present king of Great Britain, against the United States of America. In order therefore, to put the said corporation in the said state of activity which they enjoyed at the commencement of the said war.

Charter,
rights,
etc., con-
tinued and
confirmed.

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 the said charter and all and singular the estates, rights, powers, authorities, liberties, priviledges, franchises, preheminences and immunities thereby granted and confirmed, and which the said corporation and the members thereof did actually hold, exercise and enjoy, on the nineteenth day of April, one thousand, seven hundred and seventy-five by virtue of the said charter, or by virtue of any act of the legislature of this State, whilst the same was the colony of New York, shall be, continue, and enure in full force, virtue, and efficiency, to all intents, constructions and purposes in the law whatsoever, notwithstanding any non-user or mis-user thereof or of any part thereof between the eighteenth day of April, one thousand, seven hundred and seventy-five, and the day of the passing of this act. And that all and singular the members of the said corporation shall be fully able, and capable in the law to exercise all and singular the powers and authorities to their several and respective offices and places belonging, as well as their joint and several authorities, in the election or appointment of such officers as ought to have been elected or appointed by them jointly, or by any one or more of them seperately at such times as are directed by the said charter or the said laws, notwithstanding any want of conformity to the said charter, or the said laws in such election or appointments, or either of them. And that the minister, elders and deacons, who from an adherence to the cause of their country, were compelled by the British army to leave the said city, or such of them as since the evacuation of the said city by the said army, returned thereto, shall be taken, and deemed to be the minister, elders and deacons of the Reformed Protestant Dutch Church of the city of New York, untill others shall be appointed or elected in their stead, according to the said charter.

Proviso as
to power
to make
assess-
ments.

And whereas there is contained in the said charter or letters-patent, a clause, giving power to the said minister elders and deacons, by and with the consent and advice of the members in communion of the said church, or the major part of them, to make rates and assessments upon all and every of the members in communion of the said church, for the purpose of raising money for the payment of the yearly stipends and salaries, of the respective officers, of the said church and also for repairing, amending, and enlarging the said church and steeple, belfry, cemetery or church yard, and other things necessary, belonging to the said church, which power having heretofore never been exercised. And the present minister elders and deacons, being willing to surrender the same.

Power
not to be
exercised
and same
abrogated.

Be it therefore further enacted by the authority aforesaid, That the aforesaid power, shall not at any time hereafter be exercised by the present minister elders and deacons, or their successors: but shall be and the same is hereby altogether abrogated, repealed, and annulled.

CHAP. 10.

AN ACT imposing duties on the importation of certain goods wares and merchandize.

PASSED the 22d of March, 1784.

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 Duties levied on imported goods named.

from and after the passing and during the continuance of this act all such goods wares and merchandize hereinafter enumerated and mentioned which shall be imported and brought into this State by land or water, shall be subject to the duties and impost hereinafter mentioned that is to say, every gallon of maderia wine the sum of six pence, every gallon of any other kind or quality of wine the sum of three pence, every gallon of rum brandy or other distilled spiritious liquors the sum of four pence, for every gallon of shrub or any other liquors of which the greater part is distilled liquors, the sum of four pence every pound of Bohea tea the sum of four pence every pound of Hyson tea, and all other teas of a superior quality the sum of one shilling and six pence, every pound of coffee the sum of one penny, every pound of chocolate the sum of three pence, every pound of loaf sugar the sum of three pence, every hundred pounds weight of raisons currants prunes or figgs, and after that rate for a greater or lesser quantity the sum of three shillings, every pound of snuff the sum of one shilling, every coach or chariot imported from Europe the sum of twenty pounds, every other four wheel carriage imported from Europe the sum of ten pounds, every curricle, chaise chair kittereen and sulky imported from Europe, the sum of five pounds, every bushel of malt imported from Europe the sum of four pence every gallon of porter ale beer or cyder imported from Europe the sum of one shilling, every pound of manufactured tobacco the sum of four pence, every pound of cheese imported from Europe the sum of two pence, every ounce of wrought plate the sum of one shilling, every ounce of wrought gold the sum of four shillings, ever clock the sum of twenty shillings, every gold watch the sum of twenty-four shillings, every other watch the sum of eight shillings every beaver or beaverett hatt the sum of eight shillings; every castor hat the sum of three shillings, every hundred weight of cordage the sum of four shillings, every hundred weight of hollow iron ware the sum of four shillings, every dozen of scythes syths or axes, the sum of twelve shillings, every saddle of European manufacture the sum of eight shillings, every pair of men or womens leather or stuff shoes imported from Europe the sum of four pence, every pair of womens silk shoes the sum of one shilling, every pair of boots imported from Europe the sum of two shillings, every pound of dressed or tanned leather the sum of two pence, every dozen packs of playing cards the three shillings and all other goods wares and merchandize not herein before enumerated, of foreign growth or manufacture, the sum of two pounds ten shillings for every hundred pounds value, prime cost, and after that rate for a greater or lesser quantity (excepting, cocoa, raw hides, molasses coals, brick, pan tiles, unmanufactured tin in blocks, and goods wares and merchandize of the growth product or manufacture of the United States of America or any of them. And for the more effectual collection of the said duties

Be it further enacted by the authority aforesaid, That the master mate or purser of every ship or other vessel which shall during the continu- Master, mate or purser to

deliver manifest to collector of the port of New York within time named.

ance of this act arrive at, or come to any port creek or harbour within this State, if such ship or other vessel shall come to any port creek or harbour in this State to the southward or eastward of the port of New York, (excepting Sagg Harbour in the county of Suffolk) within seventy two hours after the arrival of such ship or other vessel in such port creek or harbour, or if such ship or vessel shall arrive at or come to the port of New York, within twenty four hours after such arrival at the said port of New York, shall deliver to the collector of the port of New York an exact and true manifest under his hand of all and every such packages, bales, casks, chests, trunks, cases or boxes, and of all such goods wares and merchandize stowed in bulk in such ship or other vessel, and which such ship or other vessel had on board at the time such ship or other vessel left the port from which she last sailed, or at any time since and which manifest shall particularly specify the mark or marks number or numbers of such packages, bales, casks, chests, trunks, cases or boxes, and the name or names of the person or persons who are proprietor or proprietors, consignee or consignees of such packages, bales, casks, chests, trunks, cases or boxes, and such goods wares or merchandize stowed in bulk, in such ship or other vessel as aforesaid; and such master, mate or purser, shall upon exhibiting such manifest to the collector, take and subscribe the following oath or affirmation, which oath or affirmation the collector is hereby empowered to administer, that is to say,

Form of oath to be taken by the master, mate or purser.

I of the called the do swear [or if of the people called Quakers affirm] that the manifest now by me exhibited and delivered to the collector of the port of New York is true, and that no more or other packages, bales casks, chests, trunks cases or boxes, or other goods wares or merchandize, than those mentioned in the said manifest were on board the said vessel when she left the port of or at any time since, and that the said vessel last sailed from the said port of so help me God.

Blanks, how to be filled.

And be it further enacted by the authority aforesaid, That in the first blank in the said above prescribed oath or affirmation the name of the person swearing or affirming, and whether he is master mate or purser shall be inserted, in the second blank the species of the vessel, whether ship snow brigantine or vessel of any other denomination, in the third blank in the said above prescribing oath, the name of the ship or other vessel, in the fourth and fifth blanks thereof the name of the other port or place from which such ship or other vessel last sailed.

Penalty for putting on shore or unloading goods before exhibiting manifest.

And be it further enacted by the authority aforesaid, That if any master of any ship or other vessel arriving at, or coming to any port creek or harbour in the State, shall land put on shoar or unload within this State any goods wares or merchandize before such manifest shall be exhibited, and such oath taken as herein before mentioned, and before he shall have paid the duties or entered into such security as herein is after mentioned, every such master so offending shall forfeit a sum equal to double the value of such goods wares or merchandize, so landed put on shore or unloaded, to be recovered and applied in the manner herein after mentioned.

Penalty for neglecting to deliver manifest.

And be it further enacted by the authority aforesaid, That any master of any ship or other vessel arriving at or coming into any port creek or harbour in this State, who shall neglect or refuse to deliver such manifest and take such oath or affirmation as aforesaid within the times herein before for that purpose limited, shall for every such neglect or refusal forfeit the sum of one hundred pounds, to be recovered and applied in the manner herein after mentioned.

Goods put on shore before

And be it further enacted by the authority aforesaid, That if any merchant factor or other person shall land or put on shore any goods wares

or merchandize, before he or they have duly entered the same with the collector, and paid or secured the payment of the duty thereof, according to the true intent and meaning of this act, all such goods wares and merchandize so landed or put on shore, shall be forfeited, to be recovered and applied in the manner herein after mentioned.

entered to be forfeited.

And be it further enacted by the authority aforesaid, That whenever the collector shall suspect that the manifest exhibited to him by the master mate or purser of any ship or vessel, does not contain a true and just account of the goods wares and merchandize imported in such vessel, such collector is hereby authorized and directed to enter into any such ship or other vessel, and either by himself or by a land and tide waiter to be appointed by him for that purpose, to take an account of all packages, bales, casks, chests, trunks, cases or boxes, goods wares or merchandize, which shall be unloaded, and if any part of the packages, bales, casks, chests, trunks, cases, boxes, goods wares or merchandize, shall be taken out of the said ship or vessel after the collector shall have made known to the master or owner his suspicion of a false manifest, after sun-setting and before sun-rising, or at any other time without notice thereof being previously given to the collector, such conduct shall be deemed sufficient evidence of fraud in the manifest, and such master shall in every such case forfeit the sum of five hundred pounds, to be recovered and applied in the manner herein after mentioned.

If collector suspects manifest is not true he may enter ship. inspect cargo, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the collector whenever the said collector or such land and tide waiter as he shall appoint for the inspection of the bales, packages, casks, chests, trunks, cases, or boxes goods wares or merchandize, which shall be unladed as aforesaid, shall be withdrawn from such ship or other vessel after sun-setting and before sun-rising, to affix a lock or locks to the hatches of such ship or other vessel or to any other place to which the said collector shall deem it necessary to have locks affixed, effectually to prevent the goods wares or merchandize in such ship or other vessel from being taken out in such manner, that such hatches or other places cannot be opened without breaking or opening such locks, and after locking the said locks, the said collector shall retain the key or keys of such locks, and if it shall appear that any of the said hatches have been opened, or any of the locks shall have been broken in the absence of such collector or land and tide waiter, whom he shall appoint as aforesaid that then and in every such case, the opening of the said hatches, or breaking of any of the said locks, shall be deemed sufficient evidence of fraud; and the master of such ship or other vessel shall in every such case forfeit the sum of five hundred pounds to be recovered and applied in the manner herein after mentioned.

When locks may be affixed to hatches, etc.

And be it further enacted by the authority aforesaid That after entry is made in the manner herein before mentioned of any ship or other vessel, every merchant factor or other person having goods wares or merchandize on board such ship or other vessel shall make particular entry with such collector by exhibiting to the collector the original invoices of such goods wares and merchandize, and delivering certified copies thereof under the hands of the person or persons who shall exhibit such invoices, to the said collector, and shall take the following oath or affirmation, which said oath or affirmation the said collector is hereby authorized to administer, that is to say. I do swear (or if of the people called Quakers affirm) that the paper by me exhibited to the collector of the port of New York contains to the best of my knowledge and belief a true invoice of all the goods wares and merchandize contained in a certain package [bale &c as the case may be] marked and numbered

Merchants and factors to make particular entry by exhibiting original invoices, etc.

Form of oath to be taken.

as in the said invoice is specified and described; and that the said invoice also to the best of my knowledge and belief contains a true account of the price for which the said goods wares and merchandize have been bona fide purchased, and that if any goods wares or merchandize other than those mentioned in such invoice exhibited to the said collector shall be contained in such package (bale &c as the case may be) or if I shall at any time hereafter receive any other invoice than that now exhibited, of such goods wares or merchandize, I will forth with after discovering such goods wares or merchandize, or receiving such invoice, exhibit an account of such goods wares or merchandize, or such invoice to the said collector, so help me God.

Certificate to be given of amount of duties due, etc.

When duties to be paid or bond given.

Certificate to land to be given after payment, etc.

Disputes as to value how to be settled.

Manifest to mention goods consigned to other States.

And be it further enacted by the authority aforesaid, That the collector shall thereupon give a certificate to the merchant factor or other person having exhibited such invoice, specifying that such person hath exhibited an invoice of the packages, bales, casks, chests, trunks, cases, boxes, goods, wares, or merchandize therein mentioned, according to the true intent and meaning of this act; and also specifying the amount of the duties thereon due; and file the copies of such invoice in his office. And every merchant factor or other person so having goods wares or merchandize on board, such ship or other vessel shall if the duties amount to a sum not exceeding twenty pounds, forthwith pay the same to the collector; but if such duties amount to more than twenty pounds, well and sufficiently secure the payment of the duties due on the goods wares and merchandize respectively belonging or consigned to such merchant factor or other person, by bond to be given by him or her to the collector, with two sufficient sureties for the payment of such duties, within three months from the date thereof. That after such payment shall be made or security given the collector shall give to the person or persons paying or securing the same as aforesaid, a certificate thereof directed to any of the land and tide waiters specifying the packages bales casks, chests, trunks, cases or boxes, and the goods wares and merchandize stored in bulk, for which the duties have been paid or secured to be paid; and thereupon such goods wares and merchandize may be landed without any further let or obstruction.

And be it further enacted by the authority aforesaid, That if any disputes shall arise concerning the value of any such goods wares or merchandize, subject by this act to the duty of two pounds ten shillings for every hundred pounds value as aforesaid, the collector shall nominate and appoint one merchant, and the importer another, who shall appraise and ascertain the value of such goods wares or merchandize at the place from whence they were imported, to the best of their judgments, and according to such appraisment which is to be at the sole charge of the importer the real value of such goods is to be ascertained. That such merchants shall previous to such appraisment take an oath which oath any justice of the peace is hereby authorized to administer, well and truly to appraise such goods wares and merchandize to the best of their skill and knowledge, and that if the two merchants so appointed shall not agree in their appraisment such merchants shall jointly appoint another who being sworn as aforesaid shall join in the said appraisment and if any two of the said three merchants shall agree they shall determine the value of such goods wares or merchandize according to the true intent and meaning of this act.

And be it further enacted by the authority aforesaid, That whenever any ship or other vessel shall at the time of the entry have on board any goods wares or merchandize consigned to any other of the United States of America, the person delivering a manifest and making a report in the

manner herein before mentioned, shall mention therein particularly the quantity of goods wares and merchandize bound elsewhere, together with the name or names of the person or persons, as also the place or places the same belong, or are consigned to — And in such case such person making report shall in addition to the oath or affirmation herein before prescribed to be taken by him, further swear or affirm in manner following, to-wit.

And I do further swear (or affirm) that for the goods mentioned in this manifest to be bound elsewhere I have actually signed bills of lading for that purpose, at the place they were taken on board; and that such goods wares and merchandize, so sworn to, shall and may be carried in the same packages to the place they were consigned to, either in the same vessel or another.

Form of further oath to be taken in such cases.

Provided always, that the person or persons exporting such goods wares and merchandize shall first swear or affirm before the collector, which oath or affirmation he is hereby authorized to administer that such goods wares and merchandize are not intended to be landed or brought back into this State: And provided also, that such person or persons exporting such goods wares and merchandize shall give a bond with two sufficient sureties in double the amount of the duties which would have become due on such goods wares or merchandize, if imported into this State, and not intended to be conveyed to any other State, to the collector, with condition, that such goods wares and merchandize shall be actually exported from and out of this State to the port for which bills of lading have been signed for the purpose; and such goods wares and merchandize so reported sworn to and exported as aforesaid, shall be free of the duty imposed by this act, any thing therein contained to the contrary notwithstanding. And if the exporter shall not within twelve months next after the date of such bond produce to the said collector a certificate either from the principal officers appointed for superintending naval entries in the port mentioned in such bond, and to which the said goods wares and merchandize shall be exported, that the same have been actually entered and landed in such port, or if the said exporter shall not within the said twelve months produce proof to the satisfaction of the collector that such ship or other vessel in which the said goods wares or merchandize were imported from and out of this State was lost in her intended voyage, that then and in every such case the said collector shall prosecute for the recovery of the penalty of the said bond, but if such certificate or proof shall be produced within the time aforesaid, then the said bond shall be cancelled and vacated by the said collector.

Proviso as to oath that goods are not intended to be landed or brought back into this State, and as to giving bond.

Certificate from collector, etc., of the port mentioned in bond to be produced.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said collector to receive the monies due for the duties aforesaid on such bonds respectively, and if the said duties shall not be paid within the term in and by the said bonds for that purpose respectively limited, the said collector shall and he is hereby required, forthwith after the expiration of such time to commence and prosecute an action or actions in his own name for the recovery of the sums due on such bonds respectively with costs.

Collector may receive moneys mentioned in bond or prosecute same if not paid.

And be it further enacted by the authority aforesaid That if the said collector shall not forthwith after the monies shall become due on such bonds respectively commence an action or actions for the recovery of the monies which shall become due thereon respectively, that then and in every such case, the said collector shall be deemed to have such monies in his hands, and be accountable therefor to the people of this State as if the same had been actually received by him.

If action is not commenced collector deemed to have moneys.

Entries to be made and accounts to be kept by the collector.

And be it further enacted by the authority aforesaid That the collector shall enter in a book to be kept by him for that purpose the denomination of every ship or other vessel which shall arrive in the port of New York, and the burthen thereof, the name of the master or commander, the place from whence such ship or other vessel last sailed, the amount in value of the goods wares and merchandize in and by this act subject to the duty of two pounds ten shillings for every hundred pounds as aforesaid; the quantity of the goods wares and merchandize in and by this act particularly enumerated and described, and the amount of the duties due thereon respectively, and that the collector shall also keep accurate accounts of all the monies which shall come to his hands in pursuance of this act.

Penalties may be sued for by any person, etc.

And be it further enacted by the authority aforesaid, That the penalties and forfeitures in and by this act directed and declared to be incurred for offending against the true intent and meaning thereof, shall and may be recovered with costs by any person or persons who shall sue for the same in any court of record within this State by bill, plaint, information, or otherwise, one half of which forfeitures shall be paid to the treasurer of this State for the use of the people thereof, and the remaining half to the person or persons who shall sue for the same.

Master to report at which wharf he intends to land goods.

And be it further enacted by the authority aforesaid, That every master of any ship or other vessel which shall have goods wares or merchandize on board, and shall report the same in the manner herein before prescribed shall inform the collector at which of the wharfs or usual landing places he intends to land such goods wares or merchandize, and if any master shall neglect or refuse to give such information to the collector, or shall cause any goods wares or merchandize to be landed from such ship or other vessel, at any other place than that of which he shall give such information to the collector, such master shall forfeit the sum of twenty pounds to be recovered and applied in the manner herein before mentioned.

Governor with consent of council to appoint collector, gauger, weigh-masters, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the governor or person administering the government of this State for the time being by and with the advice and consent of the council of appointment, from time to time, to appoint a person to be collector of the port of New York, and one or more person or persons to be gauger or gaugers, one or more person or persons to be weigh master or weigh masters for the said port, and such number of persons to be land and tide waiters as to the said council shall appear necessary.

Duty of land and tide waiters.

And be it further enacted by the authority aforesaid, That the land and tide waiters shall attend at the unloading such ships or other vessels as the collector shall from time to time direct, and well and truly inspect and make return to the said collector of the number of bales, packages, casks, chests, trunks, cases, and boxes and their marks and numbers respectively, and also of the quantity of goods wares and merchandize stowed in bulk in such ship or other vessel.

Watermen, etc., not to aid in landing goods after sun-set and before sun-rise for which duties have not been paid under

And be it further enacted by the authority aforesaid, That if any waterman, boatman, cartman, porter or any other person or persons whatsoever during the continuance of this act, shall after sun-setting and before sun-rising be aiding or assisting, in the taking up, landing, carting or carrying any goods, wares or merchandize for which the duties in and by this act imposed have not been paid or secured to be paid in the manner aforesaid, every such person so offending and being thereof convicted before any justice of the peace for the city borough or county where the offence is committed upon the oath of one or more credible

witness or witnesses, shall forfeit and pay the sum of twenty pounds for every offence, to be levied by distress and sale of the offenders goods and chattles, together with costs, the one half part whereof to be paid to the treasurer of this State, for the use of the people thereof, and the other half to the person or persons who shall sue and prosecute for the same; and for the want of such goods and chattles such offender or offenders shall be committed to the goal of the county where such offence shall be committed there to remain for the space of three months without bail or mainprize, or untill such forfeiture together with costs shall be paid,

penalty named.

And be it further enacted by the authority aforesaid, That the gaugers to be appointed in pursuance of this act shall gauge all liquors imported into this State in cask containing liquors exceeding the quantity of twenty five gallons, and shall calculate the quantities contained in the casks, containing a less quantity, and in cases, in such manner as he shall think best adapted to ascertain the same; and that the weigh master shall weigh all such goods wares and merchandize subject in and by this act to a duty according to their weight; and that such weigh master and gauger shall from time to time make return to the collector, of the quantities of liquors and goods wares and merchandize, by them respectively gauged or weighed.

Duty of gaugers and weigh-masters.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the collector, to appoint one or more deputies to assist in the execution of the duties respectively required to be performed in and by this act, for whose acts the said collector shall be responsible. Provided always that previous to the said deputies executing any of the duties aforesaid they shall respectively take an oath before any of the justices of the peace of the city and county of New York (which oath such justices are respectively hereby authorized and required to administer well faithfully and truly to execute and perform all and singular the duties required of them in and by this act according to the best of their skill and knowledge, which deputies nevertheless shall not be entitled to have take or exact any fees for their services in addition to those allowed in and by this act to their principal.

Deputy collectors, appointment and duties of.

Official oath to be taken by.

And be it further enacted by the authority aforesaid, That the owner or consignee of the liquors gauged or the merchandize weighed as aforesaid shall pay the expence of the gauging or weighing the same to such gauger or weigh master at and after the rates following to wit for gauging every but, pipe, hoghead or cask the sum of four pence for weighing of every hundred weight of any merchandize the sum of two pence and that any gauger or weigh master who shall exact or take any greater fees than those herein before mentioned shall for every offence upon conviction forfeit and pay the sum of ten pounds to be recovered and applied in the manner mentioned in the next preceding clause which creates a penalty of twenty pounds for every offence.

Expense of gauging, etc., to be paid by owners.

And be it enacted by the authority aforesaid That the collector shall, before he enters upon the execution of the duties directed by this act to be performed by him give bond with two sufficient freeholders to the treasurer of this State for the sum of five thousand pounds conditioned that such collector shall well and faithfully execute and perform all and singular the duties and services required of him in and by this act according to the true intent and meaning thereof which bonds shall be retained by the said treasurer in his hands and possession.

Collector to give official bonds.

And be it further enacted by the authority aforesaid That such liquors as are intended for sea stores for any master or commander of any ship or other vessel not exceeding the quantity of forty gallons shall be and

Liquors intended for sea stores

hereby are declared to be exempted from the duty imposed in and by
 exempt from duty. this act.

Collector and land and tide waiters for port of Sag Harbor may be appointed.

And be it further enacted by the authority aforesaid That it shall and may be lawful to and for the governor or person administering the government of this State for the time being by and with the advice and consent of the council of appointment from time to time to appoint a collector for the port of Sag Harbor in the county of Suffolk, and one land and tide waiter, which collector and land and tide waiter shall use exercise receive and enjoy all and every the powers, duties, fees, and allowances at and for the harbour in the said county of Suffolk which the said collector and land and tide waiters for the port of New York are directed and authorized to use exercise and enjoy at and for the said port of New York, and that all masters, mates, and pursers, of any ship or other vessel arriving at the said port in Suffolk county, and all merchants, factors, and other persons who shall land or cause to be landed any goods wares or merchandize shall be subject to all the rules and regulations and liable to the same fines penalties and forfeitures as is herein before mentioned for the port of New York as fully and amply as if those several rules and regulations had been and were at large inserted in this clause.

Compensation of land and tide waiters.

And be it further enacted by the authority aforesaid That the land and tide waiters shall be entitled to receive from every master or commander of such ship or other vessel at the unloading of which they shall be directed by the collector to attend the sum of eight shillings for each and every day they shall respectively actually attend at the unloading of such ship or other vessel and that no greater fees shall be taken or exacted by any of them.

Collectors to grant registers to ship owners.

And be it further enacted by the authority aforesaid That the collectors of the customs respectively for the time being shall be and they are hereby authorized to grant registers to such owners or proprietors of any ship or other vessel who shall apply for the same. Provided that such register or registers so to be granted shall contain and express the name or names of the owner or owners of every such ship or other vessel, the place or places of their residence where such vessel was built and the burthen thereof as nearly as can conveniently be ascertained, and the discription and denomination thereof, and that the master or one or more of the owners of every such ship or other vessel shall make oath to the truth of the several particulars specified in such registers respectively, and subscribe the same in presence of the said collector, who is hereby allowed to demand and receive for every such register the sum of twelve shillings and no more.

Collector's fees for entering inwards and clearing out vessels.

And be it further enacted by the authority aforesaid That the following and no higher fees shall be demanded or received by the collector that is to say for entring inwards and clearing out any vessel the property of any of the inhabitants of the United States of the burthen of one hundred and fifty tons or upwards, the sum of three pounds. For entring and clearing out any vessel the property of any of the inhabitants of the United States under the burthen of one hundred and fifty tons the sum of twenty shillings, for entring and clearing out any vessel other than the actual property of the inhabitants of the United States of the burthen of one hundred and fifty tons or upwards the sum of five pounds. For entring and clearing out any vessel other than the actual property of inhabitants of the United States under the burthen of one hundred and fifty tons the sum of three pounds; for every permit or let pass, the sum of two shillings; for every bond the sum of three shillings; and for every certificate the sum of two shillings.

And be it further enacted by the authority aforesaid, That the collector for the port of New York shall be entitled to receive and deduct out of the money which shall come into his hands in pursuance of this act, a salary at and after the rate of twelve hundred pounds per annum as a full reward and compensation for his services, and for house or office rent, clerk hire, fire wood, messengers or servants to attend the office, stationary and all other contingent expences whatever.

Collector at port of New York, salary of.

And be it further enacted by the authority aforesaid That the collector of the port of Segg Harbour shall be allowed for his services and expences of office a salary at and after the rate of fifty pounds per annum which it shall be lawful for him to deduct out of the monies which shall come into his hands by virtue of this act.

At port of Segg Harbor.

And be it further enacted by the authority aforesaid That the respective collectors shall once in every three months, pay to the treasurer of this State all monies which shall arise or come to their respective hands as well for duties as for fees of office in pursuance of this act, without any other deduction allowance or abatement, than the sallaries and compensation allowed to each of them respectively for their respective services and expences of office as aforesaid.

Collector to pay over moneys to State treasurer every three months.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the collectors to grant clearances in such form as they shall devise for that purpose, for such ships or other vessels as shall from time to time sail from the ports of New York or Segg Harbour; which clearances shall be signed by the said collectors respectively.

Clearances.

And be it further enacted by the authority aforesaid That nothing in this act contained, shall be construed to compel any master of any vessel of less than the burthen of twenty tons, which shall arise from or be bound to any port or place in the State of Connecticut or New Jersey, or any vessel which shall be bound from the said port of New York to any other place in this State, or from any other place in this State to the said port of New York to make entry in the manner herein before mentioned, unless such vessel arriving at the said port of New York shall have any goods wares or merchandize on board subject by this act to the payment of duties, and for which the duties have not been paid.

Masters of vessels named exempted from making entries.

And be it further enacted by the authority aforesaid, That in cases where the collector shall have cause to suspect that the invoice exhibited to him does not specify all the goods wares or merchandize contained in the packages, bales, casks, chests, trunks, cases, boxes, or goods wares or merchandize stowed in bulk, reported in the invoice thereof, that the said collector shall and may take the said packages, bales, casks, chests, trunks, cases, boxes, or goods wares or merchandize stowed in bulk, into his custody, and open and examine the same; and if upon such examination more or other goods wares or merchandize shall be found therein, with an apparent intention of fraud, than those specified in the invoice which was to him exhibited, such package bale, cask, chest, trunk, case or box, with all the goods wares or merchandize therein contained, or such goods wares or merchandize stowed in bulk, shall be seized by the collector,—and forfeited to the people of this State, and shall be sold by the said collector for the use of the people thereof.

Proceedings in case collector suspects invoice does not specify all the goods stated in bulk.

And be it further enacted by the authority aforesaid That this act shall continue and be in full force until the rising of the legislature at their next meeting and no longer.

CHAP. 11.

AN ACT declaring the east ward of the manor of Cortlandt and the district of Salem, in the county of Westchester, to be two townships, in manner therein designated.

PASSED the 26th of March, 1784.

Preamble. WHEREAS the east ward of the manor of Cortlandt and the district of Salem, in the county of Westchester, are so situated, as to render the transaction of business at their annual meetings, and the discharge of the duties of the district officers, very inconvenient and burthensome; for remedy whereof

Township of Upper Salem. *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 all that part of the east ward of the manor of Cortlandt and that part of the district of Salem, which lie to the northward of a line, beginning at a certain monument in the district of Salem, east of the North Long-pond on the east line of the oblong; from thence running westerly, through the said pond with the water-course which runs into the South-east pond; then through the middle of the said South east pond and the water course leading into the West pond; then through the middle of the said West pond, until it comes to the west line of the oblong; thence northerly by said oblong line until it comes to the south line of north lott number ten, of the manor of Cortlandt; from thence running westerly with the south line of north lotts, numbers ten, nine and eight, of the said manor of Cortlandt, to the westernmost line of the east ward of said manor, shall be included in one township, to be hereafter called and known by the name of the township of Upper Salem: And that other part of the east ward of the manor of Cortlandt and that other part of the district of Salem, which lie to the southward of the above mentioned line, shall be included in one other township, to be hereafter called and known by the name of the township of Lower Salem.

Of Lower Salem. *And be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of the said several townships, shall have full power and authority, to convene and hold annual town meetings within their respective townships, and then and there by plurality of votes, to elect and choose a supervisor, town-clerk, and all other necessary officers, and enjoy the like priviledges which by the laws of this State, are incident to the other townships in the county of Westchester; who, when so chosen and elected, shall respectively be vested with, and have the like powers and authority, and be subject to the like rules, regulations and penalties as are by law prescribed, for such officers respectively, in the other townships in the said county.

Power to hold town meetings, elect town officers, etc. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said township of Upper Salem, shall hold their annual town-meetings, at or near the school-house standing by the road, between the respective dwelling houses of Ebenezer Purdy Esquire and Daniel Delivan in said township, on the annual days prescribed by law for holding town-meetings in the other townships and districts in the said county; and that the inhabitants of the said township of Lower Salem, shall hold their annual town meetings at the meeting house in the said township, in the same manner and on the same days as are herein before described.

Where town meetings to be held.

And be it further enacted by the authority aforesaid, That all State and other taxes now due and in arrear from the inhabitants of the manor of Cortlandt and the district of Salem, shall be levied and collected by the collectors thereof, in like manner as they might have done, if this act had not been passed.

Taxes now due, how to be collected.

CHAP. 12.

AN ACT to appropriate certain buildings to public uses.

PASSED the 29th of March, 1784.

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 the island called Governors or Nutten island, shall be, and the same hereby is assigned to, and for the use of the governor or person administering the government of this State for the time being, to be held and possessed by him, until the legislature shall otherwise order and direct; and that it shall and may be lawful to and for the governor or person administering the government to have and to take the charge and superintendance of Fort George in the city of New York, and other fortifications and public works and buildings within the said city erected for military purposes, on lands, which are the property of the State, and to give such orders and directions from time to time as he may deem necessary, to secure and preserve the said fort, fortifications, public works and buildings from waste and destruction.

Island named assigned to and for use of the governor.

Superintendance of Fort George, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the commissioners of forfeitures for the southern district, or any one of them, to set apart and assign such one of the houses, forfeited to the people of this State, with the stables and other buildings thereunto belonging, as his excellency the governor shall make choice of for his residence, except the house and buildings hereafter assigned for the use of the secretary of this State.

House, etc., forfeited to be let for use of governor.

And be it further enacted by the authority aforesaid, That the lot of ground, with the dwelling house, out houses, stables and other buildings thereon erected, situate on the west side of the street commonly called the Broad Way, in the ward distinguished by the name of the westward, and now vested in the people of this State by the attainder of William Axtell Esquire late one of the members of the council of the colony of New York, shall be, and hereby is appropriated to the use of the secretary of this State, until the expiration of two years, from and after the last day of April next, for the accomodation of his family, and as a deposit for the archives and records of this State, unless other provision shall sooner be made by law in the premises. And the commissioners of forfeitures for the southern district, or any one of them, are hereby authorised, and required, without delay to put the secretary of this State for the time being, into the possession of the said lot of land, and of the dwelling house out houses, and other buildings thereon erected any law to the contrary notwithstanding.

House described set apart to and for use of the secretary of State.

CHAP. 13.

AN ACT to divide the east district of the manor of Rensselaerwyck, in the county of Albany.

PASSED the 29th of March, 1784.

Preamble.

WHEREAS the inhabitants of the east district of the manor of Rensselaerwyck in the county of Albany are subjected to many inconveniences by reason of the extensiveness thereof.

East district divided into two districts.

Be it therefore 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 the said east district of the manor of Rensselaerwyck in the county of Albany, shall be, and is hereby declared to be divided into two districts by the following line, that is to say, beginning at a point in the division line between the said east district of the manor of Rensselaerwyck and the district of Kinderhook, ten miles distant from Hudsons river, and thence running northerly to a point in the division line of the said east district of the manor of Rensselaerwyck, and the district of Schactekoke, nine miles distant from the said Hudsons river.

Rensselaerwyck district.

And be it enacted by the authority aforesaid, That all the lands immediately before the passing of this act comprehended within the said east district of the manor of Rensselaerwyck, lying to the westward of the aforesaid division line, shall be one separate and distinct district, and be called by the name of Rensselaerwyck district, and that all the lands immediately before the passing of this act comprehended within the said east district of the manor of Rensselaerwyck, and lying to the eastward of the aforesaid line shall be one separate and distinct district, and be called by the name of Stephen-town district.

Stephen-town district.

Power to hold town meetings, elect town officers, etc.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of each of the aforesaid districts of Rensselaerwyck and Stephen town, shall have full power and authority to assemble and hold annual meetings within their respective districts, and then and there by a plurality of voices to elect and choose a supervisor, town clerk, and all other town officers which by the laws of this State are incident to a district, who when so chosen and elected shall respectively be vested with, and have the like powers and authority and be subject to the like rules, regulations and penalties, as are by law prescribed for such officers respectively in the other districts of the said county: that the inhabitants of the said district of Stephen town, shall hold their first meeting on the third Tuesday in April next, at the dwelling house of Daniel Hull Esquire in the said district; and from time to time thereafter on the annual days prescribed by law for town meetings in the other districts in the said county, at such place within the said district, as the inhabitants of the said district at their annual town meeting, shall by a plurality of voices determine.

Town meeting in Stephen-town, when and where to be held.

Where division line runs through dwelling occupant deemed inhabitant of district in which greater part is situated, etc.

And be it further enacted by the authority aforesaid, That if upon running the division line between the said districts of Rensselaerwyck and Stephen-town the dwelling house of any inhabitant or inhabitants, or the greatest part thereof, shall be situated in one of the said districts, and the farm or improvements of such inhabitant or inhabitants, or any part thereof within the other district, such inhabitant or inhabitants, shall be deemed and taken to be an inhabitant or inhabitants of the district in which the dwelling house of such inhabitant or inhabitants, or the greatest part thereof, is situated; and the land and improvements in the

possession and occupation of such inhabitant or inhabitants, shall be assessed taxed and rated in the district in which he she or they shall as aforesaid be deemed an inhabitant or inhabitants.

And be it further enacted by the authority aforesaid, That all taxes now due from the inhabitants of the said east district of the manor of Rensselaerwyck, shall be collected by the collectors thereof in both the said districts, as tho' the district had not been divided. Taxes now due, how to be collected.

And be it further enacted by the authority aforesaid That it shall and may be lawful to and for the supervisors of the said districts of Rensselaerwyck and Stephen-town to cause the division line aforesaid to be run and marked, and that the inhabitants of each of the said districts shall pay one half of the expence incurred in running the said line, to be allowed charged assessed and collected as and with the proportion of the said districts respectively of the contingent charges of the county. Supervisors to cause division line to be run and expence assessed.

CHAP. 14.

AN ACT to continue and amend an act entitled An act for the appointment of an auditor, and the settlement of the public accounts of this State.

PASSED the 30th of March, 1784.

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 the act entitled "An act for the appointment of an auditor, and the settlement of the public accounts of this State," passed the twenty third day of March one thousand seven hundred and eighty two, shall be and hereby is continued in full force and virtue to all intents and purposes until the twenty third day of March in the year of our Lord one thousand seven hundred and eighty six. Act named continued in force.

And be it further enacted by the authority aforesaid, That the said auditor shall be allowed for his services in that station from the twenty third day of this present month of March at and after the rate of three hundred and fifty pounds per annum during the continuance of this act. Compensation allowed auditor.

CHAP. 15.

AN ACT concerning the present sessions of oyer and terminer and general goal delivery, now holding, in, and for the city and county of New York.

PASSED the 30th of March, 1784.

WHEREAS it hath been represented to the legislature by the commissioners of oyer and terminer, and general goal delivery now holding, in and for the city and county of New York, that the present sessions hath already continued fifteen days and that if the same should be continued until the gaol is wholly delivered, the attendance thereon, will prove very injurious to the persons summoned as grand and petit jurors. Preamble.

Be it therefore 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 said commissioners, When grand jury to be discharged.

as soon as the grand jurors shall have reported, that they have enquired of all felonies without benefit of clergy, unless the cases, where the witnesses reside beyond the limits of the said city, and county, to discharge the said grand jurors, and as soon as conveniently may be thereafter to adjourn the said sessions until the next new summons.

CHAP. 16.

AN ACT to impower the surveyor general of this State, to procure the maps, papers and records, which appertained to the offices of surveyor general or receiver general of the late colony of New York.

PASSED the 2d of April, 1784.

The executors of Alexander Colden to deliver papers, etc., to the surveyor general.

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 lawfull to and for the executors or administrators of Alexander Colden Esquire, late surveyor general of the colony of New York, and they are hereby severally required, to deliver to the surveyor general of this State for the time being, or to his order, all papers, books, maps and records, together with the chests, trunks and boxes, in which the same may be contained, which they, or any of them may be in possession of, and which did appertain to the office of surveyor general of the said colony, or to the office of receiver general of the same.

Papers, etc., to be delivered to surveyor general by secretary of State.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the secretary of this State for the time being, and he is hereby required, to deliver to the surveyor general of this State for the time being, or to his order, all such papers, books, maps and records, which may be in the custody of the said secretary, and which did heretofore appertain to the office of surveyor general, or to the office of receiver general of the late colony of New York, together with the chests, trunks and boxes in which such papers may be contained.

Other persons to make like delivery.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to, and for any other public officer or private person whatsoever, into whose custody any papers, books, maps and records whatsoever, may have come, appertaining to the said offices of surveyor general or receiver general of the late colony of New York, and they are hereby required to deliver the same to the surveyor general of this State for the time being, or to his order.

Secretary of State to furnish certified copies, patents, etc.

And be it further enacted by the authority aforesaid, That the secretary of this State shall from time to time, when thereunto required by the surveyor general of this State, furnish the said surveyor general, with certified copies or extracts of such patents, Indian purchases, locations, surveys and other papers as he shall from time to time signify that he stands in need of, in order more effectually to execute the trust reposed in him as surveyor general.

CHAP. 17.

AN ACT to alter the names of the counties of Tryon and Charlotte.

PASSED the 2d of April, 1784.

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 from and after the passing of this act, the county of Tryon shall be called and known by the name of Montgomery, and the county of Charlotte shall be called and known by the name of the county of Washington.

Name changed from Tryon to Montgomery and from Charlotte to Washington. Change not to affect writs and other process.

And be it further enacted by the authority aforesaid, That all writs, precepts and other process issued out, and from the inferior courts of common pleas, and the courts of general sessions of the peace in the said counties in and by the name of the county of Tryon, and in and by the name of the county of Charlotte, shall be and remain in the same state and condition, as if the same had been issued from the said courts by the name of the county of Montgomery, and by the name of the county of Washington, and that all persons bound by recognizance to appear in the said courts of general sessions of the peace shall appear in like manner, as if the name of the said counties had not been changed, any thing in any former acts contained to the contrary notwithstanding.

CHAP. 18.

AN ACT to enable all the religious denominations in this State to appoint trustees who shall be a body corporate, for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned.

PASSED the 6th of April, 1784.

WHEREAS by the thirty eighth article of the constitution of the State of New York, it is ordained, determined, and declared, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, should forever thereafter be allowed within this State, to all mankind, provided that the liberty of conscience thereby granted, should not be so construed, as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State. And whereas many of the churches, congregations and religious societies in this State; (while it was a colony) have been put to great difficulties to support the public worship of God by reason of the illiberal and partial distributions of charters of incorporation to religious societies, whereby many charitable and well disposed persons have been prevented from contributing to the support of religion, for want of proper persons authorized by law to take charge of their pious donations; and many estates purchased and given for the support of religious societies now vest in private hands, to the great insecurity of the society, for whose benefit they were purchased or given, and to the no less disquiet of many of the good people of this State. And whereas it is the duty of all wise, free and virtuous governments, to countenance

Preamble.

and encourage virtue and religion, and remove every lett or impediment to the growth and prosperity of the people, and to enable every religious denomination to provide for the decent and honorable support of divine worship, agreeable to the dictates of conscience and judgment.

Male persons of full age belonging to any church or congregation may meet and elect trustees.

Be it therefore 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 from and after the passing of this act, it shall and may be lawful to and for the male persons of full age belonging to any church congregation or religions society not already established within this State, or which may at any time hereafter be within the same, to assemble and meet together at the church, meeting house or other place where they stately attend for divine worship, and then and there by plurality of voices, to elect, nominate and appoint any number of discreet and prudent persons of their church, congregation or society, not less than three, or exceeding nine in number, as trustees to take the charge of the estate and property belonging to the respective churches, congregations or religious societies, and to transact all affairs relative to the temporalities of their respective churches, congregations or societies. That at such election, every male person of full age who has stately worshipped with the said church, congregation or society, and has formerly been considered as belonging thereto, shall be entitled to a voice at such first election.

Persons entitled to vote.

Election, how to be conducted, notice of, etc.

And be it further enacted by the authority aforesaid, That the said election so to be held as aforesaid, shall be conducted in the following manner (to wit) the minister of the said church, congregation or society, or in case of his death or absence, one of the elders or deacons, church wardens or vestrymen of the said church, congregation or society, and for want of such officers, any other person being a member or a stated hearer in such church, congregation or society, shall publicly notify the congregation of the time when, and place, where the said election shall be held, at least fifteen days before the day of election; that the said notification shall be given for two successive Sabbaths, or days on which such church congregation or society stately meet for public worship, preceding the day of election, that on the said day of election two of the elders or church wardens of the said church, congregation or society, shall preside at such election, receive the votes of the electors, be the judges of the qualification of such electors, and the officers to return the names of the persons, who by the plurality of voices shall be elected to serve as trustees for the said church, congregation or society; and in case there should be no elders or church wardens in the said church, congregation or society, at the time of such election, then and in such case, two of the deacons or vestrymen of the said church, congregation or society, shall preside at such election, receive the votes, and judge of the qualification of the electors, and be the returning officers; and in case there shall be no such officers in such church, congregation or society, then it shall and may be lawful for the said electors to nominate and elect by plurality of voices, two of the members of the said church, congregation or society, to hold the said election, and be the returning officers, as aforesaid.

Returning officers holding election to certify result, and certificate to be acknowledged and recorded

And be it further enacted by the authority aforesaid, That the said returning officers, who shall hold the said election, shall immediately after the said election, certify under their hands and seals, the names of the persons elected to serve as trustees for the said church, congregation or society, in which certificate the stile, name or title, by which the said trustees and their successors shall forever thereafter be called, distinguished and known, shall be particularly mentioned and described;

which said certificate being first duly proved or acknowledged before the chancellor of this State, or one of the judges of the supreme court, or any one of the judges of the inferior court of common pleas of the county, for the time being, in the manner deeds or other writings have been usually proved or acknowledged, shall be forthwith recorded by the clerk of the county for the time being, in a book to be kept by him for that purpose, for which service, a fee of six shillings may be taken, and no more.

in county clerk's office.

And be it further enacted by the authority aforesaid, That the said persons so to be elected, returned and registered, shall be and hereby are declared to be the trustees for the said church, congregation or society, for which they shall be so chosen, and shall be and hereby are authorised and empowered to take into their charge, care, custody and possession, all the temporalities belonging to the said church, congregation or society, for which they shall be elected trustees, whether the same consist of lands, tenements, hereditaments, goods or chattles, and whether the same shall have been given, granted or devised, directly to the said church, congregation or society, or to any person or persons in trust to and for their use, and altho' such gift, grant or devise, may not have strictly been agreeable to the rigid rules of law, or might on strict construction be defeated by the operation of the statutes of mortmain: and that the said trustees, from the time of their election as aforesaid, and their successors forever thereafter, shall be a body politic and corporate, and shall be able and capable in the law, to hold, maintain and recover all their estates, rights and privileges, of what name or kind soever, and to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name stile and title mentioned and described in the said certificate, so to be recorded as aforesaid, in all suits, quarrels, controversies, causes, actions, matters and things whatsoever, in any court or courts of common law or equity whatsoever; and by the same name stile and title, they and their successors shall lawfully have hold, use, exercise and enjoy, all and singular the churches, meeting houses, parsonages, burying places, and lands thereunto belonging, with the hereditaments and appurtenances heretofore by the said church, congregation or society, held, occupied or enjoyed, by whatsoever name or names, person or persons, the same were purchased and had, or to them given or granted, or by them or any of them used and enjoyed, for the uses aforesaid, to them and their successors, to the sole and only proper use and benefit of them the said trustees and their successors forever, in as full firm and ample a manner, in the law, as if the said trustees had been legally incorporated, and made capable in the law to take, receive, purchase, have, hold, use, and enjoy the same, at and before the purchasing, taking, receiving and holding of the said churches, meeting houses, parsonages, burying places and lands thereunto belonging, and lawfully had, held and enjoyed the same, any law, usage or custom to the contrary hereof in any wise notwithstanding.

Persons elected declared trustees and their powers defined.

To be a body corporate.

And be it further enacted by the authority aforesaid, That the said trustees, and their successors, by the same name stile and title, from the time of their election as aforesaid, shall have full power, good right and lawful authority, to have, take, receive, acquire, purchase, use and enjoy, lands, tenements and hereditaments, goods and chattles; and to demise lease and improve the said lands, tenements, and hereditaments, and to use and improve such goods and chattles, to the benefit and use of the said church, congregation or society, and other pious uses, not exceeding twelve hundred pounds yearly rent, or income any law, usage

Power to hold real estate, etc.

or custom to the contrary in any wise notwithstanding; and that it shall and may be lawful for the said trustees, and their successors, to build and erect churches or meeting houses, on their said lands, and to alter and enlarge or amend the same in any part thereof; and also to erect and build dwelling houses for the use of their ministers, and school houses and other buildings for the use of the said churches, congregations or societies, as to the said trustees and their successors, shall from time to time appear necessary.

Corporate seal.

Meetings.

Rules, etc.

Clerk and treasurer.

Renting of pews.

Perpetual succession.

Official term.

Vacancies, how to be filled.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said trustees, and their successors, forever hereafter, to have and use a common seal; and the same to alter, break and new make, at their discretion; and also; that it shall and may be lawful for the said trustees and their successors, or any two of them, at any time or times, and as often as it shall be needfull, to call a meeting of the said trustees; and that the majority of the said trustees, when met, shall be a sufficient quorum, and shall have power to make such rules and orders for the managing the temporal affairs and concerns of the said church, congregation or society, as they or the major part of them so met shall agree upon; and shall have the sole disposition and ordering of all payments of the monies belonging to the said church, congregation or society; and also the power of appointing a clerk and treasurer to the said board of trustees, and also a collector to collect and receive the rents and revenues of the said church, congregation or society, and the said clerk, treasurer or collector, at their pleasure, to remove, and to elect and choose others in their room and stead: all which orders, rules and payments, shall be honestly and fairly kept by the said clerk in books to be provided for that purpose; and that the majority of the said trustees, so met as aforesaid, shall have power to establish and regulate the fees that shall be allowed to the said clerk, treasurer and collector, and also to regulate and order the renting the pews in the said churches or meeting houses, and the perquisites of the said church, congregation or society, arising for the breaking of the ground in the cemetery or church yards, and in the churches or meeting houses for burying the dead, and all other matters, touching and concerning the temporal concerns and revenues of the said churches, congregations and societies respectively.

And to the end that a perpetual succession of trustees may be maintained and kept up in the said churches, congregations and societies respectively. *Be it further enacted by the authority aforesaid,* That the trustees first to be chosen as aforesaid, shall continue in office for the space of three years, to be computed from the day of their election; and that immediately after the said first election, the said trustees shall be divided by lott into three classes, numbered one, two and three; and that the seats of the member or members of the first class shall be vacated at the expiration of the first year, the member or members of the second class at the expiration of the second year, and the member or members of the third class at the expiration of the third year, to the end that the third part of the whole number of trustees, as nearly as possible, may be annually chosen.

And in order to supply and fill up the several vacancies in the said board of trustees, as they shall arise, *be it further enacted by the authority aforesaid,* That the said trustees for the time being, or the major part of them, shall from time to time notify in writing the minister for the time being, and in case of his death or absence, the elders or church wardens, and in case there shall be no elders or church wardens, the deacons or vestrymen of any such church, congregation, or society, of such vacancies, specifying the names of the trustees whose times will expire, at least

one month before such vacancies shall happen; and that the said minister, and in case of his death or absence, one of the said elders or church wardens, or deacons or vestrymen, shall in manner aforesaid proceed to notify the members of the said church, congregation or society, of such vacancies, and appoint the time and place for the election of new trustees to fill up the same, which election shall be held at least six days before such vacancies shall happen; and that at all such future elections, two of the elders or church wardens of the said church, congregation or society, and in case there shall be no elders or church wardens, two of the deacons or vestry-men, and in case there shall be no such officers, then such other persons so to be elected returning officers as aforesaid, shall preside, and receive the votes of the electors, judge of the qualifications of the said electors, and be the returning officers as aforesaid; and that a certificate under the hands and seals of the said returning officers, specifying the names of the persons elected to fill up such vacancies, shall entitle the several persons elected, to a seat at the board of the said trustees; and in case any of the trustees shall refuse to act, die or remove within the year, it shall be lawful for the male electors of the said church, congregation or society, at any time after such contingency shall happen, to assemble and meet together, upon notice to be given in manner aforesaid, and then and there by plurality of voices to elect and appoint others, to fill up such vacancy or vacancies, who shall have full power and authority to do, execute and perform the office of trustee or trustees, in the place of such as he or they shall be so chosen to succeed, and shall continue in office for so long time, as the person or persons so dying, refusing or removing, might have served, had he or they lived, accepted or continued in the said office.

And be it further enacted by the authority aforesaid, That no male person belonging to the said church, congregation or society, shall be entitled to vote for trustees as aforesaid, at any election succeeding the said first election above mentioned, until he shall have been a stated attendant on divine worship, in the said church congregation or society, at least one year before such election, and shall have contributed to the support of the said church, congregation or society, according to the usages and customs thereof; and that the said clerk to the said trustees for the time being, shall keep a register of the names of all such persons as shall from time to time desire to become stated hearers in the said church, congregation or society, and shall therein note the time when such request was made, and that the said clerk shall from time to time attend all such future elections, in order to test the qualifications of such electors, in case any objections shall be made, as to the time when such elector became a stated attendant on divine worship in the said church, congregation or society.

Electors.

Register of stated hearers.

And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be construed, adjudged or taken, to give to the said trustees or their successors, any power or authority whatsoever, to fix or ascertain the salary or salaries, stipend or stipends, to be paid to the minister or ministers of the said church, congregation, or society; and that whenever it shall be necessary to fix or ascertain such salaries or stipends, the same shall be fixed and ascertained by the electors aforesaid, or the major part of them, at a meeting to be called for that purpose; which salaries or stipends when fixed and ascertained, shall be ratified and confirmed by the said trustees, or the major part of them, by an instrument in writing, under the common seal of the said trustees; and the said trustees, or the major part of them, shall and hereby are authorized and empowered to pay and discharge the same out of the revenues of the said church, congregation or society.

Salary of minister to be fixed by vote of electors.

Act not to abridge rights of conscience, etc.

And be it further enacted by the authority aforesaid, That nothing herein contained shall be construed, adjudged or taken, to abridge or affect the rights of conscience, or private judgment, or in the least to alter or change the religious constitutions or governments of either of the said churches, congregations or societies, so far as respects, or in any wise concerns, the doctrine, discipline or worship thereof.

Account and inventory to be exhibited once every three years to chancellor or judge.

And be it further enacted by the authority aforesaid, That all and every corporation, trustees, or persons intrusted with the management, care and disposition of the temporalities of any church, congregation or religious society, already incorporated, or that may hereafter be incorporated within this State, or a majority of them respectively, shall, and hereby are required once in every three years, and between the first day of January and the first day of April triennially, to be computed from the first day of January next ensuing, to exhibit upon oath to the chancellor, or to one of the justices of the supreme court, or any of the judges of the court of common pleas, in the county where such church, congregation or religious society shall be situated, an account and inventory of all the estate, both real and personal belonging to such church congregation or religious society (at the time of making oath, and exhibiting such inventory and account) for which they respectively are trustees or managers as aforesaid, together with an account of the annual revenue arising therefrom. And if any such trustees, or persons intrusted with the

Failure for one whole year to render account and inventory to work a dissolution of corporation.

care management and disposition of the temporalities of any church, congregation or religious society as aforesaid, shall neglect to exhibit an account and inventory of the estate and annual revenue of the church congregation or religious society, of which they respectively are trustees, or intrusted with the care and disposition of the temporalities as aforesaid, for any space of time longer than one year, after the expiration of the three years, within which it is hereby made their duty respectively to render such account and inventory as aforesaid, such trustees or persons intrusted with the management, care and disposition of any of the temporalities of any church congregation or religious society as aforesaid, shall from thenceforth cease to be a body corporate.

If income exceeds amount allowed the fact to be reported to legislature.

And be it further enacted by the authority aforesaid, That in all cases, where it shall appear by the accounts and inventory herein before directed to be exhibited by the trustees, or other persons aforesaid to the chancellor, justices or judges as aforesaid, that the annual revenue of any church congregation or religious society, exceeds the sum, which by virtue of any charter or law, they may or can respectively hold, possess, or enjoy, it shall be and hereby is made the duty of such chancellor, justices or judges as aforesaid respectively, to report the same together with the account and inventory by which such excess shall be made to appear as aforesaid, to the legislature at their then next meeting.

Lawful for every religious corporation to have yearly income of twelve hundred pounds.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for every religious corporation, created by letters patent under the great seal of the colony of New York, to have, hold occupy and enjoy, lands, tenements, goods and chattles of the yearly value of one thousand two hundred pounds, altho' the letters patent by which such corporation respectively were created, should contain a clause or clauses restricting and limiting the annual revenue and income of such corporation, at a sum less than one thousand two hundred pounds, any law usage or custom to the contrary in any wise notwithstanding.

CHAP. 19.

AN ACT to empower the auditors, appointed to liquidate, and settle the accounts of the troops of this State, in the service of the United States, to grant certificates to the troops of this State in the service of the United States, for their pay accrued for the time therein mentioned.

PASSED the 6th of April, 1784.

WHEREAS in and by the act entitled An Act for the further settlement of the accounts of the troops of this State, in the service of the United States, passed the 13th of April 1783. And also by the Act entitled an act for the relief of deranged officers, and for other purposes therein mentioned, the said auditors were directed to certify the ballance due to each person respectively, to the treasurer of this State — And whereas the pay masters and agents, of the late two regiments of infantry, and of the regiment of artillery of this State, in the service of the United States by their memorial presented to the legislature, have requested, that the said auditors be directed to issue, transferrable certificates for the ballance due to each person respectively —

Be it therefore 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 the auditors, appointed to liquidate, and settle the accounts of the troops of this State, in the service of the United States, or any two of them, shall cause a competent number of certificates to be printed in such form and manner, as they shall deem best calculated to prevent frauds and counterfeits and with blanks for the name of and sum due, to the person to whom the same shall be given, and to bear date the first day of January, one thousand, seven hundred, and eighty two, purporting that the person named in such certificate or his assigns shall be entitled to receive the sum specified in such certificate, from the treasurer of this State in current lawful money of this State, with interest for the same, at the rate of six per cent. per annum from the date thereof and the said auditors, or any two of them, shall subscribe the said certificates, and shall give, to each officer, non commissioned officer and private, such certificate or certificates as aforesaid, for the ballance due, Provided always that the said accounts shall be liquidated and settled by the said auditors, agreeably to the directions contained in the following acts, to wit, An Act entitled An Act for the further settlement of the accounts of the troops of this State, in the service of the United States, passed the 13th April 1782, the act entitled An Act to amend an act entitled an act for the further settlement of the accounts of the troops of this State, in the service of the United States passed the 8th March 1783, and the act for the relief of deranged officers, and for other purposes therein mentioned, passed the 18th March 1783.

Preamble.

Auditors to cause certificates to be printed with blanks, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said auditors or any two of them to liquidate and settle the accounts of Major General McDougall, and of Brigadier General James Clinton, and of such persons, who were their respective aids, who at the time they entered into the service were inhabitants of this State, or officers in the line of this State, and of the Reverend John Ganoe late chaplain to the brigade under the command of Brigadier General James Clinton, and of the Reverend John Mason late chaplain to the garrison at West-point and grant to them respectively, certifi-

Auditors may settle accounts of officers named and grant certificates.

Accounts to be settled agreeable to pay at periods when pay accrued and clothing changed.

cates in like manner as is directed by this act, with respect to officers and privates of the two late regiments of infantry, and regiment of artillery, of the line of this State in the service of the United States, for the ballance due them respectively, for their pay accrued in the year, one thousand, seven hundred an eighty-one. And that the accounts of the said several officers abovementioned shall be settled agreeable to the establishment of daily or monthly pay at the periods when the pay accrued, that in settlement of such accounts, the said auditors, shall charge the said officers with the cloathing which was delivered to them since the year one thousand seven hundred and eighty, on account of this State, at the prices at which the same were directed to be delivered, and also with the monies, advanced to them respectively on account of this State, in the year one thousand, seven hundred and eighty-one, ascertaining the value of such money if in paper currency, agreeable to what shall be deemed, by the said auditors, the actual value thereof at the time of such payments respectively.

Accounts of deceased persons to be settled in like manner.

Be it further enacted by the authority aforesaid, That the accounts of all persons intituled to benefit by this act, and who are deceased, shall be settled and liquidated by the said auditors, in like manner, as if such persons had been in full life, and the certificates for the ballances, which shall appear to have been due to such persons at the time of their decease respectively, shall be given to, and in the name of the legal representatives of such persons respectively, and the said auditors, shall from time to time make due returns to the treasurer of this State of all the certificates issued by them.

Certificates receivable in payment for forfeited estates.

And be it further enacted by the authority aforesaid, That the said certificates, directed to be given by this act, subscribed by the said auditors, or any two of them, shall be receivable in payment upon the purchases of forfeited estates, for the amount of the principle and interest thereof, at the same rate with specie.

Accounts for additional pay of officers named to be settled and certificates granted.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull, to and for the said auditors, and they are hereby required, to adjust and settle the accounts of the additional pay of the officers designated in the act of congress of the twenty-first February seventeen hundred and eighty-three, from the first of August in the year one thousand seven hundred and eighty to the last day of December in the year one thousand seven hundred and eighty one, both days inclusive, and to grant such certificates therefor, as by this law they are directed to grant to officers, non commissioned officers and privates of the line of this State, lately serving in the army of the United States — provided always that previous to such settlement every claimant, under this clause, shall produce to the said auditors, a certificate, subscribed by the pay master general or his deputy, that he has received no compensation for his additional pay, for the time included in the period aforesaid.

To grant certificates for balance of pay due to persons named.

And be it further enacted by the authority aforesaid, That the said auditors, or any two of them, are hereby authorised and directed to grant certificates for the pay or ballance of pay which may be due to any person or persons, and accrued within the period aforesaid, to whom certificates for the depreciation of pay hath been given by the said auditors by virtue of any law or laws of this State.

CHAP. 20.

AN ACT for the immediate sale of certain forfeited estates.

PASSED the 6th of April, 1784.

WHEREAS the public exigencies require that part of the forfeited estates should be sold. Preamble.

Be it therefore 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 Isaac Stoutenburgh Esquire, one of the commissioners of forfeitures for the southern district, shall forthwith after the passing of this act, sell for gold or silver only, such part of the real estates forfeited to the people of this State, and situate in the city of New York or in King's county, and in such manner as he shall deem most beneficial for this State, to an amount not exceeding twenty thousand pounds, any former law to the contrary thereof, in any wise notwithstanding: Provided always, that no part of the confiscated estates within the said city or county shall be sold as aforesaid which are mortgaged for the redemption of the money emitted by virtue of the act entitled "An act approving of the act of congress of the eighteenth of March one thousand seven hundred and eighty, relative to the finances of the United States, and making provision for redeeming the proportion of this State, of the bills of credit to be emitted in pursuance of the said acts of congress," passed the fifteenth day of June one thousand seven hundred and eighty.

Commissioner Stoutenburgh to sell for gold or silver only part of real estate forfeited in counties named.

And be it further enacted by the authority aforesaid, That the said Isaac Stoutenburgh as commissioner as aforesaid, shall certify to the treasurer of this State, the sum of money due by every person who shall become a purchaser of such estates, and on receiving the receipt of the treasurer of this State, that purchase money has been paid shall execute conveyances for the estates which shall be by him so sold, in the form prescribed in and by the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State and for declaring the sovereignty of the people of this State in respect to all property within the same," passed the twenty second day of October one thousand seven hundred and seventy nine only, altering such parts of the form as may be necessary, properly to express that the same were made and given by one commissioner and that such conveyances shall be as valid, effectual and operative in the law as if the same had been made by all or a majority of the commissioners of forfeitures for the southern district.

To certify to State treasurer sum due by any purchaser and on receiving receipt of treasurer to execute conveyance.

And be it further enacted by the authority aforesaid, That the said commissioner shall file abstracts in the clerk's office of the county in which the land lie, and which abstracts shall be entred in a book, and such commissioner shall make return to the legislature in like manner as is directed and prescribed in and by the third and fourth sections of an act entitled an act for the immediate sale of part of the forfeited estate, passed the tenth day of March one thousand seven hundred and fifty.

To file abstracts in clerk's office and make returns to legislature.

And be it further enacted by the authority aforesaid, That the said commissioner shall and he is hereby authorized to demise until the first day of May which will be in the year one thousand seven hundred and eighty five, such of the forfeited lands and tenements as are now or may hereafter come into his possession, and which he shall not sell by virtue of this act.

To demise forfeited lands not sold.

CHAP. 21.

AN ACT to divide the township of Hempstead in Queens county.

PASSED the 6th of April, 1784.

Preamble. WHEREAS the township of Hempstead in Queens county is so situated as to render the transacting of business at their annual town meetings, and the discharge of the duties of the town officers very inconvenient; for remedy thereof,

South
Hemp-
stead.

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 all that part of the said township of Hempstead south of the county road that leads from Jamaica nearly through the middle of Hempstead Plains to the east part thereof, shall be included in one township, and be hereafter called and known by the name of South Hempstead; and that all the residue of the said township of Hempstead shall be included in one township, and be hereafter called and known by the name of the township of North Hempstead.

North
Hemp-
stead.

Power to
hold town
meetings,
etc.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said several townships shall have full power and authority to convene and hold annual town-meetings within their respective townships; and then and there by plurality of voices to elect and choose a supervisor, town clerk and all other necessary officers, and enjoy the like privileges which by the laws of this State are incident to other townships in Queens county; who when so chosen and elected, shall respectively be vested with and have the like power and authority, and be subject to the like rules, regulations and penalties, as are by law prescribed for such officers respectively, in the other townships in the said county.

Taxes now
due, how
to be
levied.

And be it further enacted by the authority aforesaid, That all the taxes now due and in arrear from the inhabitants of the said township of Hempstead, shall be levied and collected by the collectors thereof, in like manner as if this act had not been passed.

Right of
oystering,
fishing,
etc.

And be it enacted by the authority aforesaid, That the inhabitants of South Hempstead shall enjoy the right of oystering, fishing and clamming, in the creeks bays and harbours of North Hempstead; and that the inhabitants of North Hempstead shall have and enjoy the like rights and privileges, in the creeks bays and harbours of South Hempstead.

Electors to
convene
on days
named and
elect super-
visors,
etc.

And be it enacted by the authority aforesaid, That the freeholders and inhabitants of South Hempstead, shall convene together on Tuesday the thirteenth day of April instant in the town spot of South Hempstead, and then and there by a plurality of voices choose a supervisor, town clerk, and all other necessary town officers, as aforesaid; and that the freeholders and inhabitants of North Hempstead, shall convene together on Wednesday the fourteenth day of April instant at Searing Town and there by a plurality of voices choose a supervisor, town clerk, and all other necessary town officers: And that the present justices of the peace

Judges of
election.

Annual
town
meetings.

of said township, with the supervisor or the major part of them, shall superintend direct and be judges of the said elections: And that for ever thereafter the said annual town-meetings shall be held on such days as are directed by a law of this State in that case made and provided, and at such place as a majority of the supervisors and justices shall direct.

CHAP. 22.

AN ACT to appoint his excellency the governor of this State or person administering the government for the time being, and the commissioners therein designated to superintend Indian affairs.

PASSED the 6th of April, 1784.

Be it therefore 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 his excellency the governor, or person administering the government for the time being, together with the commissioners appointed or to be appointed, by virtue of the act entitled, An act for Indian affairs passed the twenty fifth day of March one thousand seven hundred and eighty three, together with such other persons as the governor and commissioners shall deem it expedient and necessary to associate with themselves, shall and may, and hereby are authorized and required, to enter into such compact or compacts, agreement or agreements, with any Indians, residing within this State, as he, such commissioners and such associates shall judge to be for the interest of the people of this State, and to stipulate the ratification of any such compact or compacts, agreement or agreements, by the people of this State, represented in Senate and Assembly.

Governor and commissioners to enter into contracts with Indians.

And be it further enacted by the authority aforesaid, That the governor, and any two of the said commissioners, shall and may execute any duties required of him or them by virtue of this act, or which may be required of him or them, in as full and ample a manner, as altho all the said commissioners were present.

Governor and any two commissioners may execute duties imposed by this act.

CHAP. 23.

AN ACT for repairing the court house and gaol in Kings county.

PASSED the 6th of April, 1784.

WHEREAS the court house and gaol in Kings county have by the troops of the king of Great Britain during the late war been rendered unfit for use, or the reception and confinement of prisoners.

Preamble.

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 the supervisors of the several townships in Kings county for the time being, shall, and they are hereby authorized and directed to cause to be raised levied and collected of and from the freeholders and inhabitants of the said county a sum not exceeding two hundred pounds, for repairing the said court house and gaol, besides the expence of collecting the same; which said two hundred pounds, shall be raised levied and collected in like manner as the other contingent charges of the county are raised and collected, and be paid to the treasurer of the county for the time being.

Supervisors of Kings county to raise by tax sum named for repairing court-house and jail.

And be it further enacted by the authority aforesaid, That Philip Nagel and Jeremyas Vanderbilt be and hereby are authorized and empowered to cause the said court house and gaol to be repaired and finished in

Trustees named to cause repairs to be

made and inspect and audit accounts, etc.

such manner as they shall deem sufficient; and are appointed trustees to inspect, examine, audit, and pay and discharge all the accounts for workmanship or labor done, or any materials found or provided, for repairing the said court house and gaol; and that the county treasurer for the time being shall and do pay to the said trustees from time to time such sum or sums of money as they shall require for repairing the said court house and gaol, not exceeding in the whole the sum of two hundred pounds; and that the said trustees shall from time to time exhibit to the court of general sessions of the peace, to be holden in the county, for their examination, accounts of the expenditure of the monies which shall be by them received from the county treasurer, for repairing the said court house and gaol.

CHAP. 24.

AN ACT for the immediate relief of Stephen Barnes.

PASSED the 8th of April, 1784.

Preamble.

WHEREAS it hath been represented by the government of the State of Connecticut, to the government of this State, that a number of persons disguised, lately in a violent manner, broke and entered the dwelling house of Stephen Barnes at New-Fairfield in the said State of Connecticut, and with force conveyed the said Stephen Barnes from New Fairfield aforesaid to the county of Dutchess within this State, in order that civil process, issuing out of the courts of justice within this State might be served on him, and the said Stephen Barnes accordingly was brought into this State, immediately arrested, and taken into custody at the suit of several persons by virtue of special deputations obtained from the sheriff of the county of Dutchess for the purpose and is now confined on the said arrests in the gaol of the said county.

Judge to summarily inquire into facts and if it appears that person named was forcibly taken, etc., to discharge from arrest.

Be it therefore 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, to and for such judge of the inferior court of common pleas for the county of Dutchess, as shall be applied to for that purpose, either by the attorney general, or the said Stephen Barnes, and such judge is hereby directed and enjoined to enquire in a summary manner into the facts above cited, and if on such enquiry it shall appear to the said judge, that the said Stephen Barnes, was so forcibly taken, in the said State of Connecticut, and conveyed into this State with intent that civil process, out of the courts of this State, might be served on him the said Stephen Barnes, that it shall then be lawful for the said judge, to order the said Stephen Barnes to be discharged from all arrests made at the time, or at any time since he was so conveyed into this State: And it shall not be lawful for the sheriff or any other officer of the county of Dutchess, unless on criminal process to take or arrest the said Stephen Barnes, for the space of six days next after the said Stephen Barnes shall be discharged from the said arrests and released from confinement in consequence thereof.

Exempt from arrest on civil process for six days.

CHAP. 25.

AN ACT to ascertain weights and measures within this State.

PASSED the 10th of April, 1784.

WHEREAS it is agreeable to equity and beneficial to commerce, that a people who live in the same community, shall have one equal and just weight and ballance according to a true and perfect standard, and assize of measure to be established by law, without which necessary provision, frauds and deceits may be practised with impunity. Preamble.

Be it therefore 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 from and after the first day of June next, there shall be one just beam, one certain weight and measure, that is to say, averdupoize and Troy weights, bushels, half bushels, pecks and half pecks, according to the standard in use in this State, on the day of the declaration of the independence thereof. Weights and measures to be the standard in this State.

And that the standard weights and measures in the custody of William Hardenbrook, who before and at the time of the said declaration, was the public sealer and marker, of all beams and weights, and measures, within the city and county of New York; which standard is according to the standard of the court of exchequer in that part of Great Britain, called England, shall forever hereafter be deposited with, kept and preserved by the clerk of the peace or common clerk of the city and county of New York for the time being, and shall be and hereby are declared, and established to be and remain the standard, for ascertaining all beams, weights and measures throughout the State, any usage or custom to the contrary thereof notwithstanding. And the said clerk of the peace or common clerk, now, and for the time being, shall take an oath to be administered to him in open court before the mayor recorder and aldermen of the said city, well and faithfully to preserve the said weights, seals and measures, and to suffer no other person to make use of the same except a sworn public sealer and marker of weights and measures, Provided always, That the said William Hardenbrook, shall deliver the said beam weights and measures to the clerk of the peace or common clerk of the said city and county in the presence of the mayor, recorder and one or more of the aldermen of the said city, and shall declare on his solemn oath, that the said beam, weights or measures are the same which he received from the court of exchequer aforesaid, according to the best of his knowledge and belief. Weights and measures now in custody of William Hardenbrook to be deposited with clerk named and to remain in his custody and be the standard. Clerk to take oath, etc.

Provided always and be it further enacted That if any of the said standard beams weights and measures shall be broken, impaired or missing, that it shall and may be lawful to and for the mayor and aldermen of the city of New York in common council convened, to cause to be delivered to the said clerk of the peace, or common clerk for the time being any standard beam weights and measures, respectively, to supply such deficiency, taking care that the same is according to the standard established in the late colony now State of New York immediately preceding the declaration of independence of this State. If standard beams, weights and measures be broken, mayor, etc., to supply deficiency.

And be it further enacted by the authority aforesaid, That for the better observance and execution of this act it shall and may be lawful to and for his excellency the governor of this State for the time being, by and with the advice and consent of the council of appointment, to appoint fit persons in all convenient and proper places within this State for sealing and marking all beams weights and measures. That the per- Persons to be appointed for sealing and marking beams, etc. How to be marked.

Official
oath, etc.

sons so to be appointed shall impress with the letter A all beams, weights and measures, to be sealed and marked by each of them respectively, and shall respectively take and subscribe an oath, before one of the judges of the court of common pleas of the county in which he or they shall reside for the faithful execution of the trust to be committed to them by virtue of this act, and the judge before whom such oath shall be taken, shall cause a certificate thereof to be filed with the clerk of the county wherein such judge shall reside and every such sworn public sealer and marker of weights seals and measures, shall be entitled to receive for his pains in sealing and marking all such beams and measures, as shall from time to time for that purpose be brought to him, the rate of nine pence, and for every weight, and every small liquid measure one penny and no more: Saving always nevertheless unto the cities of New York and Albany and borough of Westchester, and the mayors thereof for the time being, all such rights, priviledges and usages as they respectively can justly claim as clerks of the markets within the said cities and borough, or otherwise howsoever, any thing herein contained to the contrary notwithstanding.

Rights,
etc., re-
served.

CHAP. 26.

AN ACT authorising magistrates within this State, to take affidavits to be used in the manner therein mentioned.

PASSED the 10th of April, 1784.

Preamble.

WHEREAS persons residing within this State may be material witnesses in causes to be tried in others of the United States, and may refuse to attend at the trial of such causes, or voluntarily to make affidavit of the circumstances they may know touching the matter in dispute, and whereas it is represented to this legislature that it is the practice in the courts of justice in some of the United States, to admit as legal evidence, affidavits taken in the manner herein after mentioned

Summons
may be
issued to
compel
attend-
ance of
witnesses
to make
affdavits
to be used
in courts
in other
States.

I. *Be it therefore 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 be lawful, for a judge of the supreme court, or any magistrate of any city or county within this State upon application by, or in behalf of either of the parties to a suit depending in a court of judicature in any other of the United States, and information that any person residing within the county where such application is made, is a material witness in the suit, to issue a summons to such person requiring him or her to appear, and make affidavit of all such matters and things as he or she may know concerning the same, and to transmit the affidavit to the court where the cause is depending in such manner as the practice of such court may require to render such affidavit legal testimony.

Witnesses'
fees.

Provided always and be it further enacted by the authority aforesaid That every witness who shall be summoned to give evidence in manner aforesaid shall be intitled to receive from the party at whose instance he shall be summoned, four shillings for every day he shall give his attendance, and that no witness shall be bound to appear by virtue of this act, except only before one of the judges or magistrates who shall be nearest to the place of residence of such witness.

And be it further enacted by the authority aforesaid That whenever any person shall refuse to appear and make affidavit in pursuance of such summons, a warrant shall issue from such judge or magistrate to compel his appearance, and if on his appearance he shall refuse to make affidavit, or affirmation if a Quaker, of the fact which may be within his knowledge touching the matters in question, he shall be committed to the common gaol of the county, there to remain without bail or mainprise for the term of six callender months.

Warrant to issue against witnesses refusing to appear.

CHAP. 27.

AN ACT to repeal an act entitled An act to revive and amend an act entitled an act more effectually to prevent robberies within this State.

PASSED the 10th of April, 1784.

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 the act entitled "An act to revive and amend an act entitled an act more effectually to prevent robberies within this State," passed the first day of July, one thousand seven hundred and eighty, shall be, and the same is hereby repealed.

Act named repealed.

CHAP. 28.

AN ACT to prevent the danger arising from the pernicious practice of lodging gun powder in dwelling houses, stores, or other places within certain parts of the city of New York, or on board of vessels within the harbour thereof.

PASSED the 13th of April, 1784.

WHEREAS the storing of gun powder within the city of New York is dangerous to the safety thereof.

Preamble.

Be it therefore 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 from and after the passing of this act, it shall not be lawful for any merchant, shopkeeper, or retailer, or any other person, or persons whatsoever, to have or keep any quantity of gun powder exceeding twenty-eight pounds weight, in any one place, less than one mile to the northward of the city hall of the said city, except in the public magazine at the Fresh-water, and the said quantity of twenty-eight pounds weight, which shall be lawful for any person to have and keep at any place within this city, shall be seperated into four stone jugs or tin canisters, which shall not contain more than seven pounds each, on pain of forfeiting all such gun powder, and the sum of fifty pounds for every hundred weight, and in that proportion for a greater or lesser quantity, and upon pain of forfeiting such quantity which any person may lawfully keep as aforesaid, and which shall not be seperated as above directed, with full costs of suit to any person, or persons, who will inform and sue for the same, by any action, bill, or information, in any of the courts of record, in this city, who are hereby impowered, and required, to give special judgment in such action bills or informations, to be brought

Unlawful to keep gunpowder in quantities exceeding twenty-eight pounds except in public magazine, etc.

Penalty.

by virtue of this act, as well for the recovery of the value of such gun powder in specie, as for the penalty aforesaid, besides costs, and to award, effectual execution thereon, provided always that all suits, actions, or prosecutions to be brought, commenced, or prosecuted, against any person or persons, for any thing done in pursuance of this act, shall be commenced and prosecuted without willful delay, within two callender months next after the fact was committed, and not otherwise.

And whereas vessels arriving from sea, and having onboard as part of their cargo a quantity of gun powder.

Be it enacted by the authority aforesaid, That the commander, or owner or owners, of all such ships or vessels, having gun powder onboard, shall, within twenty-four hours after her arrival in the harbour, and before they hawl along side of any wharf, pier or key within the city, land the said gun powder, by means of their boat or boats, or any other craft, at any place along the ship yards on the East river, or at any place to the northward of the air furnace on the North river, which may be most contiguous to the magazine at Fresh water, and shall cause the same to be stored there, or in any other proper magazine, which now is or hereafter may be built for that purpose, at any place to the northward thereof, on pain of forfeiting all such gun powder, to any person or persons, who will inform and sue for the same, in like manner, as is herein before directed, with respect to the having and storing of gun powder within the city as aforesaid. And in order to prevent any fatal consequences which may arise, from the carriage of gun powder, in and through the streets of the city of New York, by carts, carriages, or by hand, or otherways, it shall be in tight cask, well headed and hooped, and shall be put into bags or leather-cases, and intirely covered therewith, so as that none be spilt or scattered in the passage thereof, on pain of forfeiting all such gun powder, as shall be conveyed through any of the streets aforesaid in any other manner than is herein directed, and it shall and may be lawfull for any person or persons, to seize the same to his or their own use and benefit—provided the person or persons so offending, be thereof lawfully convicted, before the mayor, recorder, or any two justices of the city aforesaid. And that it shall and may be lawfull, for the mayor recorder, or any two justices of the peace of the city and county of New York, upon demand made by any inhabitant or inhabitants of the said city, who assigning a reasonable cause of suspicion on oath, of the sufficiency of which the said mayor or recorder, or justices, is and are to judge, to issue his or their warrant or warrants, under his or their hands and seals, for searching in the day time for gun powder in any building or place whatsoever, within the limits aforesaid, or any ship or vessel within forty eight hours after her arrival in the harbour, or at any time after any such ship or vessel shall and may have hawled alongside of any wharf pier or key within the limits aforesaid, and that upon any such search, it shall be lawfull for the searchers or persons finding the same, immidiatly to seize, and at any time within twelve hours after such seizure, to cause the same to be removed to the magazine at Fresh water, or to any other proper magazine, which now is or hereafter may be at any place north of Fresh water aforesaid, and the same being so removed, it shall be lawfull to detain and keep the same untill it shall be determined by the mayor, recorder or any two of the justices of the peace of the city and county aforesaid, whether the same shall be forfeited by virtue of this act, and the person or persons so detaining the same, shall not be subject or liable to any action or suit, for the detention thereof, provided always that nothing in the act con-

Gunpowder on vessels to be landed before vessel hauls alongside of wharf, etc.

How gunpowder to be transported through streets of city.

Warrant to search in day time for gun powder unlawfully stored may be issued, etc.

tained, shall be construed to authorize any person, having such warrant to take advantage of the same, for serving any civil process of any kind whatsoever.

And be further enacted by the authority aforesaid, That if any gun powder, exceeding the quantity which any person by this act may lawfully keep in his custody, shall be found during any fire, or alarm of fire, in the said city, by any of the firemen of the said city, it shall be lawful for him to seize the same, without warrant from a majestrate, and to hold and have the same to his own use, any thing in this act to the contrary notwithstanding. This act to be and continue in force from the passing thereof, untill the twenty-eight day of February in the year of our Lord one thousand, seven hundred and eighty six.

If found during any fire may be seized without warrant.

CHAP. 29.

AN ACT to lengthen the terms of the inferior courts of common pleas and general sessions of the peace, in the counties of Westchester, Queens and Richmond; and for other purposes therein mentioned.

PASSED the 13th of April, 1784.

WHEREAS the duration of the terms of the inferior courts of common pleas and general sessions of the peace, in the counties of Westchester, Queens and Richmond; which, in the county of Westchester, continue from the fourth Tuesday in May until the Friday following, and from the first Tuesday in November until the Friday following, in every year; in Queens county, from the third Tuesday in May until the Friday following, and from third Tuesday in September until the Friday following, in every year; and in Richmond county, from the first Tuesday in May until the Friday following, and from the last Tuesday in September until the Friday following, in every year, are found from experience, to be too short for the discharge of the necessary business in the said respective courts.

Preamble.

Be it therefore 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 the terms of the inferior courts of common pleas and general sessions of the peace in the county of Westchester, shall hereafter commence on the fourth Monday in May and first Monday in November, in every year, and shall continue until the several Saturdays next following, inclusive; that the terms of the inferior courts of common pleas and general sessions of the peace in Queens county, shall commence on the third Mondays in May and September, in every year, and shall continue until the several Saturdays next following, inclusive; and that the inferior courts of common pleas and general sessions of the peace in the county of Richmond, shall commence on the first Monday in May and last Monday in September, in every year, and shall continue until the several Saturdays next following, inclusive. That all process issued out of the said respective courts, and made returnable on the usual return days, and all recognizances by which any person or persons shall be bound to appear on the said usual return days, shall be deemed good and valid on such days, although such days of return and appearance, are by this act, respectively altered.

Terms of the courts, when to commence and when to close.

Process issued returnable on usual return days valid.

Adjournments.

Provided always, and be it further enacted, That it shall and may be lawful, to and for each of the said courts respectively, when they shall conceive the due administration of justice will admit thereof, to adjourn over the said courts respectively to the succeeding term, on any day preceeding the last day to which the power of holding such of the said courts is hereby extended as aforesaid.

Proviso as to want of timely notice to supervisors to meet.

And whereas by an act of the legislature passed this present meeting entitled "An act relative to the gaols in Suffolk, Queens, Richmond and Westchester counties, and for other purposes therein mentioned" the supervisors of the said county of Suffolk were directed to meet at the usual place of meeting of the supervisors of the said county on the last Tuesday in March last, for the purposes in the said act mentioned, but for want of timely notice, the said supervisors could not be assembled, according to the intention of the said act.

Lawful to meet on third Monday of May next.

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful, to and for the supervisors of the said county of Suffolk to assemble and meet together on the third Tuesday in May next, at the place and for the purposes in and by the said act mentioned and prescribed, and it is hereby declared that the proceedings of the said supervisors on the said day in pursuance of the said act, shall be as good, valid and effectual to all intents and purposes whatsoever, as if the same had been done and performed on the day in the said recited act appointed for the doing and performing thereof.

CHAP. 30.

AN ACT to remove doubts concerning the corporation of the chamber of commerce and to confirm the rights and privileges thereof.

PASSED the 13th of April, 1784.

Preamble.

WHEREAS George the Third king of Great Britain did on the thirteenth day of March one thousand seven hundred and seventy grant certain letters patent to the persons therein named under the great seal of the then colony of New York which said letters patent are in the words following that is to say

Letters patent recited.

George the Third by the grace of God of Great Britain France and Ireland king defender of the faith and so forth. To all whom these presents shall come greeting.

Whereas a great number of merchants in our city of New York in America, have by a voluntary agreement associated themselves for the laudable purposes of promoting the trade and commerce of our said province.

President's petition.

And whereas John Cruger Esquire the present president of the said society by his humble petition presented in behalf of the said society to our trusty and well beloved Cadwallader Colden Esquire our lieutenant governor and commander in chief of our said province of New York and the territories depending thereon in America and read in our council for our said province on the twenty eighth day of February last past, hath represented to our said lieutenant governor that the said society (sensible that numberless inestimable benefits have accrued to mankind from commerce; that they are in proportion to their greater or lesser application to it more or less opulent and potent in all countries, and

that the enlargement of trade will vastly increase the value of real estates as well as the general opulence of our said colony) have associated together for some time past in order to carry into execution among themselves, and by their example to promote in others such measures as were beneficial to these salutary purposes, and the said society having with great pleasure and satisfaction, experienced the good effects which the few regulations already adopted, had produced, were very desirous of rendering them more extensively usefull and permanent, and more adequate to the purposes of so benevolent an institution. And therefore the petitioner in behalf of the said society most humbly prayed our said lieutenant governor, to incorporate them a body politick, and to invest them with such powers and authorities as might be thought most conducive to answer and promote the commercial and consequently the landed interest of our said growing colony, which petition being read as afforesaid, was then and there referd to a committee of our said council and afterwards on the same day our said council in pursuance of the report of the said committee did humbly advise and consent that our said lieutenant governor by our letters patent should constitute and appoint the petitioner and the present members of the said society a body corporate and politick by the name of The Corporation of the Chamber of Commerce in the city of New York in America agreeable to the prayer of the said petition Therefore we being willing to further the said laudable designs of our said loving subjects and to give stability to an institution from whence great advantages may arise, as well to our kingdom of Great Britain as to our said province. Know ye that of our especial grace, certain knowledge and mere motion, we have willed, ordained, given, granted, constituted and appointed, and by these presents for us our heirs and successors. Do will ordain, give, grant, constitute, and appoint that the present members of the said society associated for the purposes aforesaid, that is to say, John Cruger, Elias Desbrosses, James Jauncy, Jacob Walton, Robert Murray, Hugh Wallace, George Folliot, William Walton, John Alsop, Henry White, Philip Livingston, Samuel Verplank, Theophylact Bache, Thomas White, Miles Sherbrooke, Walter Franklin, Robert Ross Waddel, Achison Thompson, Lawrence Kortwright, Thomas Randall, William McAdam, Isaac Low, Anthony Van Dam, Robert Watts, John Harris Cruger, Gerard Walton, Isaac Sears, Jacobus Van Zandt, Charles McEvers, John Moore, Lewis Pintard, Levinus Clarkson, Nicholas Gouverneur, Richard Yates, Thomas Marston, Peter Hassencliver, Alexr. Wallace, Gabriel H. Ludlow, Thomas Buchannan, William Neilson, Thomas Simpson, Peter Kettle-tass, Gerrard W. Beekman, Jacob Watson, Richard Sharp, Peter Remsen, Henry Remsen, junior, William Seton, Edward Laight, John Reade, Robert Alexander, Thomas W. Moore, Abraham Lynsen, John Rosevelt, Nicholas Hoffman, Hamilton Young, Thomas Walton, John Thurman, John Weatherhead, Garret Rapeljie, Gerrard Duyckink, William Staple, William Inlay, Augustus Van Horne, Henry C. Bogert, George W. Ludlow, Joseph Bull, Leonard Lispenard, Thomas Miller, James Beekman, Samuel Kimble, Alexr. McDonald and Samuel Bayard junior, all of our city of New York in our said province of New York merchants and their successors to be elected by virtue of this our present charter shall forever hereafter be one body corporate and politick in deed fact and name by the name stile and title of the corporation of the chamber of commerce in the city of New York in America and them and their successors by the same name. We do by these presents really and fully make erect create constitute and declare one body politick and corporate in deed fact and name forever, and will give

Prayer for
incorporation.

Corpora-
tors.

Corporate
name and
powers.

grant and ordain that they and their successors the corporation of the chamber of commerce in the city of New York in America by the same name shall and may have perpetual succession and shall and may by the same name be persons capable in the law to sue and be sued implead and be impleaded answer and be answered defend and be defended in all courts and elsewhere in all manner of actions suits complaints pleas causes matters and demands whatsoever as fully and amply as any other of our liege subjects of our said province of New York may or can sue or be sued implead or be impleaded defend or be defended by any lawful ways or means whatsoever and that they and their successors by the same name shall be forever hereafter persons capable and able in the law to purchase, take receive hold and enjoy to them and their successors any messuages, tenements, houses and real estates whatsoever and all other hereditaments of whatsoever nature kind and quality they be in fee simple for term of life or lives or in any other manner, howsoever and also any goods, chattels, or personal estate whatsoever as well for enabling them the better to carry into execution encourage and promote by just and lawfull ways and means such measures as will tend to promote and extend just and lawfull commerce as to provide for, aid, and assist at their discretion such members of our said corporation as may be hereafter reduced to poverty and their widows and children. Provided always the clear yearly value of the said real estate doth not at any time exceed the sum of three thousand pounds sterling lawfull money of our kingdom of Great Brittain. And that our said corporation of the chamber of commerce in the city of New York in America and their successors forever by the same name shall and may have full power and authority to give, grant, sell, lease, demise, and dispose of the same real estate and hereditaments whatsoever for life or lives or years or forever and all goods chattels and personal estates whatsoever at their will and pleasure according as they shall judge to be most beneficial and advantageous to the good ends and purposes above mentioned and that it shall and may be lawfull for them and their successors forever hereafter to have a common seal to serve for the causes and business of them and their successors, and the same seal to change, alter break and make new from time to time at their pleasure, and also that they and their successors by the same name, shall and may have full power and authority to erect and build out of their common funds or by any other ways or means for the use of the said corporation hereby erected any house houses or other buildings as they shall think necessary and convenient, and for the better carrying into execution the purposes aforesaid. Our royal will and pleasure is and we do hereby give and grant to the corporation of the chamber of commerce in the city of New York in America and their successors forever that there shall be forever hereafter belonging to the said corporation, one president one or more vice president or vice presidents, one or more treasurer or treasurers and one secretary and for the more immediate carrying into execution our royal will and pleasure herein we do hereby assign constitute and appoint the above named John Cruger Esquire to be the present president the above named Hugh Wallace to be the present vice president the above named Elias Desbrosses to be the present treasurer and the above named Anthony Van Dam to be the present secretary of our said corporation hereby erected who shall hold possess and enjoy their said respective offices untill the first Tuesday in May now next ensuing, and for the keeping up the succession in the said offices, our royal will and pleasure is and we do hereby for us our heirs and successors, establish, direct

Proviso as
to clear
yearly
value of
real estate.

Officers.

and require and give and grant to the said corporation of the chamber of commerce in the city of New York in America and their successors forever that on the said first Tuesday in May now next ensuing and yearly and every year forever thereafter on the first Tuesday in May in every year they and their successors shall meet at some convenient place in our said city of New York to be fixed and ascertained by some of the bye laws or regulations of our said corporation and there by the majority of such of them as shall so meet shall by ballot or in such other manner and form as shall be regulated by the bye laws or regulation of our said corporation, elect or choose one president one or more vice president or vice presidents one or more treasurer or treasurers and one secreta^y to serve in the said offices for the ensuing year who shall immediately enter upon their respective offices and hold exercise and enjoy the same respectively from the time of such election for and during the space of one year and untill other fit persons shall be elected and chosen in their respective places according to the laws and regulation aforesaid and in case any of the said persons by these presents nominated and appointed to the respective offices aforesaid or who shall hereafter be elected and chosen thereto respectively shall die or on any account be removed from such officers respectively before the time of their respective appointed services shall be expired or refuse or neglect to act in and execute the office for which he or they shall be so elected and chosen or is or are herein nominated or appointed that then and in any and every such case it shall and may be lawful for the members of our said body corporate hereby erected to meet at such time and times and at such place and places within our said city of New York and upon such notices or summons as shall for that purpose be established and directed by the bye laws or regulations of our said body corporate and there by the majority of such of them as shall so meet elect and choose other or others to the said offices respectively in the place of him or them so dying removing neglecting or refusing to act in manner and form and after the same method to be observed in the annual elections of the like offices respectively by virtue of these our letters patent and the said bye laws or regulations of our said corporation hereby giving and granting that such person or persons as shall be so elected and chosen by the majority of such of the said members as as shall meet in manner aforesaid shall have hold exercise and enjoy such the office or offices to which he or they shall be so elected and chosen from the time of such election untill the first Tuesday in May then next ensuing and untill other or others be legally chosen in his or their place and stead as fully and amply to all intents and purposes whatsoever as the person or persons in whose place he or they shall be chosen might or could have done by virtue of these presents. And our will and pleasure is and we do hereby for us our heirs and successors ordain direct and require that every president, vice president, treasurer and secretary to be elected by virtue of these presents shall before they act in their respective offices take an oath or affirmation to be to them administered by the president or in his absence by one of the vice presidents of the preceding year (who are hereby authorised to administer the same) for the faithfull and due execution of their respective offices during their continuance in the same respectively. And we do further for us our heirs and successors give and grant to to the corporation of the chamber of commerce in the city of New York in America and their successors forever that besides the anual meeting of our said corporation herein before directed and appointed to be held on the first Tuesday in May in every year it shall and may be lawfull

Time of holding annual election.

Term of office.

Vacancies, how filled.

Official oath.

for them their heirs and successors forever hereafter for promoting and carrying into execution the laudable intents and designs aforesaid and for the transacting the business and concerns of our said corporation to meet together on the first Tuesday in every month forever at such place or places in our said city of New York as shall for that purpose be established fixed ascertained and appointed by the bye laws and regulations of our said corporation and that the members of our said corporation being so met or so many of them in number at the least as shall by the bye laws or ordinances of our said corporation be for that purpose from time to time established directed ordained or appointed shall together with the president or any one of the vice presidents of our said corporation for the time being, be a legal meeting of our said corporation; and they or the major part of them so met shall have full power and authority to adjourn from day to day or for any other time, as the business of our said corporation may require and to do, execute and perform all and every act and acts thing and things whatsoever which the said corporation of the chamber of commerce in the city of New York in America are or shall by these our letters patent be authorized to do act or transact in as full and ample manner as if all and every of the members of the said corporation were present, and that at any such legal meeting of the said corporation they shall and may in writing under the common seal make frame constitute establish and ordain from time to time and at all times hereafter such laws constitutions, ordinances regulations and statutes for the better government of the officers and members of the said corporation for fixing and ascertaining the places of meeting of our said corporation as aforesaid, and for regulating all other their affairs and business as they or the major part of them so legally met shall judge best for the generally good of the said corporation and profitable for the more effectually promoting the beneficial designs of their institution all which laws constitutions regulations ordinances and statutes so to be made framed constituted established and ordained as aforesaid. We will command and ordain by these presents for us, our heirs and successors to be from time to time and at all times hereafter kept obeyed and performed in all things as the same ought to be on the penalties and americiaments in the same to be imposed and limited so as the same laws coustitutions regulations and statutes be reasonable in themselves and not repugnant or contrary to the laws and statutes of that part of our kingdom of Great Brittain called England, nor of our said province of New York and for the keeping up and preserving forever hereafter, a succession of members for the said corporation our will and pleasure is and we do hereby for us our heirs and successors, ordain and give and grant to the said corporation of the chamber of commerce in the city of New York in America and their successors forever that at any time of the stated legal meetings of the said corporation to be held on the first Tuesday in every month forever hereafter but at no other meeting of our said corporation it shall and may be lawfull for them and their successors forever to elet and choose in such manner and form and upon such terms and conditions as shall be directed ordained and established for that purpose by any of the said bye laws statutes constitutions or ordinances of the said corporation such and so many persons to be members of the said corporation as they shall think beneficial to the laudable designs of the said corporation which persons and every of them so from time to time elected and chosen, shall by virtue of these presents and of such election be vested with all powers authorities and privileges which any member of the said cor-

Monthly meetings.

Quorum.

Adjournments.

Ordinances regulations, etc.

To be kept, obeyed and performed.

Power to elect new members.

poration is hereby invested with and in case any other extraordinary meeting or meetings of the said corporation shall at any time or times be judged necessary for the promoting of the interest and business of the said corporation, we do hereby for us our heirs and successors, will declare and ordain, that it shall and may be lawfull for our said corporation to meet from time to time at such days and times and at such places in our said city of New York and upon such notices or summons as shall for that purpose from time to time be settled established and ordained by the laws ordinances or statutes of the said corporation and that the members of our said corporation being so met or so many of them in number at least as by the said laws ordinances and statutes aforesaid shall from time to time be established directed ordained and appointed for that purpose shall together with the president or one of the vice presidents of the said corporation for the time being be a legal meeting of the said corporation and they or the major part of them so met shall have full power and authority to act transact, do and perform all and singular whatsoever may be transacted done and performed at any the hereby stated meetings aforesaid of the said corporation saving and except the electing members making laws ordinances and statutes and disposing of the real estates of the said corporation; and our will and pleasure is that until the same shall be otherwise regulated as aforesaid that the meetings of the said corporation shall be held in the great room of the building commonly called the Exchange, situate at the lower end of the street called Broad street in the said city of New York and that until the same shall be also otherwise regulated as aforesaid that no act done in any meeting of the said corporation shall be legal good or valid unless the president or one of the vice presidents and twenty others of the members of the said corporation at the least be present and the major part of them consenting thereto and we do further give and grant to the said corporation of the chamber of commerce in the city of New York in America, that it shall and may be lawfull for the president of the said corporation at all times hereafter forever to appoint a door-keeper one or more messenger or messengers and all such other inferior officers as shall by him be thought necessary for the said corporation and to displace them and any and every of them at his will and pleasure provided nevertheless, that no such door keeper messenger or other officer shall hold his or their office or offices by virtue of any such appointment longer than untill the then next lawfull meeting for the said corporation unless such person or persons so appointed shall be then approved of by the majority of such of the members of the said corporation as shall then be met. And we do further of our especial grace certain knowledge and mere motion for us our heirs and successors grant and ordain that when and as often as the president or any vice president treasurer or secretary of the said corporation shall misdemean himself in his or their said offices respectively and thereupon a complaint or charge in writing shall be exhibited against him or them by any member of the said corporation at any legal meeting or meetings of the said corporation that it shall and may be lawfull for the members of the said corporation then met or the major part of them from time to time upon examination and due proof to suspend or discharge such president, vice president treasurer or secretary from their offices respectively altho' the yearly or other time for their respective services shall not be expired any thing before in these presents contained to the contrary thereof in any wise notwithstanding. And further we do by these presents, for us, our heirs and successors give and grant unto the said corporation of the chamber of

Meetings.

Business that may be transacted at such meetings.

Meetings to be held in great room of the Exchange.

Quorum.

Doorkeepers and messengers.

Officers named may be suspended upon due proof, etc.

Charter to be

favorably construed.

Misrecital, etc., not to invalidate charter.

Attestation.

Proviso as to enjoyment of rights, etc.

Ibid, as to interruption of exercise of rights, etc.

Petitioners.

Statement and prayer of petition.

Powers, rights, etc., granted by original

commerce in the city of New York in America and their successors forever that this our present charter shall be deemed adjudged and construed in all cases most favourably and for the best benefit and advantage of our said corporation and for promoting the good intentions and designs herein before expressed inducing us graciously to grant the same. And that this our present grant being entered on record as herein after is expressed or the enrollment thereof shall be forever hereafter good and effectual in the law according to our true intent and meaning herein before declared without and other licence, grant or confirmation from us our heirs and successors hereafter by the said corporation to be had or obtained notwithstanding the not reciting or misrecital or not naming or misnaming of the aforesaid offices, franchises previlidges, immunities, or other the premises, or any of them. And altho' no writ of ad quod damnus or other writs inquisitions or precepts hath been upon this occasion, had made, issued or prosecuted any statute, act, ordinance or provision or other matter or any thing to the contrary thereof in any wise notwithstanding. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed and the same to be entered on record in our secretarys office for our said province in one of the books of patents there remaining. Witness our trusty and will beloved Cadwallader Colden Esquire our lieutenant governor and commander in chief of our said province of New York and the territories depending thereon in America by and with the advice and consent of our council for our said province at Fort George in our city of New York this thirteenth day of March in the year of our Lord one thousand seven hundred and seventy and of our reign the tenth. By virtue whereof the said John Cruger and others of the city of New York merchants therein named and their successors did hold exercise and enjoy all and singular the rights previliges franchises powers and immunities therein particularly mentioned and granted. And whereas during the late war and public calamities the exercise and enjoyments of the said rights priviledges franchises and immunities hath been for a long time interrupted and suspended by means whereof doubts have arisen wether the said rights priviledges franchises and immunities can be legally resumed held exercised or enjoyed. An whereas Samuel Broome, Jeremiah Platt, John Broome, Benjamin Ledyard, Thomas Randall, Robert Bowne, Daniel Phœnix, Jacob Morris, Eliphalet Brush, James Jarvis, John Blagg, Viner Van Zant, Stephen Sayre, Jacobus Van Zant, Nathaniel Hazard Thomas Hazard, Abraham P. Lott, Abraham Duryee, William Malcom, John Alsop, Isaac Sears, James Beekman, Abraham Lott, Comfort Sands, Joseph Blackwille, Joshua Sands, Lawrence Embree, George Embree, Gerardus Duyckinck junior, Cornelius Ray, Anthony Griffiths, Thomas Tucker, John Berrian, Isaac Roosevelt, John Franklin, John H. Kipp, Henry H. Kipp, Archibald Currie, David Currie and Jonathan Lawrence all of the said city merchants have by their humble petition set forth that the said letters patent and the powers and previlidges exercised and enjoyed under the same have greatly promoted the commercial interests of this State and that great and daily inconveniences and injury are suffered by the suspension thereof and have prayed that the said letters patent with all and singular the powers and franchises therein contained may be revived confirmed and established.

Be it therefore 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 the said letters patent and all and singular the powers rights, privileges, franchises and immunities therein and thereby granted

shall be and the same are hereby ratified and confirmed and the said letters pattend and all and every their former rights privileges franchises and immunities therein and thereby granted shall be and remain in full force and efficacy notwithstanding any non user or mis user of any of the said powers rights privileges franchises and immunities heretofore had committed done or suffered between the nineteenth day of April one thousand seven hundred and seventy five, and the day of the passing of this act. And that the said Samuel Broome, Jeremiah Platt, John Broome, Benjamin Ledyard, Thomas Randall, Robert Bowne, Daniel Phoenix, Jacob Morris, Eliphalet Brush, James Jarvis, John Blagg, Viner Van Zant, Stephen Sayre, Jacobus Van Zant, Nathaniel Hazard, Thomas Hazard, Abraham P. Lott, Abraham Duryee, William Malcom, John Alsop, Isaac Sears, James Beekman, Abraham Lott, Comfort Sands, Joseph Blackwille, Joshua Sands, Lawrence Embree, George Embree, Gerardus Duyckinck junior, Cornelius Ray, Anthony Griffiths, Thomas Tucker, John Berrian, Isaac Roosevelt, John Franklin, John H. Kipp, Henry H. Kipp, Archibald Currie, David Currie and Jonathan Lawrence and their successors shall and may forever hereafter remain continue and be a body corporate and politic in deed fact and name by the name of The corporation of the chamber of commerce of the State of New York and by that name to sue plead and be impleaded and to answer and to be answered.

charter confirmed.

Corporators.

Corporate name.

And be it further enacted by the authority aforesaid That the said John Alsop shall be the present president, the above named Isaac Sears the present vice president, the above named John Broome the present treasurer and the above named John Blagg the present secretary of the said corporation who shall hold possess and enjoy their said respective offices until the first Tuesday in May now next ensuing. And in case any or either of the said persons hereby nominated and appointed to the respective offices aforesaid shall happen to die or shall neglect or refuse to act in or execute, or shall be removed from such office or offices respectively before the said first Tuesday in May next that then and in every such case it shall and may be lawfull for the members of the said body corporate to meet at such time and times and at such place and places within the said city as they shall for that purpose appoint, and upon such notices or summons as have heretofore been used and established by the said body corporate and then and there by the majority of such as shall so meet to elect and choose other or others to the said office or offices respectively in the place of him or them so dying or neglecting or refusing to act or being removed, in the manner heretofore used in the annual elections of the like officers which person or persons so elected and chosen shall enjoy and exercise the said office or offices and all and singular the priviliges and powers thereto belonging or appertaining untill the said first Tuesday in May next.

Officers.

In case of refusal to serve, etc., members to elect.

And be it further enacted by the authority aforesaid That the corporation of the chamber of commerce of the State of New York and their successors shall and may for ever hereafter peaceably have hold, use and enjoy all and every the rights powers liberties, priviliges franchises, usages, lands, tenements, estates and heriditaments, which have heretofore by virtue of the above recited charter been given or granted unto the said corporation by the name of The corporation of the chamber of commerce of the city of New York in America.

Corporate rights, etc.

CHAP. 31.

AN ACT for the regulation of pilots and pilotage for the port of New York, and for other purposes therein mentioned.

PASSED the 14th of April, 1784.

Preamble.

WHEREAS the safety of the navigation to and from the port of New-York, will be much promoted by the establishment of proper regulations for the pilots, and of their rates of pilotage.

Master wardens and branch pilots to be appointed by governor, etc.

I. *Be it therefore 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 to and for his excellency the governor, or person administering the government of the State for the time being, by and with the advice and consent of the council of appointment, to appoint, as often and from time to time, as to such council shall seem necessary, one fit and proper person to be master, and three or more fit and proper persons to be wardens of the said port of New York, who shall be called the master and wardens of the port of New York; and in like manner to appoint and commission a sufficient number of persons to be branch pilots of the said port, each of whom are hereby empowered to appoint one deputy under him. Provided that no person shall hereafter be commissioned as a branch pilot, or appointed a deputy pilot, until he shall have been examined before, and obtained a certificate from the master and wardens of the said port or any three or more of them, under their hands and seals, of his being duly qualified for such office: and if any person not so commissioned or appointed shall pilot any ship or other vessel going into or out of the said port, from or to Sandy Hook when a branch or deputy pilot offers, such person shall forfeit and pay the sum of five pounds.

Deputy pilots.

Examination before appointment as pilot.

Penalty for refusing to aid ship in distress.

II. *And be it further enacted by the authority aforesaid,* That if any branch pilot or his deputy shall neglect or refuse to give all the aid and assistance in his power to any ship or other vessel appearing in distress on the coast or in want of a pilot, such branch pilot or deputy shall either forfeit his or their branch deputation or pay a fine not less than five pounds nor more than twenty pounds at the discretion of the master and wardens aforesaid or any three or more of them, which said master and warden or any three or more of them are hereby empowered to impose such fine, to suspend any of the said pilots or deputies for such offence, until the pleasure of the council of appointment shall be known; and further by and with the consent and approbation of the governor or person administering the government of the State for the time being, to make and establish such prudential regulations and orders for the better government of the said pilots as they shall from time to time judge to be useful and necessary, and the same to revoke, alter and amend, as in their opinion will most effectually promote the good purposes for which this act is intended. And for the better observance of such rules and orders as from time to time may be made and published, the said master and wardens or any three or more of them are hereby further empowered to impose and lay any fine or fines for the breach of any such rules and orders to be made and published as aforesaid, upon the said pilot or pilots so to be commissioned or appointed as aforesaid, for any sum or sums not exceeding ten pounds.

Rules for government of pilots.

Power to impose fines for breach of rules.

Encouragement of pilots.

III. And for the encouragement of such pilots who shall distinguish themselves by their activity and readiness to aid and assist any ship or vessel appearing in distress and in want of a pilot on the coast,

Be it further enacted by the authority aforesaid, That the master or owners of such ship or vessel shall pay unto such pilot or deputy who shall have exerted himself for the preservation of such ship or vessel in manner aforesaid, such sum for extra services, as the said master or owner and pilot or deputy can agree upon; and in case no such agreement can be made by the parties, the master and wardens or any three or more of them are hereby empowered to ascertain what in their opinion is a reasonable reward, which sum shall be collected in the manner by this act directed for the collection of pilotage.

Pay for extra service; amount of.

IV. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for every pilot commissioned and appointed as is hereinbefore directed to ask demand and receive of and from any person or persons who shall employ him to pilot any ship or other vessel from the eastward of the False Hook to the port of New York, or from the port of New York to the eastward of the False Hook, so far that such vessel may proceed safely from thence to sea, between the fifteenth day of March and the the first day of December in any year, pilotage at the rate of six shillings for every foot of water such ship or other vessel shall draw: provided always, that no more than half pilotage at the rate aforesaid shall be demanded or received by any such pilot, who shall to the westward of the False Hook take charge of any ship or other vessel coming to the port of New York; and that between the first day of December and the fifteenth day of March inclusive in any year, such pilot may demand and receive the additional sum of twenty shillings for any ship or other vessel drawing ten feet water or upwards, and for every ship or other vessel drawing less than ten feet water, the additional sum of ten shillings; and for every ship or other vessel which such pilot shall conduct clear of the middle ground out to sea, the additional sum of ten shillings if such ship or other vessel shall draw ten feet water or under, or the additional sum of twenty shillings if such ship or other vessel shall draw upwards of ten feet water; and for every day that such pilot shall be required to remain or be detained on board by the master, waiting for a fair wind or otherwise; such pilot is hereby authorized to ask demand and receive, and shall be paid, the sum of ten shillings.

Fees for pilotage.

V. And to the end that the said master and wardens may be disinterested and impartial directors as by this act is intended;

Be it further enacted by the authority aforesaid, That neither of them so long as they shall be employed in this trust, shall be directly or indirectly concerned in any pilot boat, or with any person whatsoever commissioned as a branch pilot.

Master and wardens not to be interested in any pilot boat. Pilots to give official bonds.

VI. *And be it further enacted by the authority aforesaid,* That every branch pilot or deputy pilot of the port of New York, commissioned or appointed, or hereafter to be commissioned or appointed by virtue of this act, shall before he takes upon himself the execution of the office, enter into a recognizance to the people of the State of New York, before one of the judges of of the supreme court or the mayor or recorder of the city of New York with two sufficient sureties, to be approved by the master and wardens of the port or any three or more or them, in the sum of one hundred pounds lawful money of New York with condition that such pilot or deputy pilot shall and will in all things diligently and faithfully perform and execute the trust reposed in him as a pilot or deputy pilot (as the case may be) according to the directions and true intent and meaning of this act, and according to the rules and orders of the said masters and wardens of the port of New York, or any three or more of them; and on failure or nonperformance of the condition of

Suits upon bonds.

any such recognizance, the same shall and may at the request of any person injured or aggrieved thereby be sued and prosecuted either in the supreme court, or in the mayors court of the said city; and if judgment shall be obtained against the defendant or defendants on such recognizance, the court in which such judgment shall be had shall by imprisonment of such defendant or defendants, by execution or executions, by *feri facias*, or *levari facias* cause the amount of such recognizance with costs of suit to be levied and paid, and by an order to be entered in the minutes of the said court, direct the amount of such recognizance to be paid to the said master and wardens; and the said master and wardens or any three or more of them, are in such case authorized and required to take cognizance of the damages sustained by such person injured or aggrieved, and award the amount or value of the same, and to apply the monies which they shall have received from such forfeited recognizance, or so much thereof as may be necessary, to pay the damages so awarded; and shall make report in writing by them subscribed of the damages so awarded and paid, to the court in which such judgment shall have been obtained. Provided always that if the branch or deputy pilot so offending do before judgment shall have been obtained against him for the breach of his recognizance, pay to the party aggrieved such damages as shall be assessed or awarded by the said master and wardens or any three or more of them, and discharge all costs of suits, at the time of such payment, accrued, the suit and proceedings on such recognizance shall be discontinued.

Enforcement of judgment rendered thereon.

Proviso that upon payment of damages and costs suits to be discontinued.

Pilots must be bona fide owners or part owners of pilot boat.

VII. *And be it further enacted by the authority aforesaid* That every branch pilot commissioned as aforesaid, shall be no longer a branch pilot, than he continues to be bona fide the owner or part owner of a pilot boat, and does keep such boat really and only employed in service as a pilot boat: and in case any such branch pilot shall sell or dispose of his property in such pilot boat (not having then another pilot boat in service) or shall employ such pilot boat or suffer her to be employed in any other service than that of a pilot boat, such branch pilot shall thereby forfeit his branch, and by the master and wardens of the port or any three or more of them, be suspended as aforesaid from his office of branch pilot.

Master and wardens to be surveyors of the port.

VIII. *And be it further enacted by the authority aforesaid* That the master and wardens of the port of New York for the time being shall be, and they or any two or more of them are hereby appointed surveyors for the surveying of damaged goods which shall be brought into the port of New York in any ship or other vessel; and in like manner with the assistance of one or more skilful carpenter or carpenters to be surveyors of any vessel or vessels that may be deemed or thought unfit to proceed to sea; and the said master and wardens or any two or more of them shall thereupon give certificates under their hands and seals how the goods or vessels surveyed, appeared to them, and shall cause an entry thereof to be made in a book to be kept in their office for that purpose, for which certificate and entry their clerk shall be entitled to a fee of ten shillings and no more; and the master and wardens shall be allowed at the rate of twenty shillings for each day, and in that proportion for the one half, or the one fourth part of a day. And any survey of goods or vessels performed or made in any other manner than is herein directed and prescribed, shall not be valid or authentic.

Fees.

Official oath.

IX. *And be it further enacted by the authority aforesaid* That before the master or wardens enter upon the execution of their said offices, they shall severally take an oath before the mayor of the city of New York for the time being, in the words following, that is to say,

I will well truly and impartially according to the best of Form of my skill and understanding execute the powers vested in me by virtue of a law of this State entitled "An act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned," So help me God.

X. *And be it further enacted by the authority aforesaid,* That the master and wardens of the port of New York shall keep an office in the city of New York, and provide and keep a clerk, and a proper book or books, and therein shall cause regular and fair entries to be made of all their transactions and proceedings by virtue of this act, to which all persons may have recourse: and the clerk so by them to be appointed is hereby empowered to receive all pilotage money, which shall from time to time become due to any of the pilots or deputy pilots by virtue of this act, and on neglect or refusal of payment, to sue and prosecute in his own name for the recovery of the same before the mayor or recorder, or any one of the aldermen of the city of New York, who are hereby respectively empowered to hear try and determine the same, in a summary way, and to award execution for the sum or sums adjudged, with costs of suit. And such clerk shall keep a separate and distinct account with each and every of the said pilots of all the monies he shall and may receive to their use respectively, and once in every three months, shall pay the same to them severally, retaining three per cent for his trouble in the premises. And all fines and forfeitures that shall arise by virtue of this act, except the forfeited recognizances of pilots or deputy pilots) shall be sued for and recovered by and in the name of the said clerk in manner aforesaid; and any such suit shall not discontinue or abate by the decease resignation or removal from office of such clerk. And all such fines and forfeitures and the sum or sums recovered on any such forfeited recognizance, and not applied in discharge of damages as aforesaid, shall be paid to the said master and wardens, and be by them applied towards defraying the necessary expences they shall be put to in executing and discharging the trusts hereby reposed in them. And every such clerk is hereby directed and required to enter into bond with sufficient surety or sureties to the said master and wardens in the sum of five hundred pounds, with a condition that he will well and faithfully discharge the trusts reposed in him by this act.

Office, books, clerks, entries to be made.

Clerks to receive pilotage money, sue for same and for fines, etc.

Money, how to be applied.

XI. *And be it further enacted by the authority aforesaid* That the pilotage for any vessel outward bound shall be paid or secured to be paid to the said clerk for the use of the pilot who shall take charge of the vessel, before such vessel shall break ground in the port of New York; and if the pilot for whose use such pilotage money shall have been paid or secured to be paid shall neglect or fail in doing his duty in piloting such vessel, the pilotage money paid shall be restored to the payer, or the security given be cancelled or become void, as the case may happen to be.

Pilotage on vessels outward bound to be secured

XII. *And be it further enacted by the authority aforesaid,* That if any vessel going out of the port of New York shall carry off to sea through the default of the master or owner of such vessel, any pilot or deputy pilot when a boat is attending to receive such pilot or deputy pilot from on board of such vessel, the master or owner of such vessel shall pay to the master and wardens of the port of New York for the use of such pilot or deputy pilot, besides the pilotage of such vessel, the like wages per month until he shall return to the port of New York as the monthly wages allowed to the mate of such vessel. Provided that such pilot or deputy pilot shall have performed the duties required of him by this act; and provided also that such pilot or deputy shall as far as in

Wages to be paid to pilot carried off to sea by default of master.

Proviso as duties to be performed by pilot.

his power perform the usual duties of a seaman on board of such vessel after being so carried off. And if any money shall have been advanced or paid to such pilot by the master or owner of, or factor for such vessel, the same shall be credited, and deducted from the monies to be paid to the clerk of the master and wardens for the use of such pilot or deputy pilot.

Branch pilots may be appointed to pilot vessels through Hellgate.

Rates of pilotage.

Master and wardens exempt from jury duty.

Pilots to keep at joint expence whale boat at Sandy Hook.

Masters refusing to receive pilot to pay half pilotage.

Printed instructions to be furnished pilots and be delivered to master of vessel.

Temporary employment of competent persons as pilots.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his excellency the governor or person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, from time to time during the continuance of this act, to appoint and commission so many branch pilots as by them shall be thought necessary for the safe pilotage of vessels which may require the same, to and from the port of New York through the channel of the East river or sound commonly called Hellgate. And the said master and wardens shall establish the rates of pilotage, and make from time to time such rules and regulations for the ordering and directing the said pilots as shall be by them judged necessary and expedient.

XIV. And as the said master and wardens must necessarily give attendance to the duties of their office, *Be it further enacted by the authority aforesaid,* That either of them respectively shall not be liable to serve as a grand or petit juror, during his continuance in the said office.

XV. *And be it further enacted by the authority aforesaid* That the branch pilots and deputy pilots of the port of New York shall keep, and they are hereby required to keep at their joint expence, a good and sufficient whale boat at Sandy Hook, furnished with a sufficient number of oars and in good repair; that such whale boat shall be ready at Sandy Hook and furnished as aforesaid on or before the first day of October next; and that the clerk of the said master and wardens shall retain in his hands out of the monies for pilotage that shall become due to the said pilots and deputy pilots, a sum sufficient to pay for such boat, and shall therewith pay for the same; and shall from time to time in like manner retain monies sufficient to keep the said boat in repair and furnished as aforesaid.

XVI. *And be it further enacted by the authority aforesaid* That if the master of any ship or vessel coming to the port of New York shall refuse to receive on board and employ a pilot, the master or owner of such vessel shall pay to such pilot who shall have offered to go on board and take charge of the pilotage of such vessel, half pilotage, from the place at which such pilot shall have offered himself, to the said port of New York.

XVII. *And be it further enacted by the authority aforesaid,* That the master and wardens of the port of New York shall furnish every pilot and deputy pilot with printed instructions, to be shewn and delivered by such pilot or deputy pilot to the master or commander of every vessel, as soon as he shall go on board to take charge of such vessel to pilot her into the said port; which instructions shall be strictly observed by every branch pilot or deputy pilot, and master of a vessel, at their perils respectively.

XVIII. And whereas it may happen by decease removal or otherwise, in the recess of the council of appointment, that the number of pilots necessary for the port of New York may be so reduced as to occasion much inconvenience to the trade of the State; For remedy whereof *Be it further enacted by the authority aforesaid* That the master and wardens of the said port or any three or more of them, are hereby empowered on such peculiar occasions as aforesaid by warrant or warrants,

under their hands and seals to employ such person or persons qualified as herein before directed, to act as pilots for any term not exceeding six months from the day of the date of such warrant. And every person so employed as a pilot by such warrant, shall during such time of employment be subject to the like rules orders and regulations, and liable to the like fines penalties and forfeitures as other pilots who shall be appointed in virtue of this act.

CHAP. 32.

AN ACT to establish the rates of wharfage and crantage within the city of New York.

PASSED the 17th of April, 1782.

WHEREAS it hath been found by experience that the wharffs fronting the East and Hudsons rivers in the city of New York, have conducted to the increase and advantage of trade and navigation to and from the said city, in the lading and unlading of ships and other vessels: and for as much as the owners and proprietors thereof have been at a very great expence, not only in the making, erecting and building, but also in maintaining and keeping the same from time to time in good and sufficient repair to answer the purposes aforesaid. Preamble.

Be it therefore 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 lawfull to and for the present owners and proprietors of the said mentioned wharffs, or the owners or proprietors thereof or the time being, to ask, demand, take, and receive to and for their several and respective uses for all ships and vessels using or that shall use the same from and after the passing hereof, that is to say, for each ship or other vessell of the burthen of sixty tons and under the burthen of one hundred tons at and after the rate of three shillings per day, for every ship or other vessel of the burthen of one hundred tons and under the burthen of two hundred tons, at and after the rate of four shillings and six pence per day, for every ship or other vessell of the burthen of two hundred tons, and under the burthen of three hundred tons, at and after the rate of five shillings per day; for every ship or other vessel of the burthen of three hundred tons, and under the burthen of five hundred tons, at and after the rate of six shillings per day; and for every ship or other vessel or the burthen of five hundred tons and upwards, at and after the rate of seven shillings and six pence per day, lawfull money of this State, for every day that such ships or vessels respectively shall use and be made fast to any of the wharffs herein before mentioned. Rates of wharfage.

Provided always that nothing in this act contained shall be construed deemed or taken to establish a rate of wharfage for vessels employed between one port and another within this State; and that the master or owners of such vessels, and owners of wharfs may adjust the wharfage to be paid for such last mentioned vessels, on such terms as they may from time to time mutually agree upon; and in case of a difference between the master of any such vessel last mentioned, and the owner or owners of any wharf, the same shall be determined by the master and wardens of the port of New York, whose decision shall be final. Proviso as to vessels employed between ports in this State.

And be it further enacted by the authority aforesaid, That in case any difference or dispute shall happen between the proprietor or proprietors, In case of dispute master

and wardens authorized to decide difference by proceeding to measure ship.

wharfinger or wharfingers of any of the wharffs aforesaid, and the master, commander, owner, or agent, of any ship or other vessel, concerning the burthen of such ship or other vessel; in order to ascertain the rate of wharfage as herein before established, that in such case, and in all such cases, as often as the same shall so happen, upon the application of either of the parties to the master and wardens of this port, the said master and wardens or any one of them are hereby required and authorized to decide such difference and dispute, by proceeding to measure such ship or vessel, or in such other manner as in the opinion of the said master and wardens, or of any one of them can be most conveniently and accurately performed, and shall if required by either of the parties give a certificate in writing, by him or them with his or their names subscribed, expressing the tonnage of such ship or other vessel according to his or their determination, which shall be final with respect to the rate of wharfage thereof. And in all such cases the expences thereof, which shall not exceed the sum of ten shillings, shall be paid by the party against whom such determination as aforesaid shall be given.

Expense of.

Vessels only lying fast to move to make room for other vessels to unload.

And be it further enacted by the authority aforesaid, That every ship or other vessel which at any time after the passing herereof shall only lie fast to any or either of the said wharfs, shall be obliged to remove off from thence in order to make room for and suffer any other ship or vessel to load unload or careen thereat; and on refusal or failure so to do, after notice and request thereof to the master or commander, or to any one of the owners of such ship or other vessel he or they shall forfeit and pay to the owner or owners of the said wharf the sum of five pounds.

Vessels fastening, etc., to other ships to pay half.

And be it further enacted by the authority aforesaid That all and every ship or other vessel that shall make fast to any other ship or vessel that shall or may be fastened to any or either of the said wharfs, and shall continue so to lie fastened, or shall so load unload or careen, shall be subject and liable to pay, and shall pay the one half of the rate that such ship or other vessel would have been liable to pay in case they were fastened to any or either of the said wharfs, and there loaded unloaded or careened.

Coasting vessels lying fast to make room, etc., and in default to pay same rate as sea vessels.

And be it further enacted by the authority aforesaid, That all coasting vessels lying fast at any or either of the said wharfs, and not being actually loading unloading or careening, shall on request, be made loose and moved off, to make room for and suffer any sea vessel or vessels paying a higher rate to be brought in her or their place or places; and that on neglect or refusal so to do, the master commander or owner of every such coasting vessel or vessels shall pay such rate or rates as the sea vessel or vessels would have been liable to pay, which really and bona fide was or were intended to have been there loaded unloaded or careened.

Proviso as to proprietors collecting rates.

And whereas it may be difficult as well as inconvenient for the owners and proprietors of the several wharfs aforesaid personally to attend collect and receive the rates due and to become due for wharfage of ships and other vessels.

Wharfinger may be appointed to oversee wharf and collect rates.

Be it therefore enacted by the authority aforesaid That it shall and may be lawful for any owner or owners of the said wharfs for the time being, to appoint a proper and fit person to be the wharfinger or overseer thereof for and during his or their will and pleasure, and shall and may at his and their like will and pleasure displace and remove such person so appointed, and other or others in his and their room and stead when and as often as to him or them shall seem meet, to appoint; and such person so appointed wharfinger, shall, while he continues in that office,

have the power of regulating and ordering of the wharf he shall be so appointed for as aforesaid, and of the births of all such ships and other vessels, as shall load unload careen or fasten to the same: and moreover shall have full power and authority, either in his own name, or in the name or names of the owner or owners or proprietors of such wharf or wharfs, to ask sue for demand and receive the wharfage thereof, as it shall become due.

And be it further enacted by the authority aforesaid, That the master or commander, owner or owners of any vessel using any of the wharfs mentioned in this act, and in case of his or their absence out of the State his or their agent or agents, factor or factors to whom such vessel shall be consigned or addressed, shall be liable to pay the sum due for the wharfage of such vessel after the rates established in and by this act, either to the owner or owners of such wharf, or to the wharfinger in behalf of such owner or owners: provided that such factor or factors agent or agents shall be liable to pay the same, only where an account shall have been delivered to, or in case of the absence of such factor or factors, agent or agents, left at his or their last usual place of abode, and the money there demanded before the sailing or departure of such vessel from port; anything herein to the contrary in any wise notwithstanding.

And whereas, the wharfs before mentioned, are often incumbered by lumber millstones or other merchandize and by means thereof the loading and unloading of vessels is much incommoded, and the passing and repassing of carts and carriages is very much impeded retarded and hindered.

Be it therefore enacted by the authority aforesaid, That if any or either of the said wharfs shall at any time or times hereafter be so incumbered as to subject the same to any or either of those inconveniences, the owner or wharfinger of such wharf or wharfs respectively for the time being, shall either personally notify, or by notice in writing to be left at the place of residence of the owner or owners of such lumber or other goods, his or their factor or factors, require him or them to remove the same from thence within a reasonable time. And if the same shall not be removed accordingly, the owner of the said wharf or wharfinger is hereby empowered to remove the same, and keep them in his custody until the whole charges attending the removal and also the storage of such goods be paid by the owner or claimer thereof. And in case the owner of such goods or his factor is not be found in the city of New York, the owner of the said wharf or wharfinger may at his discretion remove the said goods as herein before directed.

Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall impair the right which the mayor aldermen and commonalty of the city of New York have to docks and slips herein before mentioned, but that the same shall be saved to them and their successors as fully as if this act had not been made.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the owner and owners respectively of every crane that now is or hereafter shall be made erected and built on any or either of the wharfs aforesaid, or any part thereof, to ask demand take and receive for his and their several and respective use and uses, from the master commander or owner of any ship or other vessel that shall employ such crane or cranes, the rates following, that is to say, for taking out and putting in the mast of every sloop of the burthen of eighty tons or upwards the sum of forty shillings; and for taking out or putting in the mast of any sloop of eighty tons or upwards twenty five shillings; for taking out and putting in the mast of any square rigged vessel

Persons liable for wharfage.

Proviso as to merchandise incumbering wharfs.

Owner to be notified to remove same and in case of failure liable for expenses of removal and for storage.

Rights of the city of New York reserved.

Owners of cranes may charge sums named for taking out and putting in masts.

and wardens authorized to decide difference by proceeding to measure ship.

wharfinger or wharfter, commander, the burthen of wharfa such cases of either master thoziz such saif ic J

LAWS OF NEW YORK. in the burthen of two hundred tons and upwards, the sum of thirty shillings and for taking out and putting in the mast of any square rigged vessel of the burthen of two hundred tons or upwards the sum of twenty five shillings and for taking out or putting in the mast of any square rigged vessel of the burthen of two hundred tons, twenty shillings lawful money aforesaid.

CHAP. 33.

Expense of.

AN ACT for making such alterations in the charter of the Corporation of Trinity Church, as to render it more conformable to the Constitution of the State.

PASSED the 17th of April, 1784.

Years only fast inc m r c

Preamble. WHEREAS by letters patent under the great seal of the then colony, and now State of New York bearing date the sixth day of May in the year of our Lord one thousand six hundred and ninety seven, many of the inhabitants of the city of New York members of the church of England were erected into a corporation by the name and stile of The rector, and inhabitants of the city of New York of the protestant church of England, as by law established. And whereas on the twenty seventh day of June in the year of our Lord one thousand seven hundred and four, the legislature of the then colony and now state of aforesaid, did pass a law entitled An act for granting sundry privileges and powers to the rector and inhabitants of the city of New York in communion of the church of England, as by law established. And whereas those parts of the said charter which render necessary the induction of a rector, to the said church, by the governor according to such instructions as he shall from time to time receive from his Britannic majesty; and such other parts of the said charter, and law as admit, and acknowledge that rights exist in the bishop of London, in and over the said church, are inconsistent with the spirit and letter of the constitution of this State. And whereas certain other parts of the said charter, and law and of a certain other law passed the twenty second day of September in the year of our Lord one thousand six hundred and ninety three, by the legislature of the then colony aforesaid entitled "An act for settling a ministry and raising a maintenance for them in the city of New York and county of Richmond, West Chester and Queens county," are contradictory to that equality of religious rights which is designed to be established by the constitution of this State.

Parts of charter repealed.

Be it therefore 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 so much of the charter to the said body corporate above particularly mentioned and so much of the said law first above particularly mentioned as relate to the induction of the rector by the governor, to the powers or authority of the bishop of London in and over the said corporation, and to the collecting and levying a sum of money upon the city of New York for the use of the rector or incumbent in the said law mentioned be and they are hereby repealed and annulled. And that nothing in this law, nor no nonuser or misuser, between the nineteenth day of April one thousand seven hundred and seventy five and the passing of this law shall be in any wise construed to annul, injure, repeal,

Nonuser, etc., not to make charter void.

or make void the said charter or the said law first above particularly mentioned, where the same are not inconsistent with the constitution of this State.

And be it further enacted and it is hereby enacted by the authority aforesaid, That the church wardens and vestrymen of the said corporation, or a majority of them, be vested with full powers to call and induct a rector to the said church, so often as there shall be any vacancy therein.

Power of wardens and vestrymen to call pastor.

And whereas doubts have arisen on those parts of the said charter, and law, first above mentioned, which speak of inhabitants in communion of the said church of England; for removal whereof,

Proviso as to doubts.

Be it further enacted by the authority aforesaid, That all persons professing themselves members of the episcopal church, who shall either hold, occupy, or enjoy a pew or seat in the said church, and shall regularly pay to the support of the said church, and such others as shall in the said church partake of the holy sacrament of the Lord's supper, at least once in every year, being inhabitants of the city and county of New York, shall be entitled to all the rights, privileges, benefits and emoluments, which in and by the said charter, and law first above mentioned, are designed to be secured to the inhabitants of the city of New York, in communion of the church of England.

Persons entitled to benefits of the charter.

And whereas by the events of war and in consequence of the capture of the city of New York by the troops of his Britannic majesty, many of the well affected inhabitants of the said city, who by the said charter and law were entitled to vote for members of the said corporation, were prevented from the due exercise of their rights; and many others who remained in this city were deterred from voting by well grounded apprehensions of the forces of his Britannic majesty, then in possession of the said city; by reason whereof, no elections were held but under the influence of the government of Great Britain, then at open war with this State. And whereas the council appointed by the act of the legislature entitled "An act to provide for the temporary government of the southern parts of this State, whenever the enemy shall abandon, or shall be dispossessed of the same, and untill the legislature can be convened," passed the twenty third of October one thousand seven hundred and seventy nine, upon the petition of sundry persons stiling themselves members of the said church, and after a full hearing of certain other persons claiming to be the church wardens and vestrymen of the said church, reciting that there was, in the opinion of the council, reason to believe that the dissensions respecting the said church might materially endanger the peace of the said city, did in effect determine the said places of church wardens and vestrymen to be vacant, and by their ordinance dated the twelfth day of January one thousand seven hundred and eighty four, did vest the estate real and personal of the said corporation, in James Duane, Francis Lewis, Lewis Morris, Isaac Sears, William Duer, Daniel Dunscomb, Anthony Lisperard, John Rutherford, and William Bedlow, to be retained and kept by them, or any five of them, untill such time as further legal provision should be made in the premises; and whereas it appears that the following persons have been nominated and chosen by a very respectable number of the members of the said corporation and society, as church wardens and vestrymen, and by their humble petition have prayed that the said persons may be appointed as such.

Proviso as to inhabitants not voting, etc.

Ibid, as to determination of council.

Ibid, as to persons nominated and chosen wardens and vestrymen.

Be it therefore further enacted and it is hereby enacted by the authority aforesaid, That James Duane, and Robert R. Livingston be the present church wardens of the said corporation, and that Anthony Griffiths, Hercules Mulligan, Marinus Willett, John Stevens, Robert Troup,

Wardens and vestrymen.

of the burthen of two hundred tons and upwards, the sum of thirty shillings; and for taking out and putting in the mast of any square rigged vessel or schooner under the burthen of two hundred tons, twenty five shillings. For taking out or putting in the mast of any square rigged vessel of the burthen of two hundred tons or upwards the sum of twenty five shillings; and for taking out or putting in the mast of any square rigged vessel or schooner under the burthen of two hundred tons, twenty shillings lawful money aforesaid.

CHAP. 33.

AN ACT for making such alterations in the charter of the Corporation of Trinity Church, as to render it more conformable to the Constitution of the State.

PASSED the 17th of April, 1784.

Preamble. WHEREAS by letters patent under the great seal of the then colony, and now State of New York bearing date the sixth day of May in the year of our Lord one thousand six hundred and ninety seven, many of the inhabitants of the city of New York members of the church of England were erected into a corporation by the name and stile of The rector, and inhabitants of the city of New York of the protestant church of England, as by law established. And whereas on the twenty seventh day of June in the year of our Lord one thousand seven hundred and four, the legislature of the then colony and now state of aforesaid, did pass a law entitled An act for granting sundry privileges and powers to the rector and inhabitants of the city of New York in communion of the church of England, as by law established. And whereas those parts of the said charter which render necessary the induction of a rector, to the said church, by the governor according to such instructions as he shall from time to time receive from his Britannic majesty; and such other parts of the said charter, and law as admit, and acknowledge that rights exist in the bishop of London, in and over the said church, are inconsistent with the spirit and letter of the constitution of this State. And whereas certain other parts of the said charter, and law and of a certain other law passed the twenty second day of September in the year of our Lord one thousand six hundred and ninety three, by the legislature of the then colony aforesaid entitled "An act for settling a ministry and raising a maintenance for them in the city of New York and county of Richmond, West Chester and Queens county," are contradictory to that equality of religious rights which is designed to be established by the constitution of this State.

Parts of
charter
repealed.

Be it therefore 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 so much of the charter to the said body corporate above particularly mentioned and so much of the said law first above particularly mentioned as relate to the induction of the rector by the governor, to the powers or authority of the bishop of London in and over the said corporation, and to the collecting and levying a sum of money upon the city of New York for the use of the rector or incumbent in the said law mentioned be and they are hereby repealed and annulled. And that nothing in this law, nor no nonuser or misuser, between the nineteenth day of April one thousand seven hundred and seventy five and the passing of this law shall be in any wise construed to annul, injure, repeal,

Nonuser,
etc., not to
make
charter
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or make void the said charter or the said law first above particularly mentioned, where the same are not inconsistent with the constitution of this State.

And be it further enacted and it is hereby enacted by the authority aforesaid, That the church wardens and vestrymen of the said corporation, or a majority of them, be vested with full powers to call and induct a rector to the said church, so often as there shall be any vacancy therein. Power of wardens and vestrymen to call pastor.

And whereas doubts have arisen on those parts of the said charter, and law, first above mentioned, which speak of inhabitants in communion of the said church of England; for removal whereof, Proviso as to doubts.

Be it further enacted by the authority aforesaid, That all persons professing themselves members of the episcopal church, who shall either hold, occupy, or enjoy a pew or seat in the said church, and shall regularly pay to the support of the said church, and such others as shall in the said church partake of the holy sacrament of the Lord's supper, at least once in every year, being inhabitants of the city and county of New York, shall be entitled to all the rights, privileges, benefits and emoluments, which in and by the said charter, and law first above mentioned, are designed to be secured to the inhabitants of the city of New York, in communion of the church of England. Persons entitled to benefits of the charter.

And whereas by the events of war and in consequence of the capture of the city of New York by the troops of his Britannic majesty, many of the well affected inhabitants of the said city, who by the said charter and law were entitled to vote for members of the said corporation, were prevented from the due exercise of their rights; and many others who remained in this city were deterred from voting by well grounded apprehensions of the forces of his Britannic majesty, then in possession of the said city; by reason whereof, no elections were held but under the influence of the government of Great Britain, then at open war with this State. And whereas the council appointed by the act of the legislature entitled "An act to provide for the temporary government of the southern parts of this State, whenever the enemy shall abandon, or shall be dispossessed of the same, and untill the legislature can be convened," passed the twenty third of October one thousand seven hundred and seventy nine, upon the petition of sundry persons stiling themselves members of the said church, and after a full hearing of certain other persons claiming to be the church wardens and vestrymen of the said church, reciting that there was, in the opinion of the council, reason to believe that the dissensions respecting the said church might materially endanger the peace of the said city, did in effect determine the said places of church wardens and vestrymen to be vacant, and by their ordinance dated the twelfth day of January one thousand seven hundred and eighty four, did vest the estate real and personal of the said corporation, in James Duane, Francis Lewis, Lewis Morris, Isaac Sears, William Duer, Daniel Dunscomb, Anthony Lispenard, John Rutherford, and William Bedlow, to be retained and kept by them, or any five of them, untill such time as further legal provision should be made in the premises; and whereas it appears that the following persons have been nominated and chosen by a very respectable number of the members of the said corporation and society, as church wardens and vestrymen, and by their humble petition have prayed that the said persons may be appointed as such. Proviso as to inhabitants not voting, etc.

Be it therefore further enacted and it is hereby enacted by the authority aforesaid, That James Duane, and Robert R. Livingston be the present church wardens of the said corporation, and that Anthony Griffiths, Hercules Mulligan, Marinus Willett, John Stevens, Robert Troup, Ibid, as to determination of council.

Be it therefore further enacted and it is hereby enacted by the authority aforesaid, That James Duane, and Robert R. Livingston be the present church wardens of the said corporation, and that Anthony Griffiths, Hercules Mulligan, Marinus Willett, John Stevens, Robert Troup, Ibid, as to persons nominated and chosen wardens and vestrymen.

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of the burthen of two hundred tons and upwards, the sum of thirty shillings; and for taking out and putting in the mast of any square rigged vessel or schooner under the burthen of two hundred tons, twenty five shillings. For taking out or putting in the mast of any square rigged vessel of the burthen of two hundred tons or upwards the sum of twenty five shillings; and for taking out or putting in the mast of any square rigged vessel or schooner under the burthen of two hundred tons, twenty shillings lawful money aforesaid.

CHAP. 33.

AN ACT for making such alterations in the charter of the Corporation of Trinity Church, as to render it more conformable to the Constitution of the State.

PASSED the 17th of April, 1784.

Preamble. WHEREAS by letters patent under the great seal of the then colony, and now State of New York bearing date the sixth day of May in the year of our Lord one thousand six hundred and ninety seven, many of the inhabitants of the city of New York members of the church of England were erected into a corporation by the name and stile of The rector, and inhabitants of the city of New York of the protestant church of England, as by law established. And whereas on the twenty seventh day of June in the year of our Lord one thousand seven hundred and four, the legislature of the then colony and now state of aforesaid, did pass a law entitled An act for granting sundry privileges and powers to the rector and inhabitants of the city of New York in communion of the church of England, as by law established. And whereas those parts of the said charter which render necessary the induction of a rector, to the said church, by the governor according to such instructions as he shall from time to time receive from his Britannic majesty; and such other parts of the said charter, and law as admit, and acknowledge that rights exist in the bishop of London, in and over the said church, are inconsistent with the spirit and letter of the constitution of this State. And whereas certain other parts of the said charter, and law and of a certain other law passed the twenty second day of September in the year of our Lord one thousand six hundred and ninety three, by the legislature of the then colony aforesaid entitled "An act for settling a ministry and raising a maintenance for them in the city of New York and county of Richmond, West Chester and Queens county," are contradictory to that equality of religious rights which is designed to be established by the constitution of this State.

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charter
repealed.

Be it therefore 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 so much of the charter to the said body corporate above particularly mentioned and so much of the said law first above particularly mentioned as relate to the induction of the rector by the governor, to the powers or authority of the bishop of London in and over the said corporation, and to the collecting and levying a sum of money upon the city of New York for the use of the rector or incumbent in the said law mentioned be and they are hereby repealed and annulled. And that nothing in this law, nor no nonuser or misuser, between the nineteenth day of April one thousand seven hundred and seventy five and the passing of this law shall be in any wise construed to annul, injure, repeal,

Nonuser,
etc., not to
make
charter
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And be it further enacted and it is hereby enacted by the authority aforesaid, That the church wardens and vestrymen of the said corporation, or a majority of them, be vested with full powers to call and induct a rector to the said church, so often as there shall be any vacancy therein.

Power of wardens and vestrymen to call pastor.

And whereas doubts have arisen on those parts of the said charter, and law, first above mentioned, which speak of inhabitants in communion of the said church of England; for removal whereof,

Proviso as to doubts.

Be it further enacted by the authority aforesaid, That all persons professing themselves members of the episcopal church, who shall either hold, occupy, or enjoy a pew or seat in the said church, and shall regularly pay to the support of the said church, and such others as shall in the said church partake of the holy sacrament of the Lord's supper, at least once in every year, being inhabitants of the city and county of New York, shall be entitled to all the rights, privileges, benefits and emoluments, which in and by the said charter, and law first above mentioned, are designed to be secured to the inhabitants of the city of New York, in communion of the church of England.

Persons entitled to benefits of the charter.

And whereas by the events of war and in consequence of the capture of the city of New York by the troops of his Britannic majesty, many of the well affected inhabitants of the said city, who by the said charter and law were entitled to vote for members of the said corporation, were prevented from the due exercise of their rights; and many others who remained in this city were deterred from voting by well grounded apprehensions of the forces of his Britannic majesty, then in possession of the said city; by reason whereof, no elections were held but under the influence of the government of Great Britain, then at open war with this State. And whereas the council appointed by the act of the legislature

Proviso as to inhabitants not voting, etc.

entitled "An act to provide for the temporary government of the southern parts of this State, whenever the enemy shall abandon, or shall be dispossessed of the same, and untill the legislature can be convened," passed the twenty third of October one thousand seven hundred and seventy nine, upon the petition of sundry persons stiling themselves members of the said church, and after a full hearing of certain other persons claiming to be the church wardens and vestrymen of the said church, reciting that there was, in the opinion of the council, reason to believe that the dissensions respecting the said church might materially endanger the peace of the said city, did in effect determine the said places of church wardens and vestrymen to be vacant, and by their ordinance dated the twelfth day of January one thousand seven hundred and eighty four, did vest the estate real and personal of the said corporation, in James Duane, Francis Lewis, Lewis Morris, Isaac Sears, William Duer, Daniel Dunscomb, Anthony Lisperard, John Rutherford, and William Bedlow, to be retained and kept by them, or any five of them, untill such time as further legal provision should be made in the premises; and whereas it appears that the following persons have been nominated and chosen by a very respectable number of the members of the said corporation and society, as church wardens and vestrymen, and by their humble petition have prayed that the said persons may be appointed as such.

Ibid, as to determination of council.

Ibid, as to persons nominated and chosen wardens and vestrymen.

Be it therefore further enacted and it is hereby enacted by the authority aforesaid, That James Duane, and Robert R. Livingston be the present church wardens of the said corporation, and that Anthony Griffiths, Hercules Mulligan, Marinus Willett, John Stevens, Robert Troup,

Wardens and vestrymen.

Thomas Tucker, Joshua Sands, Richard Morris, Francis Lewis, Lewis Morris, Isaac Sears, Daniel Dunscomb, William Bedlow, William Duer, John Rutherford, Anthony Lisperard, Thomas Grennel, William Mercier, Thomas Tillotson and Christopher Miller, be the vestrymen of the said corporation; the said church wardens and vestrymen to hold their places, untill the first usual day of election for church wardens and vestrymen which shall be held after Easter Sunday, which will be in the year of our Lord one thousand seven hundred and eighty five; and that in the mean time, in case of any vacancy by death, or resignation of the rector or either of the church wardens or vestrymen, such vacancy to be filled up by the remaining church wardens and vestrymen, in such manner as is prescribed in and by the charter and law constituting the said corporation as aforesaid.

Provided nevertheless, and be it further enacted by the authority aforesaid That nothing in this act contained shall be construed deemed or taken to prejudice or injure the right or title of any person or persons whatsoever to any of the lands or tenements occupied or claimed by the corporation aforesaid.

And in order fully to carry into full effect those parts of the constitution of this State which declare "That the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever hereafter be allowed within this State to all mankind." And that all acts of the legislature of this State while a colony and all parts thereof which may be construed to establish or maintain any particular denomination of christians or their ministers, be abrogated and rejected as repugnant to the said constitution. And in order to remove all doubts which may arise in the minds of any persons with respect to the continuance force and effect of a certain act of the legislature of this State while a colony passed on the twenty second day of September one thousand six hundred and ninety three entitled An act for settling a ministry and raising a maintenance for them in the city of New York county of Richmond Westchester and Queens county, and also of one other act passed on the twenty seventh day of June one thousand seven hundred and four, entitled An act for granting sundry privileges and powers to the rector and inhabitants of the city of New York of the communion of the church of England as by law established, and also of one other act passed on the fourth day of August one thousand seven hundred and five, entitled An act for the better explaining and more effectually putting in execution an act of general assembly entitled An act for settling a ministry and raising a maintenance for them in the city of New-York, county of Richmond, Westchester and Queens county, and also of one other act passed on the twenty seventh day of July one thousand seven hundred and twenty one entitled An act for the more equal and impartial assessing the minister and poor's tax to be raised within the city and county of New York, Queens county Westchester county and the county of Richmond and also of one other act passed the twenty first day of September one thousand seven hundred and forty four entitled An act to alter the time of electing vestrymen and church wardens in Richmond county and also certain parts of one other act passed the twenty ninth day of November one thousand seven hundred and forty five entitled An act to enable the inhabitants of the city of New York to chuse annually two vestrymen for each respective ward within the said city which do grant certain immunities emoluments and privileges to the Episcopal church or that mode of religious worship commonly called the church of England in the city and county of New York and the counties of Richmond Queens and Westchester and do

Term of office.

Vacancies, how to be filled.

Proviso as to rights of persons to lands.

Acts of legislature repugnant to constitution abrogated.

Removal of doubts respecting acts named.

establish and maintain the ministers of that denomination within the said counties" and do also declare or imply a preeminence or distinction of the said Episcopal church or church of England over all other churches, and other religious denominations;

Be it therefore further enacted by the authority aforesaid That the said acts for settling the ministry, and raising a maintenance for them in the city of New York counties of Richmond Westchester and Queens county, for granting sundry privileges and powers to the rector and inhabitants of the city of New York of the communion of the church of England as by law established, for the better explaining and more effectually putting in execution an act of the general assembly entitled An act for settling the ministry and raising a maintenance for them in the city of New York county of Richmond Westchester and Queens county, for the more equal and impartial assessing the minister and poor's tax to be raised in the city and county of New York, Queens county West Chester county, and the county of Richmond, for altering the time of electing vestrymen and church wardens in Richmond county, and also such certain parts of the act for enabling the inhabitants of the city of New York to chuse annually two vestrymen for each respective ward within the said city as do imply such preeminence and distinction, be and are hereby declared to be fully and absolutely abrogated, abolished annulled repealed and made void as inconsistent with and repugnant to the Constitution of this State. And it is hereby further declared that nothing in this act contained, shall in any wise be construed or understood to give any kind of preeminence or distinction to the Episcopal mode of religious worship within this State but that an universal equality between every religious denomination according to the true spirit of the Constitution towards each other shall forever prevail.

Acts repealed.

No preference to be given Episcopal mode of worship.

And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed esteemed adjudged or construed to enlarge or confirm any right power or authority but such as the said corporation legally had held and enjoyed on the nineteenth day of April one thousand seven hundred and seventy five, and such other powers rights and authorities as are expressly given by this act.

Act, how to be construed.

CHAP. 34.

AN ACT for the relief of insolvent debtors within this State.

PASSED the 17th of April, 1784.

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, to and for the respective debtors, who, at the time of passing this act, shall be confined in any of the prisons of this State, to present a petition to the court, out of which any process against them respectively shall have issued, and upon which he or she is imprisoned, or to any one or more of the judges, of such court, specifying the cause or causes of his or her imprisonment, and exhibiting an account and inventory of his or her whole real and personal estate and of the securities relating to the same; which petition with the said account and inventory, shall be lodged with the clerk of the said court for the inspection of the creditors of such debtors respectively, and after such petition presented, and account and inventory filed, such prisoners

Imprisoned debtors may petition court, specifying cause of imprisonment, etc.

To publish
notice to
creditors
of applica-
tion for
discharge.

Petitioner
to be
brought
into court.

Form of
oath to be
adminis-
tered to
the debtor.

If oath is
contro-
verted
further day
of hear-
ing to be
appointed
and
upon hear-
ing debtor
may be re-
manded or
discharged
— if not
contro-
verted as-
signment
ordered.

Estate as-
signed to
be convert-
ed into
money,
etc.

Notice to
creditors
to produce
claims.

Assignee
to distrib-
ute monies
to credi-
tors pro
rata

shall respectively publish advertizements, in one or more of the public news papers of this State, for three weeks successively, notifying his or her creditors, that he or she intends to apply to the said court, or to any one or more of the judges thereof, who shall attend at a certain day, not less than four weeks, from the publication of such advertizements respectively, to be discharged according to the prayer of his or her petition; at which day the said court, or the said judge or judges may, and are hereby required, by precept under his or their hand or hands, and seal or seals, directed to the sheriff gaoler or officer, having the custody of such prisoner or prisoners respectively, to require him, her or them, to be brought up before such court, or such judge or judges; and the said court or judge or judges, may then administer to such debtor the following oath or affirmation, to wit, I do solemnly swear, or if of the people called Quakers affirm, that the account by me filed, in the office of the clerk of the supreme court (or in the office of the clerk of the mayors court of the city of or of the county of as the case may be) is a just and true account of all my creditors, and of the monies owing to them respectively by me, to the best of my knowledge and remembrance; and that the inventory and account by me filed in the said clerks office, is a just and true account of all my estate, real and personal both in law and equity, either in possession reversion or remainder, and that I have not directly or indirectly, sold, leased, assigned, or otherwise disposed of or made over, either in trust for myself or otherwise, except as set forth in the same account and inventory, any part of my estate real or personal, for my future benefit, or in order to defraud my creditors; so help me God,—which oath or affirmation being taken, if the truth thereof shall be denied or controverted by any of the creditors, the said court, or judge or judges, may appoint some further day, for hearing the parties, as well debtor as creditors, and upon such further hearing, may in their discretion, either remand the said debtor, or proceed to a discharge, as if no such further hearing had been required; but if the said oath or affirmation shall not be controverted or denied, then the said court or judge or judges, may immediatly order, the lands goods chattles and effects in such accounts and inventories specified, the necessary wearing apparel and bedding of the said debtor, and of his wife and children, and family immediatly under her care excepted, to be a proper and legal assignment, release and conveyance, in due form of law, to be executed by the said insolvent debtor, assigned, released and conveyed to the said creditors, or to one or more of them, or to some other person or persons, to be appointed by the said court, or judge or judges respectively, in trust for all the creditors of the insolvent; and by virtue of such assignment, the estate thereby transferred shall actually vest in and be taken in possession by the said assignee or assignees, according to the porport of such assignment, and shall be converted into money, and divided by the assignee or assignees, from time to time among all the creditors, in proportion to their respective debts, after six month previous notice, published in one of the public news papers of this State, of such assignment, and requiring all the creditors, to produce to the assignee or assignees, their several securities or accounts, and if any part of the debtors estate shall be in possession of any other person or persons, the same shall be recoverable, in the name or names of such assignee or assignees, who are hereby fully authorized, to dispose of, and execute good and sufficient deeds for the same or any part thereof; and to divide and distribute, as well the monies thence arising, as such other monies, which shall come into their hands, by virtue of this act, among the creditors of the said debtors respect-

ively, in proportion to their respective debts or sums due, according to the true intent and meaning of this act, and a release from the insolvent, shall be no bar to any suit or action, which at any time may be prosecuted by such assignee or assignees: and immediately upon such assignment being made, the said prisoner or prisoners, shall, by order of the said court, or judge or judges, be discharged out of the custody, and such order shall be a sufficient warrant, to the sheriff gaoler, or keeper of such prisoner, to discharge such prisoner or prisoners, if detained for no other cause or causes, than those mentioned or referred to, in such his or their petition, and the sheriff gaoler, or keeper of the prison respectively, are required forthwith to discharge and set him her or them at liberty without fee: and upon such discharge, the said debtors shall be finally released, from all debts contracted, and all judgments obtained before that time, so far as they effect his or her imprisonment, or his her or their personal property, and shall not be liable to be sued or arrested or to have their lands or tenements, goods or chattles, which they shall thereafter inherit or acquire, seized by virtue or in consequence thereof and every person who shall be convicted of wilful false swearing, in any matter or article contained in the said oath shall be, and shall be deemed and adjudged to be, guilty of wilful and corrupt perjury, and suffer the pains and penalties in such cases by law inflicted provided nevertheless, that with respect to such of the said several insolvent debtors, who may have been arrested by process out of the supreme court of this State, it shall be lawful for the said insolvent debtors, and for any or either of the creditors respectively, to take such oaths or affirmations, as are directed to be taken by this act, before one or more of the judges of the inferior court of common pleas, or mayors or recorders within this State instead of taking such oaths or affirmations, before one or more of the judges of the supreme court, which oaths or affirmations such judges of the superior courts and mayors or recorders, are hereby authorized to administer, and the depositions respectively being reduced to writing, shall be transmitted to the judges of the supreme court, or any one or more of them, who may and shall proceed to the discharge of such insolvent debtors respectively, as if such oaths or affirmations, had been taken before them or either of them, any thing contained in this act to the contrary notwithstanding.

Prisoner to be discharged from custody.

Oaths may be taken before local magistrates.

And be it further enacted by the authority aforesaid, That if any of the said debtors, shall be sued for any debts accrued before the passing of this act, or if any judge or other officer shall be sued for any thing done in pursuance and under the authority of this act, such defendant may plead the general issue, and give this act, and the special matter in evidence.

This act may be pleaded.

And be it further enacted by the authority aforesaid, That this act may be pleaded, in all and every the courts within this State.

CHAP. 35.

AN ACT for the settlement and relief of the poor.

PASSED the 17th of April, 1784.

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 from and after the passing of this act, it shall and may be lawful, upon complaint made by the overseers of the poor, of any district within

Justices may cause removal of poor person.

this State, to any justice of the peace, within forty days, after any person or persons, shall come to settle in such district, in any tenement under the yearly value of five pounds, for any two justices of the peace, whereof one to be of the quorum, in, or next unto the district where any such person or persons, that are likely to be chargeable to the district, shall come to inhabit, by their warrant, under their hand and seal, to remove and convey, such person or persons, to such district, where he, she or they, were last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of forty days, at the least, unless he, she or they, give sufficient security, for the discharge of the said district, to be allowed and approved of by the said two justices. Provided always, that all such persons, who think themselves aggrieved, by any such judgment of the said two justices, may appeal to the justices of the peace, of the county, wherein the district, from which such poor person or persons is or are removed, doth lie, at their next general or quarter sessions of the peace, who are hereby required to do them justice, according to the merits of their cause.

Aggrieved persons may appeal.

And forasmuch as poor persons, at their first coming to any place, may conceal themselves.

Notice to be filed with overseers of the poor.

Be it therefore enacted by the authority aforesaid, That the forty days continuance of such person, or persons in any such place, intended by this act to make a settlement, shall be accounted from the entry or record, of a notice in writing which he or she shall deliver, of the house of his or her abode, and the number of his or her family, if he or she have any, to one of the overseers of the poor, of such place, to which they shall so remove, and it shall be the duty of the said overseer and he is hereby required to register, or cause to be registered, the said notice in writing, in the book kept for the accounts of the poor, and within forty-eight hours, after the receipt thereof.

Penalty for neglect to record notice.

And be it further enacted by the authority aforesaid, That if any overseer or overseers of the poor, shall refuse or neglect to register, or cause to be registered, such notice in writing as aforesaid, in such manner and time as aforesaid, he or they, for every such offence (upon due proof thereof being made before any justice of the peace of the same county where complaint thereof shall be made) shall forfeit the sum of forty shillings, to the use of the party grieved, to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of any justice of the peace, within the said county directed to any constable of the district, where such offender or offenders dwell, the overplus, if any be, to be returned to the owner or owners,

How legal settlement acquired.

Provided always and be it further enacted, That if any person, who shall come to inhabit in any district, shall, for himself or on his own account, execute any public annual office, or charge in the said district, during one whole year, or shall be charged with and pay his share towards the public taxes of the said district, for the space of two years; then he shall be adjudged and deemed to have a legal settlement in the same, though no such notice in writing be delivered and registered as before required.

Where person bound as an apprentice.

And be it further enacted, That if any person shall be bound an apprentice by indenture, or by any deed, writing or contract not indented for a term, not less than two years, and shall so long inhabit in any district, such binding and inhabitation shall be adjudged, a good settlement, though no such notice in writing be delivered and registered as aforesaid.

Appeals to be brought to general or quarter sessions.

Provided always and it is hereby enacted That if any person or persons, shall find him, her, or themselves aggrieved by any determination which any justice of the peace, shall make in any of the cases abovesaid, the

said person or persons, may appeal to the next general or quarter sessions of the peace, to be held for the said county, who upon full hearing of the said appeal, shall have full power finally to determine the same.

And be it further enacted by the authority aforesaid, That if any person be removed by virtue of this act, from one district to another, by warrant under the hand and seal or hands and seals, of one or more justice or justices of the peace, the overseers of the poor of the said district, to which the said person shall be so removed, are hereby required to receive the said person, and if he or they shall refuse so to do, he or they, so refusing or neglecting (upon proof thereof by two credible witnesses upon oath, before any justice of the peace of the county, to which the said persons shall be removed) shall forfeit for each offense, the sum of ten pounds, to the use of the poor of the district, from which the said person was removed, to be levied, by distress and sale of the offender or offenders goods, by warrant, under the hand and seal of any justice of the peace of the county, from which such person was removed, directed to any constable of the district, where such offender or offenders dwell; which warrant the said justice is hereby impowered and required to make; the overplus, if any be, to be returned to the owner or owners, and for want of such sufficient distress, then the said justice shall commit the said offender or offenders to the common gaol of the said county, there to remain without bail or mainprize for the space of forty days.

Poor person to be received by overseers of district to which removed.

Penalty for refusal.

Provided always, and be it hereby enacted That all such persons, who think themselves aggrieved, with any such judgment of the said justice or justices, may appeal to the justices, at their next general, or quarter sessions of the peace to be held for the county, in which the district doth lie, from which the said person was so removed, who are hereby required to determine the same.

Appeal may be brought.

And be it further enacted by the authority aforesaid, That if any person, or persons who from and after the passing of this act, shall come into any district, there to inhabit or reside shall at the same time, procure, bring, and deliver to the overseers of the poor of the district, where any such person shall come, and inhabit, or to any or either of them, a certificate under the hands and seals of the overseers of the poor of any other district or the major part of them, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons mentioned in the said certificate, to be an inhabitant or inhabitants legally settled in that district, every such certificate (having been allowed of, subscribed by, and duly proved, before two or more of the justices of the peace of the county, wherein the district, from whence any such certificate shall come, doth lie, by the oath of the said witnesses, who attest the execution thereof, or one of them, to have been executed by the overseer or overseers, signing and sealing the same, in the presence of the said witnesses; and in case it is proved by the oath of one of the witnesses only, that the names of such witnesses are of their own proper hand writing, and the said justices of the peace certifying that such oath was made before them) shall oblige the said district to receive and provide for the person mentioned in the said certificate together with his or her family, as inhabitants of the district from which such person came with a certificate whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of the district to which such certificate was given: And then, and not before, it shall and may be lawful for any such person, and his or her children, though born in that district, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the district, from whence such certificate was brought.

Certificate of overseers of legal settlement.

Certificate may be used in evidence

And be it further enacted by the same authority, That every such certificate, so allowed, and oath of the execution thereof so certified as aforesaid, by the said justices of the peace, shall be taken, deemed and allowed in all courts whatsoever within this State, as duly and fully proved, and shall be taken and received as evidence, without other proof thereof.

Persons having certificate, when to acquire new settlement.

And be it further enacted by the authority aforesaid, That no person or persons whatsoever, who shall come into any district by any such certificate as aforesaid, shall be adjudged by any act whatsoever, to have procured a legal settlement in such district, unless he or they, shall really and *bona fide* rent a tenement of the yearly value of five pounds or shall execute some annual office in such district, being legally placed in such office.

Legal settlement not acquired through apprenticeship.

And be it further enacted by the authority aforesaid, That if any person whomsoever, who shall be an apprentice bound by indenture or by any deed or writing not indented to any person whomsoever, who did come into, or shall reside in any district within this State, by means or license of such certificate as aforesaid, and not afterwards having gained a legal settlement in such district, such apprentice by virtue of such apprenticeship, indenture, or binding, shall not gain, or be adjudged to have any settlement in such district, by reason of such apprenticeship or binding; but every such apprentice shall have his or her settlement, in such district, as if he or she had not been bound an apprentice as aforesaid.

Overseers on removing poor person to be reimbursed.

And be it further enacted by the same authority, That when any overseer or overseers of the poor, of any district, or other person, shall remove back any person or persons, or their families residing in such district, or sent thither by certificate, and becoming chargeable as aforesaid to the district, to which such person or persons shall belong, such overseer or overseers or other persons shall be reimbursed such reasonable charges, as he or they may have been put unto, in maintaining and removing such person or persons, by the overseers of the poor of the district, to which such person or persons, is or are removed; the said charges being first ascertained, and allowed of, by one or more of the justices of the peace in the county or district to which such removal shall be made; which said charges so ascertained and allowed, shall in case of refusal of payment, be levied by distress and sale of the goods, and chattles of the overseer or overseers of the poor of the district, to which such certificate, person or persons is or are removed by warrant or warrants, under the hand and seal, or hands and seals, of such justice or justices, returning the overplus if any then be; which warrant or warrants, he or they are hereby required to grant.

Settlement not acquired by purchase of estate, without actual residence.

And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person or persons, shall be deemed, adjudged, or taken to acquire or gain any settlement in any district, for or by virtue of any purchase of any estate or interest, in such district, whereof the consideration for such purchase, doth not amount to the sum of thirty pounds *bona fide* paid, for any longer or further time, than such person or persons, shall inhabit in such estate; and shall then be liable to be removed to such district, where such person or persons, were last legally settled before the said purchase and inhabitancy therein.

Appeals to be brought only on notice.

And be it further enacted by the same authority, That no appeal or appeals, from any order or orders of removal of any poor person, or persons, whatsoever, from any district to another, shall be proceeded upon, in any court of general or quarter sessions of the peace, unless reasonable notice be given by the overseers of the poor of such district, who shall make such appeal, unto the overseers of the poor of such

district, from which such poor person or persons shall be removed; the reasonableness of which notice shall be determined by the justices of peace, at the general or quarter session, to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next general or quarter sessions, and then and there finally hear and determine the same.

And for the preventing vexatious removals and frivolous appeals. *Be it further enacted by the authority aforesaid,* That the justices of the peace of any county in the general or quarter sessions of the peace upon any appeal before them, there to be had, for and concerning the settlement of any poor person, or upon any proof before them there to be made of notice of any such appeal to have been given by the proper officer, to the overseers of the poor of any district, though they did not afterwards prosecute such appeal; shall at the same general or quarter sessions award an order to the party for whom, and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given as aforesaid, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just, to be paid by the overseers of the poor, or any other person against whom such appeal shall be determined, or by the person that did give such notice as aforesaid: and if the person ordered to pay such costs, shall reside in any city or county out of the jurisdiction of the said court, it shall and may be lawful for any justice of the peace of the city or county, wherein such person shall inhabit and every such justice is hereby required, upon request to him for that purpose to be made, and a true copy of the order for the payment of such costs produced, and proved by one or more credible witness or witnesses upon oath, by warrant under his hand and seal, to cause the money mentioned in that order to be levied by distress and sale of the goods of the person, that is ordered and ought to pay the same; and if no such distress can or may be had, to commit such person to the common gaol of that county, there to remain for the space of three months.

And be it further enacted by the authority aforesaid, That if the justices of the peace shall at their general or quarter sessions, upon any appeal before them there had, concerning the settlement of any poor person, determine in favor of the appellant, that such poor person or persons was or were unduly removed, that then the said justices shall at the same general or quarter sessions, order and award to such appellant, so much money (besides his costs and charges) as shall appear to the said justices to have been reasonably paid by the district on whose behalf such appeal was made, for or towards the relief of such poor person or persons, between the time of such undue removal and the determination of such appeal; the said money so awarded to be recovered in the same manner as costs and charges upon an appeal are above prescribed to be recovered.

And be it further enacted by the authority aforesaid; That the father and grand father, mother and grand mother (being of sufficient ability) of any poor, lame, or decrepid person or persons, whomsoever, not being able to maintain themselves, and becoming chargeable to any district within this State; and the children and grand children (being of sufficient ability) of every poor, old, blind, lame or impotent person, not being able to maintain themselves, and becoming chargeable as aforesaid, shall severally at his, her, or their charges and expences, relieve and maintain every such poor person, as aforesaid, in such manner as the justice of the peace of the county, where such sufficient person shall

Costs on
appeal, to
whom
allowed.

Moneys
expended
by over-
seers to be
recovered.

Obligation
of relative
to support
poor per-
son.

dwel, at their general or quarter sessions of the peace shall order and direct, on pain of forfeiting and paying ten shillings for each person so ordered to be relieved, for every week he, she or they shall fail therein, to be sued for and recovered by the overseers of the poor of the district, to which such poor person or persons shall be chargeable for the use of the poor of the district, in the manner herein before directed, with respect to costs and charges upon an appeal.

And whereas it sometimes happens, that persons run away, or abscond from their places of abode and legal settlement and leave their wives and families a charge to the public, although such persons have some estate, real or personal, whereby the district might be eased in whole or in part; which is most just and reasonable.

Abandonment of wife or children by sufficient person.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the overseers of the poor of any district within this State, where any father or husband shall run away or absent himself from his wife or children, or any widow shall run away, or absent herself from her child or children, and leave them a public charge, to apply to any two justices of the peace of the county, where such estate, real or personal, or any part thereof may be, and by warrant under the hands and seals of the two said justices, to take and seize so much of the goods and chattles, and to let out so much of the lands and tenements of such father, husband, or mother so absconding as aforesaid and to receive so much of the annual rents and profits thereof as such two justices shall order and direct, for and towards the maintaining, bringing up, and providing for such wife, child or children, so left as aforesaid: and so soon as the said seizure shall be allowed of and confirmed by the justices in their general or quarter sessions of the peace it shall and may be lawful for the said overseers, or any two of them, from time to time, and as often as the case may require, to sell and dispose of so much and so many of the said goods and chattels, at public vendue to the highest bidder, and to receive the said rents and profits, or so much of them, as shall be ordered by the said sessions, and to apply the money arising thereby, towards the maintainance of such poor family or person so left as aforesaid.

Such person's estate to be sold.

Overseers of the poor election, powers and duties of.

And be it enacted by the authority aforesaid, That the freeholders and inhabitants of each respective district where provision has not by law been made in the premises, shall and may every year, at their annual meetings for the electing district officers, elect and choose so many persons to be overseers of the poor as the majority of the freeholders, and inhabitants then present shall judge necessary; which overseers of the poor so elected, shall have all the powers, and be subject to all the duties and penalties, required by this act or any general law of the State, relating to the poor; and this act shall extend to every city or district in this State, provided nevertheless that nothing herein before enacted, shall extend to or to be construed to extend to set aside, or make void, any judgment, order, or decree, which hath been made, or shall be made by any court in this State, respecting the settlement of any poor person, before the passing of this act.

Persons named not to have legal settlement in districts.

And be it further enacted by the authority aforesaid, That no person or persons whatsoever, in the city and county of Albany, who on or before the eighth day of March in the year one thousand seven hundred and seventy-three was or were maintained, as poor of the said county, shall be considered to have procured a legal settlement in any of the districts of the said county notwithstanding such person or persons may have resided, in any of the said districts, above the space of one year, but that it shall and may be lawful, for the supervisors of the said county

at their annual meetings to provide for the maintenance of the said poor in such manner as was usual before the said eighth day of March, one thousand and seven hundred & seventy three.

And whereas some of the parishes in this State, are composed of two or more towns, boroughs, manors, or precincts, and the poor of such towns, boroughs, manors and precincts are maintained at their joint expence.

Be it therefore enacted by the authority aforesaid, That the poor of every parish so composed of more than one town, borough, manor, or precinct, shall by the supervisors of the county be apportioned to each town, borough, manor and precinct, in such manner as equity and good conscience shall dictate. Poor to be apportioned to each town, etc.

And be it further enacted by the authority aforesaid, That the offices of church wardens and vestrymen for overseeing, relieving or settling the poor, becoming a public charge, heretofore established, or used in the city of New York, and Queens, Richmond and West Chester counties be, and the same offices hereby respectively are annulled and abolished. Offices abolished. And at all times hereafter, there shall be annually elected, in and for the city and county of New York two overseers of the poor for each respective ward, who with the mayor recorder and aldermen of the said city and county, shall exercise all the powers and authorities, heretofore appertaining to the office of vestrymen of the said city, with respect to the overseeing, relieving or settling the poor and binding out or placing of apprentices: which elections shall be held, in the same manner in all respects, as elections for vestrymen have heretofore been held within the said city, provided always that it shall be lawful for the vestrymen, in and for the said city, for the present year, who with the mayor recorder and aldermen thereof have the overseeing, relieving and settling the poor, to exercise their said offices until the next annual day of election. Overseers of the poor to be elected, etc.

And be it further enacted by the authority aforesaid, That any person who has come to reside within any city, county, or district of this State between the ninth day of July, in the year of our Lord, one thousand seven hundred and seventy-six, and the passing of this act, shall not be deemed to have gained a settlement or to have legally become a public charge in any such city, county or district as aforesaid. Persons not deemed to have gained a settlement.

And be it further enacted by the authority aforesaid, That a majority of the freeholders and inhabitants, who shall be assembled at the annual district meetings, within the several counties in this State may, and are hereby authorized to make prudential rules and orders for the sustenance of the poor, for binding out as apprentices, the children of such parents as are unable to maintain them, and for compelling such persons to work, as have not any visible means of gaining an honest livelihood; and at the same meetings to determine and agree upon such sum and sums of money as they may think proper for the purposes aforesaid in the ensuing year; of all which rules and orders, and of the sum or sums so agreed upon, and other the transactions of every such meeting, the respective town clerks shall make full and proper entries, in a book by each of them to be kept for that purpose. And that a copy of the entry of the town clerk respecting the sum or sums so agreed upon to be raised for the purposes aforesaid, subscribed by the town clerk and overseers of the poor of the district, shall forthwith be delivered to the supervisors or one of them, who shall lay the same before the supervisors of the county at their first meeting (except in Ulster county where the same shall be laid before the supervisors at their first meeting after the second Tuesday in July in every year. And the same sum or sums Rules for sustenance of poor. etc.

shall be assessed on and collected from the freeholders and inhabitants of the districts respectively as part of the contingent charges of the county; and when collected, shall be paid by the respective collectors, to the overseers of that district, to be applied to the use of the poor of the district agreeable to such rules and orders as aforesaid: and the receipt or receipts of the overseer or overseers of the poor of the district shall fully discharge the collector for the sums so paid.

Overseers to exhibit to supervisor and justices account of money, etc.

And be it further enacted by the authority aforesaid, That the overseers of the poor of the respective districts in this state shall exhibit to the supervisor and justices of the peace in the districts respectively, within fifteen days after the termination of the annual office of such overseer or overseers, a particular, full, just and true account of all the monies by him or them respectively received, and expended for the use of the poor, and from whom, to whom, and in what manner, and for what use or uses; and an account of the earnings of the poor persons by them employed; which accounts the said supervisor and justices or a majority of them shall audit: and if the sum or sums expended, shall exceed the sum or sums received, the said supervisor and justices aforesaid, shall certify such excess to the supervisors of the county, or to any one of them: and the supervisors of such county, shall provide that such excess shall at the next assessment be assessed on and collected from the freeholders and inhabitants of the districts respectively, where such deficiency shall have arisen, as part of the necessary and contingent charges of the county; and such excess shall then be paid to the overseer or overseers respectively who advanced the same. But if on the auditing of such account, there shall be a surplus in the hands of the said overseers, or any of them, the same shall be paid to the successor or successors in office, to be applied and accounted for, by him or them in the course of the next year in the like manner as is herein before prescribed.

Excess to be assessed and collected.

Penalty for refusal to execute office.

And be it further enacted by the authority aforesaid, That if any person who shall be elected an overseer of the poor, in any district in this State shall refuse or decline to execute the office, he shall thereby forfeit five pounds, to be sued for and recovered with costs of suit by the supervisor of that district for the time being, before any justice of the peace of the county to be paid to the overseers of and applied to the use of the poor in that district—And in case of the decease, or refusal to execute the office, or removal out of the district, of any person elected an overseer of the poor, the supervisor of the district shall by notices in writing by him subscribed and affixed up in three or more public places in the district, at least ten days before the time of meeting summon the freeholders and inhabitants to assemble at the usual place of town meeting, to elect a fit person to fill up such vacancy at which meeting the freeholders and inhabitants assembled, shall proceed to elect a fit person to fill up such vacancy, who being so elected shall be subject to the same duties and penalties as other overseers of the poor of that district; provided always that any person having served one year as an overseer of the poor, shall not be liable or compellable again to serve in that office until the expiration of four years from his time of service.

Vacancy, how to be filled.

Trustees of Kingston to be overseers of the poor.

And be it further enacted by the authority aforesaid, That the trustees of the freeholders and commonalty of the town of Kingston in Ulster county, shall (as heretofore) be overseers of the poor in that town, and perform the duties, and be subject to the penalties by this act required of and be vested with all the powers thereby given to the overseers of the poor in other districts.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the supervisors in any of the counties of this State, whenever it shall appear to them that monies are due and in arrear to the late church wardens, vestryman or overseers of the poor of any parish of this State while a colony; or to any person or persons whatsoever for keeping and supporting any poor person or persons committed to their care by any church warden, or church wardens, or overseer or overseers of the poor, at any time before the second Tuesday in January, 1777, or to any person or persons whatsoever for keeping or supporting any poor person or persons whatsoever committed to their care by any church warden or church wardens or overseer or overseers of the poor in the year 1776, and which poor person or persons have remained with and been supported by them for any space of time since that period, to supervise and liquidate the sum or sums respectively due to such person or persons as aforesaid; and to apportion the said several sums to and amongst the several towns manors precincts or districts in such late parish in such manner as they shall deem just and equitable; and by their warrant direct the sum they shall apportion to each respective town manor precinct or district to be levied and collected in the same respectively, in like manner as the contingent charges of the county shall be levied and collected: which monies when collected shall be paid to the overseers of the poor of such town manor precinct or district for the time being and be by them paid to the persons, to whom the same shall be due, according to the accounts respectively liquidated as above directed.

Supervisors to liquidate sums due for support of poor.

Apportionment and collection of amount due.

And be it further enacted by the authority aforesaid, That in all cases, which respect the overseeing, settlement, removal or relief of the poor, the term district made use of in this act, shall be descriptive of, and equivalent to the term, city, township, town, borough, manor, parish, precinct and district respectively.

Town district defined.

CHAP. 36.

AN ACT for the relief of widows and orphans of officers and soldiers of the line of this State, and of the militia thereof.

PASSED the 17th of April, 1784.

WHEREAS by resolves of congress of the seventeenth day of August, one thousand seven hundred and seventy nine and the twenty fourth day of August, one thousand seven hundred and eighty it was recommended to the several States to make such provisions for the widows of such of their officers and such of their soldiers inlisted for the war, as have die or may die in the service as shall secure to them the sweets of that liberty for the attainment of which their husbands had nobly laid down their lives.

Preamble.

Be it therefore 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 auditor of this State to liquidate and settle the accounts of the widows of such officers and soldiers, inlisted for the war who belonged to this State as have died in the service of the United States, and grant them certificates for their half pay for and during the term of seven years to be computed from the time of such officers or soldiers death, or in case of the death or

Auditor to liquidate and settle accounts of widows, etc.

intermarriage of such widows the said half pay to be given to the orphan child or children of such officer or soldier so dying as aforesaid if he shall have left any: which certificates shall bear interest from the time the money became due and be received in payment upon the purchases of all forfeited estates and also in payment for the waste and unappropriated lands for the amount thereof.

And whereas it is equitable that similar provisions should be extended to the widows and orphans of the militia being citizens of this State who have been slain in actual service.

When commanding officer of regiment of militia makes certificate.

Auditor to estimate value of half pay, etc.

Be it therefore further enacted by the authority aforesaid, That when the commanding officer of any regiment or corps of militia, shall certify that any person belonging to his regiment or corps was during the late war slain in the field and the time when his name and rank and that he left a widow or orphan child or children as the case may be, and shall further certify the name of the person or persons intitled to the provision by this act made: The auditor of this State shall estimate the value of seven years half pay according to the rank which such slain person held in the militia, and shall give a certificate thereof, to such widow or orphan child or children as the case may be, purporting that this State is indebted to the bearer in the sum therein mentioned and such certificate shall bear interest from the time the money became due and be received in payment upon the purchases of all forfeited estates and also in payment for the waste and unappropriated lands for the amount thereof.

CHAP. 37.

AN ACT for the appointment of a commissioner of excise in the city and county of New York, and other purposes therein mentioned.

PASSED the 20th of April, 1784.

Object For the better regulation of inns and taverns, and retailers of strong and spiritous liquors in the city and county of New York.

Act named extended. *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 a certain act of the legislature made and passed on the fourteenth day of March in the year of our Lord one thousand, seven hundred and eighty one, entitled "An act to lay a duty of excise on strong liquors, to appropriate the moneys arising therefrom, and for the better regulating of inns and taverns within this State" be, and the same is hereby extended to the city and county of New York as fully and effectually, to all intents and purposes, as if the said city and county had been therein expressly mentioned and comprehended, subject to such alterations, as is by this act made with respect to the said city.

Commissioner of excise in city of New York. *And be it further enacted by the authority aforesaid,* That such person as shall from time to time be appointed by the mayor aldermen and commonalty of the city of New York in common council convened, shall be commissioner of excise for the city and county of New York; and that it shall and may be lawful to and for the said commissioner of excise for the said city and county for the time being to use and exercise in the due execution of the said office, the same power and authority, as he or they might or could lawfully have used and exercised, if he or they had

been specially and expressly named and appointed, in and by the said act as commissioner of excise for the city and county aforesaid.

And be it further enacted, by the authority aforesaid, That instead of the fees allowed by the abovementioned act, the commissioner of excise for the city and county of New York for the time being, shall be entitled for his services, to a salary, at and after the rate of sixty pounds a year, which it shall be lawful for him to retain out of the money, which shall arise, and come into his hands from the duty of excise aforesaid: And the residue thereof he shall pay to the treasurer or chamberlain of the said city, to be applied and disposed of for the support of the poor of the said city and county or for such other public uses within the same, as the mayor, aldermen and commonalty of the said city shall from time to time, direct and appoint. Provided always, that licenses to retail strong or spiritous liquors, within the city and county of New York shall be granted and the recognizances to be entered into by the retailers, taken, in the manner prescribed and directed by the charter granted to the mayor, aldermen and commonalty of the city of New York, anything in this act or the act hereby extended to the contrary thereof notwithstanding.

Salary to be paid out of excise moneys, and residue paid to chamberlain.

Proviso as to licenses.

And be it further enacted by the authority aforesaid, That it shall be and hereby is made lawful for the commissioner or commissioners of excise to be appointed by virtue of this act, to determine and ascertain the sum which each respective person, applying for license as aforesaid shall pay for the same, not being less than one pound, nor more than twenty pounds lawful money of the State as a duty of excise, any thing to the contrary thereof in any wise, notwithstanding.

Commissioners to determine amount to be paid for license.

CHAP. 38.

AN ACT to repeal an act intituled an act for settling a ministry and raising a maintenance for them in the city of New York county of Richmond West Chester and Queens county and also the several other acts therein mentioned.

PASSED the 20th of April, 1784.

WHEREAS by virtue of sundry acts (herein after enumerated,) passed by the legislature of the late colony of New York, the inhabitants in the city and county of New York county of Richmond West Chester and Queens county, without distinction, have for many years been compelled to pay taxes for the support of the Episcopal clergy in the said counties, contrary to every principle of justice and sound policy; *and whereas* by colour of such laws it has been pretended, that the Episcopal churches were established in the said counties; and claims in consequence thereof have been set up, and prosecutions commenced injurious to the rights and privileges of other religious denominations, to the great vexation and disquiet of the good people of this state; *and whereas* altho the spirit of the said laws are repugnant to the constitution of this state as tending to establish and maintain a particular denomination of christians and the ministers thereof it appears nevertheless incumbent on the legislature of this state in order to remove every ground of uneasiness that may arise from such pretended claims in future, that the said laws should be repealed.

Preamble.

Acts re-
pealed.

Be it therefore 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 the act intituled An act for settling a ministry and raising a maintenance for them in the city of New York, county of Richmond West Chester and Queens county passed the 22d day of September in the year of our Lord 1693 and also an act intituled An act for the better explaining and more effectual putting in execution an act of general assembly intituled An act for settling a ministry and raising a maintenance for them in the city of New York county of Richmond West Chester and Queens county passed the 4th day of August 1705, and also the act intituled An act for the more equal and impartial assessing the minister and poor tax, to be raised within the city and county of New York Queens county West Chester county and county of Richmond passed the 27th day of July 1721, and also the act intituled An act to oblige all persons that shall come to inhabit or reside in the city of New York in order to expose any goods wares or merchandise to sale at any time after the annual assessment made for the tax for the maintenance of the minister and poor of the said city to pay their due proportion towards the same passed the 27th November 1741. And also an act to revive an act entitled An act to oblige all persons that shall come to inhabit or reside in the city of New York in order to expose any goods wares or merchandizes to sale at any time after the annual assessment made for the tax for the maintenance of the minister and poor of the said city to pay their due proportions towards the same, passed the 14th of May 1745, and also the act intituled An act to enable the inhabitants of the city of New York to chuse annually two vestry men for each respective ward within the said city, passed the 29th November, 1745. And also the act intituled An act for the further explaining and rendering more effectual the two acts therein mentioned so far as they relate to the city of New York passed the 19th February 1756. And also an act intituled An act to revive an act intituled An act to oblige all persons that shall come to inhabit or reside in the city of New York in order to expose any goods wares or merchandizes to sale at any time after the annual assessment made for the tax for maintenance of the minister and poor of the said city to pay their due proportions towards the same passed the 11th September 1755. And also an act intituled An act to amend an act intituled An act for settling a ministry and raising a maintenance for them in the city of New York county of Richmond West Chester and Queens county. And an act intituled An act to enable the inhabitants of the city of New York to chuse annually two vestry men for each respective ward within the said city so far as the same relates to the election of the church wardens and vestry men of the city of New York passed the 27th day of January 1770. And an act entitled "An act for altering the time of assessing and collecting the taxes for the support of the minister and the poor in the city of New York passed the 31st day of January 1775. And an act entitled "An act against Jesuits and Popish priests passed the 31st day of July 1700. And all and every of them shall be and hereby are repealed.

Ibid.

CHAP. 39.

AN ACT to raise the sum of one hundred pounds on the lands therein mentioned, for clearing and opening the creek, commonly called Black Meadow creek, in the precinct of Goshen, in Orange county.

PASSED the 23d of April, 1784.

WHEREAS there are several large parcels of swamp, and bog meadow, in a tract of land, commonly called the Black Meadow, situate in the patent of Wawayanda, in the county of Orange, and State of New York, which are frequently drowned, and rendered unfit for use, by the over flowing of the creek, called Black Meadow creek; which runs through said tract. And whereas the proprietors, of the said swamps and bog meadow, conceive the same may be made fit for tillage, or pasturage, by clearing out and enlarging the said creek. Preamble.

Be it therefore 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 Joseph Drake, Seth Marvin, and John Wood, or any two of them, or the survivors or survivor of them, shall be inspectors to settle and finally determine the number of acres, of swamp, and bog meadow, belonging to each proprietor, in the said tract, which may in their opinion be benefitted, by clearing, and enlarging, the said creek; which settlement, and determination, shall be delivered in writing, to the treasurer hereafter to be chosen by virtue of this act. Inspectors to determine number of acres of swamp, &c.

And be it further enacted by the authority aforesaid, That in order to clear, and enlarge the said creek, the sum of one hundred pounds, shall be paid by the proprietors of the said swamps, and bog meadow, in proportion to the number of acres they shall respectively own, and that will be benefitted thereby, as settled by the inspectors; which sum of one hundred pounds, shall be paid to William Thompson, Nathaniel Roe and John Bradner Esquires, to be by them applied, in paying all incidental charges, that shall arise in and about clearing, and enlarging, the said creek, as they or any two of them, shall think proper from the bridge near the house of Charles Durland, to the lower end of the ditch, heretofore cut by George Thompson, near the northwesterly corner of the lands of the said John Bradner. Amount to be paid to be in proportion to acreage owned.

And be it further enacted by the authority aforesaid, that for defraying the expenses, of clearing and enlarging the said creek, as aforesaid, the proprietors of the said swamps, and bog meadow, for the clearing and scouring of the said creek shall for every acre as determined and settled by the said inspectors, pay one penny annually for ten years, to be computed from the first day of January one thousand seven hundred and eighty five, on the first day of May, in every year, to a treasurer, to be chosen for that purpose by a majority of the said proprietors, on the first Monday in January in every year, at the house of Abijah Yelverton, situated at Chester, near the said tract; and in case any proprietor shall neglect to pay annually on the said first day of May, his proportion of the monies to be raised by assessment of one penny per acre, as aforesaid, the treasurer for the time being shall sue for and recover the same, before any justice of the peace, with interest, and costs of suit; and the said treasurer for the time being shall apply the money or such part thereof as he may think necessary to defray the charges of clearing the said creek, or enlarging the same; and on the said first Monday in Amount to be paid annually.
In case of neglect to pay treasurer may sue for same.

January in every year the said treasurer, for the time being, shall render an account of the expenditure of the said monies, unto the said proprietors, then assembled, and the monies (if any) he may have in his hands, together with all accounts, papers and vouchers, respecting the said swamps, and bog meadow, he shall then deliver to the treasurer who may be chosen to succeed him (if any other shall be chosen in his stead.)

And be it further enacted by the authority aforesaid, that each proprietor shall within one month after the said inspectors shall have settled, and determined their respective shares, as aforesaid, pay his, her, or their respective proportions of the said one hundred pounds, to the said William Thompson, Nathaniel Roe, and John Bradner, or either of them and in default thereof it shall be lawful for the said William Thompson, Nathaniel Roe, and John Bradner, or the survivor or survivors of them, to recover the same by due course of law, with interest and costs of suit, as other debts or demands are recovered within this State.

Payment, when to be made.

Proviso as to ditches.

And whereas there are many ditches between the lots of swamp, and bog meadow (commonly called line ditches) and several main ditches, to lead the waters into the said creek already made; and for the more effectual draining the said swamp, and bog meadow, it may be necessary to have, one, or more, main ditches made, and also many other line ditches, in order to lead the waters either into the main ditches, or into the creek. *And whereas* it will be also necessary, that the said ditches should be sufficiently scoured at least once in two years.

Notice to make half part of line ditches, etc.

Be it therefore enacted by the authority aforesaid, that any proprietor who shall be desirous of having one or more line ditch, or ditches, made shall give at least thirty days notice of his intention to the person, or persons, owning the swamp, or meadow adjoining to the said intended ditch or ditches respectively and in case the owner, or owners of the said swamp or meadow adjoining as aforesaid shall neglect or refuse to make one equal half part of such line ditch or ditches the person so giving notice may proceed to dig the said ditch or ditches, and may sue the other party or parties respectively, for one half of the expences thereof respectively, before any justice of the peace of the county, and shall recover the same with interest and costs of suit.

Width and depth of line ditches.

And be it enacted by the authority aforesaid, That all line ditches as aforesaid, shall be cut five feet wide and two feet and an half deep, unless the parties shall otherwise determine and agree.

Inspectors to decide in case of disagreement about the necessity of other ditches.

And be it further enacted by the authority aforesaid, that when one, or more of the said proprietors shall think it necessary, that any other ditch or ditches should be cut in the said swamps and bog meadow, and the persons interested therein cannot agree respecting the same, the said inspectors, or any two of them shall determine whether such ditch, or ditches will be necessary, and if the said inspectors, or any two of them shall think such ditch or ditches necessary to be made, they shall determine in what place, or places, the same shall be made, the size of the ditch, or ditches, and who shall pay the expences thereof, with all other incidental charges, attending the same. And in case either of the parties shall neglect to comply with such determination, the person or persons desirous of having such ditch or ditches made may proceed to make the same, and is and are hereby fully authorized to sue for, and recover (in the manner directed respecting line ditches) of each person interested, their respective proportion of the expences thereof, together with costs and all incidental charges.

Clearing out of ditches, etc.

And be it further enacted by the authority aforesaid, That all or so many of the ditches in the said swamps and bog meadow, as the said inspectors, or any two of them may think necessary to be cleared, shall

be cleared and scoured, and at such time in this present year, and in such manner as they or any two of them shall direct; and every ditch which shall hereafter be made, as well as those already made, shall once at least in every two years be scoured and enlarged to the same breadth and depth as they were at first made; and the expences of scouring and enlarging the said ditches or either of them shall be paid by the person or persons at whose charge the respective ditches were or shall be made. And upon the neglect or refusal of any person or persons to contribute his or their proportion of the said expences it shall be lawful after twenty days notice given to such proprietors respectively, by any of the said inspectors, for any one or more of the said proprietors to cause the said ditch or ditches to be scoured and enlarged as aforesaid, and to sue for and recover the respective proportions in the same manner as is herein directed respecting line ditches.

And be it further enacted by the authority aforesaid, That in case the said one hundred pounds shall not be sufficient for effectually clearing and enlarging the said creek agreeable to the directions of this act, such further sum not exceeding one hundred pounds shall be raised as the majority of the proprietors, shall think proper; which further sum shall be paid to the said William Thompson, Nathaniel Roe, and John Bradner by the respective proprietors, and in the same proportions as is herein before established by this act, which act shall continue in force until the first day of January one thousand seven hundred and ninety-five.

Further sum to be raised.

CHAP. 40.

AN ACT to ascertain the quality of pot and pearl ashes.

PASSED the 23d of April, 1784.

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 no person or persons whatsoever shall ship any pot or pearl ashes for exportation before he shall first submit the same to the view and examination of an inspector to be appointed for that purpose, who shall start the same out of the casks and carefully examine try and inspect the same, and sort the same in three different sorts, if necessary. That the said inspector shall put each sort by itself into tight casks, well hooped and coopered, which he shall distinguish by the words, first sort, second sort, or third sort, with the words pot or pearl ashes, branded in plain legible letters, together with the letters of his name and the place where such pot or pearl ashes are so inspected, at full length, on each of the casks; for which services and also, for the additional service of repacking the said pot or pearl ashes and putting the casks in such condition as they were in when brought to him for inspection, and for weighing the same, and delivering to the proprietors an invoice or weigh note under his hand of the weight of each cask, the said inspector shall have and receive six pence for every hundred weight so inspected, one half to be paid by the purchaser, and the other half by the vendor; provided, that if any such cask or casks shall in the judgment of the inspector be unfit for shipping, such further cooperage, or such new casks as may be necessary, shall be made or done at the expence of the vendor.

Pot and pearl ashes to be inspected before shipment.

Duty of inspector.

Fees.

Casks to be weighed.

And be it further enacted by the authority aforesaid, That such inspector at the time of starting the said pot or pearl ashes for inspection, shall weigh the cask or casks, and mark the weight with a marking iron, on each head thereof:

Disputes as to quality between owner and inspector, how to be settled.

Provided always, and be it further enacted by the authority aforesaid, That if any dispute shall arise between such inspector and any possessor of such pot or pearl ashes, concerning the quality thereof, upon application to any magistrate within the city or county where the same may happen, such magistrate shall and is hereby required to issue a warrant to three indifferent judicious persons, of skill and integrity, to be viewers, to view and search the said pot or pearl ashes, as the case may be, one of the said persons to be named by the possessor of such pot or pearl ashes, another of them to be named by the inspector, and the third to be named by the magistrate, which three persons shall be duly sworn carefully to examine the said pot or pearl ashes, as the case may be, and make report as soon as conveniently may be of the quality thereof as they find the same; and the said magistrate is hereby empowered and required to give judgment agreeable to the report of the said three viewers, or any two of them: and in case the said pot or pearl ashes are adjudged to be of the quality or qualities as distinguished by the inspector, the said magistrate is hereby authorized to direct the said pot or pearl ashes to be branded by the said inspector, agreeable to such distinction, and shall also award and order the owner or possessor of the said pot or pearl ashes to pay to such inspector sixpence for each hundred weight for all such pot or pearl ashes as shall be adjudged as aforesaid, with reasonable costs and charges: but in case the said pot or pearl ashes upon tryal shall be found to differ in quality from the said inspectors judgment thereon, the costs shall be paid by the inspector.

Power of inspector to make search on board of ships, etc.

And be it further enacted by the authority aforesaid, That every such inspector shall have full power and authority, by virtue of this act and without further or other warrant, to enter on board of any ship, sloop, or vessell whatsoever, lying or being in the harbour where such inspector is authorized to inspect pot or pearl ashes, to search for and make discovery of any pot or pearl ashes shipped or shipping on board any such vessell for exportation out of this state; and if such inspector shall on search discover any cask or casks of pot or pearl ashes, not branded as before directed, the person or persons so shipping, or having shipped the same, shall forfeit all and every such cask or casks of pot or pearl ashes so shipped or shipping, and not branded in the manner herein before directed; and the master or commander of any such vessell who shall receive, any such cask or casks of pot or pearl ashes, not branded as aforesaid, shall forfeit the sum of five pounds. And if any master of any ship or vessell, or any of his servants or seamen shall obstruct or hinder the said inspector in making such search as aforesaid, every person so offending, shall for such offence forfeit the sum of ten pounds.

Governor to appoint inspectors.

And be it further enacted by the authority aforesaid That the governor, or person administering the government of this state for the time being by and with the advice and consent of the council of appointment, shall, and is hereby authorised and required to appoint one or more fit person or persons to be inspector or inspectors of pot or pearl ashes in each such city or county of this state as to the said governor and council shall appear necessary. And if any such inspector or inspectors so appointed shall by any accident be rendered incapable, or shall neglect to execute the said office, or misbehave himself or themselves therein, or shall die, then and so often, and from time to time, as such cases may

arise, it shall and may be lawful for the said governor or person administering the government, by and with the advice and consent of the said council of appointment to appoint other fit and capable person or persons in his or their stead who shall thereupon be the inspector or inspectors for putting this act, in execution, with all the powers, and subject to all the penalties described in this act, and each of the inspectors so to be appointed by virtue of this act shall before he enters upon the execution of his office take and subscribe an oath before a magistrate of this state in the words following viz.

“ I do solemnly swear that I will faithfully truly and impartially according to the best of my judgment skill and understanding execute do and perform the office and duty of an inspector and examiner of pot and pearl ashes according to the true intent and meaning of a law of this state intitled An act to ascertain the quality of pot and pearl ashes ; and that I will not directly or indirectly, by myself or by any other person or persons for me, buy or sell any pot or pearl ashes during the time I continue inspector of the same, on my own account, or upon the account of any other person or persons whomsoever, so help me God.”

Official oath.

And be it further enacted by the authority aforesaid, That if any inspector of pot or pearl ashes not then employed in the examination and inspection of pot or pearl ashes (according to the duties required by this act) shall, on application made for the examination of any pot or pearl ashes as aforesaid, refuse neglect or delay to proceed to such examination and inspection, for the space of three hours after such application so made to him, the inspector so refusing neglecting or delaying to make such examination and inspection, shall for each offence forfeit the sum of twenty shillings, to the use of the person, or persons so delayed.

Penalty in case inspector neglects to make inspection.

And be it enacted by the authority aforesaid, That if any person or persons shall counterfeit any of the aforesaid brand-marks, or impress or brand the same on any cask or casks of pot or pearl ashes, knowing such brand-mark or impression to be counterfeit, he she or they being thereof legally convicted, shall forfeit and pay the sum of fifty pounds.

Ibid. for counterfeiting brand-marks.

And be it further enacted by the authority aforesaid, That if any person shall empty any cask or casks of pot or pearl ashes, branded as aforesaid in order to put in other pot or pearl ashes for sale or exportation without first cutting out the said brand mark's, the person or persons so offending, shall respectively forfeit the sum of fifty pounds.

Ibid. for neglecting to cut out marks.

And be it further enacted by the authority aforesaid, That all the fines and forfeitures mentioned in this act, shall be recoverable in the same manner as other debts of the same value are recoverable by the laws of this state, by suit, bill, plaint or information, wherein no essoin protection or wager of law, or any more than one imparlance shall be allowed ; the one moiety of all which fines and forfeitures (except such as are herein before otherways applied) when recovered, shall (after deducting the necessary costs,) be immediately paid into the hands of the treasurer of this state, toward the support of the government thereof, and the other half to the officer or other person who will sue for the same.

Fines, etc., how recoverable.

And be it further enacted by the authority aforesaid, That all pot or pearl ashes shipped for exportation from any port of this state, shall be inspected at the place where the said pot or pearl ashes may be so shipped for exportation out of this state, having the name of the place where it shall be shipped, and the letters of the inspectors name who has inspected and examined the same as before directed.

Where inspection to be made.

CHAP. 41.

AN ACT concerning the circuit courts.

PASSED the 23rd of April, 1784.

Preamble. WHEREAS the holding of the circuit courts only once a year in the several counties, is attended with a great delay of justice; as a temporary remedy therefore, and until the legislature shall make a more permanent and ample provision in the premises.

Appointment of time and place of holding courts.

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 be lawful for the supreme court of judicature from time to time, whenever they shall deem it necessary, to appoint a time and also a place within each of the several counties, for holding a court for the trial of causes arising in the said counties respectively, and brought to issue in the said supreme court; any law, ordinance or usage to the contrary notwithstanding. And further, that such court for the trial of causes shall be held in each county, for and during so long a time as in the judgment of the said court shall be deemed necessary for the trial of such causes.

CHAP. 42.

AN ACT to restrain the feeding and burning the grass, and cutting the timber on certain beaches and islands therein mentioned.

PASSED the 24th of April, 1784.

Horses, cattle, etc., not to run or feed on lands named.

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 from and after the first day of May next, no horses, neat cattle, sheep or hogs, small or great shall be suffered to go, run or feed, on any of the beaches or islands, lying between a certain gut, or inlet, called Mostick Gut, to the eastward, and another certain gut or inlet, called

Seizure of, when found.

Huntington West Gut, to the westward. And in case any horses, neat cattle, sheep or hogs, small or great, shall, after the said first day of May next, be found on any the said beaches or islands, it shall and may be lawful for any person or persons whatsoever, to take seize and keep the said horses, neat cattle, sheep, or hogs, as, and for their own absolute property; any law, usage or custom to the contrary notwithstanding—

Proviso as to oxen and horses necessary to cart hay.

Always provided, that this act nor any thing therein contained, shall not be construed to debar or prevent any person or persons whatsoever, having meadows on the said beaches or islands, from carrying on, using and feeding so many oxen and horses on the said beaches or islands, as shall be necessary for carting and stacking their hay, during the proper season of getting and securing thereof.

Penalty for setting fire to or burning old grass or timber.

And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, shall set fire to, or burn the old grass, or cut any of the timber on any of the said beaches or islands, he, she or they, so offending, on due proof thereof shall forfeit and pay the sum of five pounds, to any person or persons who will sue for the same, to his, her, or their own proper use.

CHAP. 43.

AN ACT to enable the mayor, recorder and aldermen of the city and county of New York, to raise monies by tax for the purposes therein mentioned.

PASSED the 26th of April, 1784.

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 the mayor, recorder and aldermen of the city and county of New York for the time being, or the major part of them, whereof the mayor or recorder to be one, be and hereby are fully empowered and authorized, to order as soon as conveniently may be after the passing of this act, the raising a sum, not exceeding six thousand pounds by a tax on the estates, real and personal of all and every the freeholders and inhabitants within the city and county of New York to be applied to the support and maintenance of the poor of and to the repairing and maintaining the public roads within the said city and county. And also a further sum not exceeding four thousand pounds by a tax on the estates real and personal, of all and every the freeholders and inhabitants within the said city, on the south side of a line, beginning at the out-let of the swamp of Leonard Lisperard Esquire into Hudsons river, thence to and along the north side of the dwelling house of Nicholas Bayard Esquire, thence to and along the north side of the dwelling house now or late of Thomas Jones Esquire, and thence to and along the north side of the dwelling house of Abraham Cannon to the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty of the said city and county of New York, shall think necessary, for guarding the said city, and to be applied also to the purchasing of oil, providing lamps, and repairing and attending the lamps which now are or hereafter may be erected within the said city; and for the making repairing and maintaining the public wells and pumps within the said city; and which said sums above mentioned shall be rated and assessed by the vestrymen, according to the estate and other circumstances and abilities to pay taxes of each respective person collectively considered. That the tax shall be raised at such different periods and such proportion at each period, as the said mayor recorder and aldermen of the said city and county for the time being, or the major part of them shall deem most expedient; and that the said tax shall be raised, assessed, levied and collected in the same manner as hath heretofore been accustomed within the said city and county for levying and collecting the tax for the maintenance and support of the minister and poor within the said city and county, except where otherwise directed by this act, and except that the said tax instead of being paid into the hands of the church wardens of the said city and county, for the time being, shall be paid into the hands of the treasurer or chamberlain of the said city and county for the time being, provided nevertheless.

And it is hereby further enacted, That it shall be lawful for the said mayor recorder and aldermen for the time being, or the major part of them, to determine what proportion of the monies to be raised by virtue of this act for the roads, and the poor shall be applied to the separate use of the poor; and that such proportion shall be drawn out of the hands of the treasurer or chamberlain of the said city and county, in

Mayor, etc., to raise 6,000 pounds for support of the poor by tax on real and personal estates.

Also 4,000 pounds on property of inhabitants of part of city named for payment of watchmen, etc.

When tax to be raised, etc.

Amount to be applied to the support of the poor, etc., to be determined.

like manner as near as may be as the monies heretofore raised within the said city and county for the use of the poor were accustomed to be drawn out of the hands of the church wardens of the said city and county for the time being, any thing herein contained to the contrary hereof in anywise notwithstanding.

Vacancies,
how to be
filled.

And be it further enacted by the authority aforesaid, That in case of vacancy or vacancies, in the office of vestryman collector or any other of the usual officers, within the said city and county requisite and necessary in and about the levying and collecting of taxes, however such vacancy may be or may have arisen, it shall and may be lawful for the said mayor recorder and aldermen of the said city and county for the time being or the major part of them, and they are hereby authorized and required to appoint a time for holding an election or elections to supply any and every such vacancy or vacancies, and to cause due notice thereof in writing to be given to the inspectors of the general election for the ward in which the vacancy or vacancies aforesaid shall have happened; and that it shall be the duty of the said inspectors and they are hereby directed and required thereupon to give at least eight days previous and public notice to all persons entitled by law to vote at such election, of the time and place of holding the same, and the said election shall be accordingly* held and conducted in the same manner to all intents and purposes as the election for the offices so becoming vacant ought by law to be held and conducted.

CHAP. 44.

AN ACT to facilitate the settlement of the accounts of the United States within this State.

PASSED the 27th of April, 1754.

Preamble. WHEREAS, The United States in Congress assembled, by their act, passed the twenty-seventh day of February, one thousand seven hundred and eighty-two, did resolve in the words following (*viz*) *Resolved*, that five commissioners be appointed for the settlement of accounts, under the direction of the superintendant of the finances, namely, one for the quartermasters department, one for the commissaries department, one for the hospital department, one for the cloathiers department, and one for the marine department, each of which commissioners shall have full power and authority to liquidate and finally settle the accounts of the departments respectively, assigned to them, up to the last day of December, one thousand seven hundred and eighty-one, inclusive. And also that it be recommended to the several legislatures of the States, to empower the said commissioners, to call for witnesses, and examine them on oath, or affirmation, touching such accounts as are respectively assigned to them, for settlement, and that it be also recommended to the said legislatures to make provision by law, for the speedy and effectual recovery from individuals of debts due, and effects belonging to the United States.

And whereas it is necessary to vest the said commissioners with such powers as may be adequate to the execution of their respective trusts.

* So in original.

Be it therefore 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 every of the said commissioners shall be, and hereby is authorized to issue a notice in writing under his hand and seal to any person or persons whom he shall suppose indebted to the United States, by means of any employment, or agency, which he or they may have held, or had, in the department, the accounts of which, such commissioner is appointed to liquidate, and finally settle, or to any person or persons who may be supposed to have in his, her, or their hands, any monies, or other personal property, belonging to the United States, which he, she, or they may have received, on account of, or from any officer, or agent of such department; which notice, after briefly setting forth, the cause for which such officers, agents, or persons may be required to attend, shall also direct him, her, or them to appear with their books, and papers, and a state of their accounts, before the commissioner, at a certain day and place to be expressed, in the said notice, provided that such day shall not be less than twenty days, from the service of such notice, and that the party shall not be compelled, to attend at any place, out of the county in which he usually resides. And if the party or parties so notified, shall attend on the day appointed, the said commissioner shall proceed to the examination, liquidation and final settlement, of his, her, or their account, and if upon such settlement, a ballance shall be found in favor of the person, or persons so notified, the said commissioner shall, at the request of the party, certify the same at the foot of the account, furnishing the party with a duplicate of such account, and certificate, and the said accounts and certificates respectively, shall be conclusive evidence, in any court of record, of this State, that the said account has been fully settled, and that the United States are indebted to the amount of the sum therein specified. If on the contrary, it shall appear from the settlement of such account, that a ballance is justly due to the United States, it shall be at the discretion of the said commissioner, to take a bond from the person so accounting, in the name of the treasurer of the United States, for the time being, conditioned for the payment of the said ballance, if the said debtor will voluntarily enter into the same, or if the debtor shall refuse, or the commissioners shall conceive it inexpedient, to take such bond it shall, and may be lawfull, for him to institute, a suit against the person so found indebted, in the name of the said treasurer, in any court of record, within the county, in which such debtor shall reside, other than in the supreme court, if the sum so found to be due, shall not exceed one hundred pounds, but if it shall exceed one hundred pounds he shall be at liberty, to sue for the same, in any court of record of this State, and in either case, the said debtor, shall be held to fail in such sum, as the said commissioner, shall upon oath, declare, it appears to him to be the ballance due to the United States, which affidavit shall be filed at the time of taking out the process.

Commissioners to issue notice to persons supposed to be indebted to the United States to appear with books and state accounts.

Commissioner to proceed to final settlement, and to certify the amount, if any, found due from the U. S.

If ballance is due U. S., commissioner may take bond or institute suit.

And be it further enacted by the authority aforesaid That whenever any of the said commissioners, or the officer, agent, or person, whose account, he is about to liquidate, and settle, shall find it expedient to examine witnesses respecting such account, that application shall be made to any justice of the peace within the county, in which the commissioner holds his session, to attend, at the place where such accounts are settling, and the justice, shall furnish him, as well as the party whose accounts, are under examination, with such subpoenas for witnesses, as they may respectively require, which subpoenas shall be valid, tho the witness resides in another county, to compel his or her attendance,

Subpoenas for witnesses.

under the penalty of one hundred pounds, to be recovered in the supreme court of this State, and on the attendance of such witness the said justice shall administer the usual oath, or affirmation to him, or her, and the said commissioner, and the party whose accounts are under examination, shall in the presence, and under the direction of the said justice, proceed to examine the said witness, the said commissioner reducing the said testimony to writing, unless the other party shall object thereto, in which case the justice, or any other person, on whom the parties may agree, shall do it, and the party whose accounts are under examination, shall be furnished with a true copy of such affidavit, which original and copy shall be certified by the said justice, and shall be conclusive evidence, in any court of record in any suit to be instituted for the ballance, which may be found on such settlement, and, and it shall and may be lawfull to and for the said commissioner, at his discretion, to adjust such accounts, on oath of the accountant, if such accountant, will voluntarily answer, such interrogatories as the said commissioner may deem necessary to state, in respect to such accounts, and that each witness shall be allowed, at the rate of six shillings per day, for his attendance, being summoned as aforesaid.

Testimony to be reduced to writing, etc.

Proceedings on examination of accounts.

And be it further enacted by the authority aforesaid, That if the party so notified shall appear, the commissioner and party shall proceed in manner following (to wit). The commissioner and accountant shall first examine the charges on the part of the United States against the said accountant, and if they agree in all those charges the accountant shall be made debter to the United States in the aggregate amount. But if the parties do not agree the accountant shall be made debtor with only the aggregate amount of such charges as they do mutually agree upon, and two separate accounts of the contested charges shall be made and subscribed by both parties in the presence of two persons who shall also subscribe their names thereto as witnesses, and each party shall retain one of such accounts. The parties shall then proceed to examine the charges on the part of the accountant against the United States, and if they agree in all those charges, the United States shall be made debtor to the accountant in the aggregate amount, but if the parties do not agree the United States should be made debter with only the aggregate amount of such charges as they shall mutually agree upon, and two separate accounts of the contested charges shall be made out and subscribed by both parties in the presence of two persons who shall also subscribe their names thereto as witnesses and each party shall retain one of such accounts. That an account currant shall be stated between the United States and the accountant in which the latter shall be made debtor for the aggregate amount of all such charges on the part of the United States, which he did not contest, and in which he shall have credit for the aggregate amount of all such charges by him made against the former as were not contested by the said commissioner, and the ballance on such account being struck, the amount thereof shall be certified, if due to the United States by the accountant, or if due to the latter by commissioner, and the ballance if in favour of the United States shall be carried to their credit in the contested account, or if in favour of the accountant to his credit in such account. That it shall then be lawful either for the said commssioner or for the said accountant to apply by petition (and to which petition shall be annexed a copy of the whole of the said contested account) to the chancellor in the court of chancery praying the aid of the said court in order to a settlement of the said contested account, and the chancellor shall on such petition order a copy thereof to be served on the opposite party and shall appoint a time

Account of undisputed items to be stated, and balance certified.

Proceedings before chancellor to settle contested account.

and place for the said parties to appear before him, and if such opposite party shall refuse to appear after being served with a copy of the said petition and with a copy of the rule of court appointing such time and place such opposite party shall be deemed in contempt and process of contempt shall issue against him and on the appearance of both the said parties it shall be lawful for the chancellor to decree on the whole or any part or parts of the said account or to refer the whole or any part or parts of the said account to such three referees as the parties shall mutually elect and in case the parties cannot agree in the choice of referees, then to such referees as the chancellor shall himself appoint. That the referees shall take on themselves the reference on pain of contempt and shall be allowed each eight shillings per day besides a reasonable allowance for their expences, for each day they shall be respectively employed in the said business referred to them to be paid by such of the parties or in such proportions between the parties as the chancellor shall agree; that a majority of the referees shall have authority to hear and report and shall also have authority by summonses under their hands to summons any person or persons to appear before them to testify touching the matter in controversy between the said parties and every person who being duly summoned shall refuse to appear or appearing shall refuse to testify shall be deemed to be in contempt of the said court of chancery. That on every hearing either before the chancellor himself or the referees the said accountant shall answer on oath to interrogatories touching the matter in controversy on pain of contempt. And that in every of the cases which may come before the chancellor by virtue of this act, he shall make such decree as shall appear to him agreeable to equity and good conscience, and shall direct such summary or other mode of proceeding as he shall judge proper and necessary. But in case it shall so happen, that the party shall decline to appear on such notice, or appearing, shall refuse to state his accounts, or produce his books and vouchers, in order to a settlement thereof, it shall and may be lawful, to, and for the said commissioner, thereupon to cause process to issue, in manner aforesaid, in the name of the said treasurer of the United States, and the defendant shall be held to bail, in such sum, as it shall appear, by the oath of the commissioner, that the defendant hath, in his opinion, received for, or on account of the United States or for or from any such officer or agent as aforesaid, which affidavit shall be filed in the office from which, process issued, or such other bail, as upon motion it shall appear to the court, or in a vacation, to either of the judges proper to direct, which direction shall be endorsed, on the back of the writ, and on the appearance of the defendant, to such process, the like proceeding shall be had, as in actions of account, except, that it shall be sufficient for the said treasurer of the United States, to declare, that the defendant has received the sum mentioned in his declaration, as bailiff, or receiver to the United States, and any proof of the receipt of public money, in either of the capacities mentioned in the above recited resolution of the United States in Congress, shall be and hereby is made sufficient evidence, to support such declaration, to which declaration, no other plea shall be admitted, but such as shall expressly deny the receipt of any such monies, in either of the capacities aforesaid, or such as shall admit the receipt of money, and tend to prove a discharge, or proper expenditure thereof, in the former of which cases, if upon the trial, the plea shall be found against the defendant, judgment shall be given for the amount of such monies, as shall appear to have come to his or her hands, and in case he she, or they shall by his, or her plea, admit the receipt of public monies, but

Reference may be ordered.

Referee's duties, fees, etc.

Accountant to answer on oath.

Decree.

In case party declines to appear, etc., process to issue in name of treasurer of the U. S.

Proceedings, evidence, judgment

plead a discharge, or proper expenditure thereof, the court shall in such case, award, that he or she shall account, and proceed to the appointment of three referees, agreeable to, and in manner directed by the act, "entitled an act for the better determination of personal actions, depending upon accounts, passed on the twelfth day of March, one thousand seven hundred and eighty one.

Referencee. *And be it further enacted by the authority aforesaid,* That such referrees, shall be, and hereby are invested, with all and every power, and authority, which are usually exercised, by referrees appointed, agreeable to the law aforesaid, in other actions of account, as well with respect to the mode of conducting the examination of the said account, as with respect to their judgment thereon, and that they shall issue summonses, to any witness to attend, on the settling of such account, and if such witness shall refuse, or neglect to attend, he or she, shall be and hereby are made liable to the penalties above mentioned, to be recovered in like manner, as is provided in case a witness shall not attend, when summoned to attend the said commissioner.

Power of referrees. *And be it further enacted by the authority aforesaid* That if any of the said commissioners shall suspect fraud or deceit, in any person or persons with whom such commissioners shall be empowered to account, by virtue of this act, such commissioner shall, and may, at his discretion, cause a bill to be filed, in the name of the said treasurer, in the court of chancery of this State, in which bill, he shall briefly declare, that the defendant is indebted to the United States, that he has refused to account, and suggest such interrogatories as he shall deem necessary for the defendant to reply to; the answer to which bill, shall be full and direct, to each of the interrogatories, therein contained, or the bill be taken in such part as is not fully answered unto, *pro confesso*.

In case of fraud bill may be filed, etc. *And be it further enacted by the authority aforesaid,* That no demurrer shall be allowed, to such bill, and that if the answer thereto, contains a confession of the receipt of public monies, that it shall be at the discretion of the chancellor, to refer the same to three masters in chancery, or to any one master in chancery, together with such other two persons, as the said chancellor shall by commission appoint, to examine and report, on such account, and which persons, so to be appointed, shall by the master in chancery, be sworn, impartially with him to examine, and report on such account, and which master, or masters in chancery, shall, beyond the powers heretofore usually exercised by him or them, be, and hereby are authorized and empowered to examine the defendant upon oath touching the matter in controversy. Provided that the accountant, shall not be compelled to answer to any question, the answer to which would tend to expose him to a criminal prosecution.

Demurrer not allowed. *And to the end that no delays may arise in the prosecution of such suit, Be it enacted,* that if the defendant, shall not enter his or her appearance, and answer within the time prescribed, by the rules of the court, that after the return of the first attachment, with proclamation, the bill shall be taken *pro confesso*, and a decree be given accordingly.

When bill to be taken pro confesso. *And whereas* by one other act of Congress, passed on the twentieth day of February one thousand seven hundred and eighty two it was *Resolved* "that a commissioner for each State should be appointed in the manner therein mentioned, with full power and authority, finally to settle the account, between the State for which he shall have been nominated, and the United States; that all accounts of monies advanced, supplies, furnished, or services performed, between the United States, and a particular State, shall be estimated according to the scale of depreciation framed by the board of treasury, on the twenty ninth day

Proviso reciting resolution of Congress.

of July, one thousand seven hundred and eighty, in consequence of the resolution of the twenty eighth day of June preceeding. Provided always that specific supplies furnished pursuant to requisitions of Congress, shall be settled, agreeably to the price mentioned, in such requisition, and also to liquidate, and settle in specie value, all certificates, given for supplies by public officers to individuals, and other claims, against the United States of America, by individuals, for supplies furnished to the army—the transportation thereof and contingent expences thereon, within the said State, according to the principles of equity and good conscience, in all cases which were not, or should not be provided for by Congress.”

And whereas, in the progress of the late war, the legislature of this State, from a zeal for the common cause, and an earnest desire to prevent the encrease of the prices of supplies, for the armies of the United States, and the depreciation of the paper money emitted by authority of the United States; did pass certain laws for regulating prices, and at the same time, for compelling the citizens, to contribute to the aforesaid supplies, at prices so prescribed, and on the certificate of the officers of the United States.

Ibid. as to laws regulating prices of supplies.

And whereas it is highly just and equitable, that on the final settlement of accounts, between this State, and the United States, as large prices should be allowed to this State for such supplies as are or shall be allowed, to other States for similar articles, and it is well known that in some of them, such supplies have been charged to the United States, at nearly double the price, at which they were permitted to be sold, by the regulating laws aforesaid, and the principle laid down in the before recited act of Congress, that all accounts of monies advanced, supplies furnished, or services performed, between the United States, and a particular State, shall be estimated according to the table of depreciation formed by the board of treasury, on the twenty ninth day of July one thousand seven hundred and eighty, will operate greatly to the prejudice of the people of this State, and is repugnant to the spirit of divers acts of Congress and particularly of a certain act passed on the nineteenth day of November one thousand seven hundred and seventy nine. Nevertheless the legislature fully confiding that the said act of Congress, of the twentieth day of February one thousand seven hundred and eighty two will be hereafter revised, and so altered as to credit this State, as much for the supplies furnished, and services performed, by its legislature and citizens, as shall be allowed to other States, and their citizens for similar supplies, and services. And this legislature being moreover earnestly disposed, to facilitate and give dispatch, to the settlement of the accounts referred to, in the said act of Congress.

Ibid. as to prices to be allowed this State.

Be it therefore enacted, by the authority aforesaid, That the commissioner appointed, or to be appointed, for this State, for the purposes in the last mentioned act or ordinance of Congress declared, shall be, and hereby is vested with full power and authority, to summon witnesses, and to examine them upon oath or affirmation, and adopt the like means in this behalf, and for the collecting and procuring of evidence, as any commissioner appointed, or to be appointed, for the purposes set forth in the first above recited act of Congress, may or can do, by virtue of this act.

Power of commissioner to examine witnesses, etc.

And be it further enacted by the authority aforesaid, That if any witness, shall wilfully falsify or knowingly swear, or affirm, to an untruth in a material point concerning which he or she shall be examined, before any justice of the peace, before the commissioner or referees, or in any court of record, within this state, by virtue of this act, the same

False swearing before commissioner, perjury.

shall be deemed perjury, and the person guilty thereof, shall be liable to be prosecuted, in any court of general or quarter session of the peace, of this State within the jurisdiction whereof, such offence shall be committed, and upon conviction thereof, he or she shall suffer, the like pains, penalties, and disabilities, to which those who commit wilful, and corrupt perjury, in any court of record, of this State are liable.

And whereas, many of the good people of this State, who have claims on the United States for services performed, articles furnished or taken by public officers, and others, may from there being unacquainted with the adjustment of accounts, greatly retard the settlement of the Continental accounts.

Person to be appointed to attend commissioner and assist claimants.

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful, to, and for his excellency the governor, by and with the advice and consent of the council of appointment, to appoint a person to attend the said commissioner, last alluded to, into each of the counties of this State, as agent on the part of this State, and that it shall be the duty of such agent, to aid and assist every claimant in stating his her or their account or demands, if, thereunto required by such claimants, or to receive any certificates or accounts with which any claimants may be invested, and to settle the same with the said commissioner, and to receive from such commissioner, a certificate or such other paper securities, as he may, by his instructions be directed to give, and to receive such certificate or security either in his own name, or in the name of the claimant, as the case may require.

Proviso as to certificates given quarter master generals, etc.

And whereas certificates have been given by officers in the quarter master generals, commissary generals, and forage master generals or forage masters departments, many of which are given for a nominal sum in Continental currency, without specifying in the same the particular articles or services for which they were respectively granted. And whereas no equitable liquidation of the true value of such nominal sum can be made, unless it shall be previously ascertained for what articles or services the debt was incurred.

Certificates to be delivered to agent.

Be it therefore further enacted by the authority aforesaid, That the agent to be appointed by virtue of this act, shall in such manner as he shall deem most eligible, require the holders of all and every of such certificates, to deliver the same to him or his order, for the purpose abovementioned; and that the said agent shall give to such persons so delivering their certificates as aforesaid, receipts for the same. That as soon as the said agent shall have received any number of such certificates as aforesaid, he shall apply to the persons by whom they were respectively given, or to such other persons in whose care the books and accounts of such persons may be deposited, for an account of the articles and services for which such certificates were respectively given, and of the time when the same were delivered or performed. That it shall be

Duty of agent.

lawful for the said agent to appoint one or more such clerk or clerks, as the person or persons giving such certificates shall nominate to make such extracts as aforesaid from the books of the person or persons so giving the certificates as aforesaid; and that the extracts so taken shall be certified by the officer or person who signed the original certificate (if such person be living and within this State) or in case of his death or absence from the State, then by the person or persons in whose custody the said books may be: that such extracts when taken from the books of any officer or person who shall be either dead or absent from the State, shall be, by the person in whose custody the same may be, certified under oath to be a true extract or copy from the books in his custody.

Clerks to make abstracts, and same to be certified, etc.

And be it further enacted by the authority aforesaid, That when the said agent shall be vested with such extracts as aforesaid, he shall as soon as conveniently may be, lay the same before the commissioner aforesaid appointed in behalf of the United States for liquidation and settlement; and after having received such certificates from the said commissioner as he may be authorized to give, to deliver the same to the respective holders of the original certificates by him received.

Agent to lay extracts before commissioner for liquidation.

And be it further enacted by the authority aforesaid, That if any person in either of the departments aforesaid, by whom such certificates as aforesaid, have been given, or any person having in custody any of the books or accounts of any such person in either of the said departments, who may be dead or without this State, shall refuse or neglect to permit such abstracts to be made, or to make and certify the same in the manner before directed, such person or persons so refusing, shall be liable to a suit, and recovery upon the certificate given by the person or persons giving the same, or having in custody the books or accounts of such person and who shall refuse to permit an extract to be made in manner aforesaid by the person or persons holding the same, in like manner as if the said certificate was given for the proper debt or debts of the person or persons so neglecting or refusing; and that there shall be no stay of execution upon any judgment or judgments to be had in any such suit or suits, any law to the contrary notwithstanding.

Suit may be brought against persons refusing to permit extracts to be made.

And be it further enacted by the authority aforesaid, That the said agent to be appointed in pursuance of this act is hereby authorised to appoint not exceeding two clerks for the making the said extracts, and at such pay as he shall deem equitable.

Agent to appoint two clerks.

And be it further enacted by the authority aforesaid, That Philip Schuyler Abraham Yates Junior and Egbert Benson Esquires or the major part of them, or the major part of such as shall from time to time be appointed by the legislature, shall be and hereby are appointed to give such assistance and advice, to the said agent, as they shall deem, will tend to promote the settlement of accounts, between individuals of this State, and the said commissioner, on the part of the United States, and on such other occasions on which he may require their assistance and advice, and also from time to time to give such assistance and advice to the auditor of this State, as they shall deem he may stand in need of, in the settlement of the accounts, between this State, and the United States.

Persons named to give advice, etc., to agent.

And be it further enacted by the authority aforesaid, That the said agent shall, and he is hereby required, to keep an exact account of each certificate issued by the said Continental commissioner, specifying the amount of each certificate, and the name of the person in whose favour it was granted.

Account of each certificate to be kept.

And be it further enacted by the authority aforesaid That the agent to be appointed by virtue of this act, shall be allowed at the rate of twenty shillings per day, for every day he shall be actually employed in the business to be by him performed, agreeably to this act, in which said allowance shall be included all expences whatsoever, other than books clerks and paper, according to such account thereof, as he shall produce audited by the auditor of this State.

Compensation of agent.

And be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer of this State, and he is hereby required to pay unto the said agent the sum of fifty pounds, immediately after his appointment, and the further sum of fifty pounds, at the expiration of three months thereafter on account of his said allowance out of any unappropriated monies in the treasury of this State.

Payment on account.

Oath or
affirma-
tion to
witnesses.

And be it further enacted by the authority aforesaid, That the agent to be appointed by virtue of this act, shall and may, and he is hereby empowered to administer on oath or if of the people called Quakers, an affirmation to any person or persons whose oath or affirmation may be required as a witness or claimant, on any matter incident to the business committed to the charge of the commissioner last mentioned.

And be it further enacted by the authority aforesaid, That this act shall continue, and be in force until the first day of May in the year one thousand seven hundred and eighty-five, and from thence to the end of the next meeting of the legislature and no longer.

CHAP. 45.

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.

PASSED the 27th of April, 1784.

Pay-rolls
to be deliv-
ered to
auditor for
examina-
tion and
liquidation

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 all brigadiers, colonels or commanding officers of regiments or corps of levies and militia respectively, who have been called into actual service during the late war, and to whom payment has not been made, shall as soon as possible after the passing of this act, deliver the abstracts and pay-rolls for all such services, to the auditor of this State for the time being, to the end that the same may be examined and liquidated agreeable to law; The said auditor shall charge all such officers, non commissioned officers and privates respectively, for the amount of such certificates which they have respectively received of the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States, for the depreciation of their pay, for the time he or they were captivated, and also with such monies as may have been advanced to them respectively on account of this State, ascertaining the value thereof, if in Continental currency, agreeable to the Continental scale of depreciation, and the said abstracts and pay-rolls being so examined and certified, and also all such which have heretofore been audited by the said State auditor, or by the late auditor general of the State, and which have not been paid, shall be delivered to the treasurer of the State for the time being, in order that certificates may be issued for the amount of the sums due to the persons respectively, named in such abstracts and pay-rolls.

State
treasurer
to cause
certificates
to be
printed.

And be it further enacted by the authority aforesaid, That the said state treasurer shall as soon as may be, cause a competent number of certificates to be printed, of such form and manner, as he shall deem best calculated to prevent frauds and counterfeits, and with blanks for the name of the creditor and the sum due to him, and purporting that the person named in such certificate, or his assigns, shall be entitled to receive from the treasury of this State, the sum specified in such certificate in current lawful money of this State, with the interest at five per cent per annum from the date of such pay-rolls or abstracts of the regiment or corps of levies and militia respectively for which such certificate shall be given in payment as aforesaid.

And be it further enacted by the authority aforesaid, That the treasurer of the said State, for the time being upon the application of any of brigadiers, colonels or commanding officers of any regiment or corps of levies and militia, or by any one of the officers of any of the said regiments or corps respectively, and as often as they or any one of them shall exhibit his or their pay-roll or abstract, examined and liquidated as by this act is required, the said treasurer shall proceed to fill up the blanks with the persons name and sum due, and sign his name to such number of certificates, as there shall appear names and sums expressed in such pay-rolls subsistance rolls or abstracts respectively, and shall take a receipt from such officer for the sum or sums issued to him in certificates for the purpose of discharging the amount of such pay-roll, subsistance roll or abstract respectively, and the said treasurer is to charge the said amount to the United States. And it shall be the duty of such officer to pay or deliver to each officer non-commissioned officers and privates belonging to his regiment or corps, a certificate for such sum as is mentioned in such abstract, pay-roll or subsistance roll which he hath exhibited to the state treasurer for settlement.

Treasurer to issue certificates on examined and liquidated pay-rolls.

And be it further enacted by the authority aforesaid, That it shall not be lawful for such officer who shall receive the certificates from the state treasurer, to deliver such certificate to any person or persons but such as shall apply in their own person for that purpose, or upon the order or assignment witnessed, made by any person or persons to whom pay shall appear to be due, or to the legal representatives of such person, always retaining in his possession such order or assignment and at the same time taking a receipt for such payment; and the said officer to whom the said treasurer shall pay, or deliver the certificates for the amount of the said abstract, pay-roll or subsistance roll shall within nine months after the receipt of the certificates, render a just and true account of the delivery of the same with vouchers of payment, and in case any shall remain in his hands, shall return the same to the said treasurer.

Officers only to deliver certificates to those who apply in person, etc.

And be it further enacted by the authority aforesaid, That all the said certificates, signed by the said state treasurer by virtue of this act, shall be receivable in payment upon the purchases of all forfeited estates and also in payment for the waste and unappropriated lands for the amount thereof.

Certificates receivable in payment for forfeited estates, etc.

And be it further enacted by the authority aforesaid, That all such persons to whom pay may be due for military services as aforesaid, who may be deprived of the opportunity of settling with such officer to whom his certificate may be given, within the time above by this act appointed for settlement, shall and may thereafter apply to the treasurer, at the treasury office of the State, and the treasurer, in such case is hereby directed and authorized to examine the abstracts, pay rolls or subsistance rolls where the name of the person or persons so applying shall be said to be contained, and also the vouchers of payment made on account of such pay-roll, subsistance roll or abstract and if upon such examination it shall appear that a sum is due, he shall issue certificates therefor in the same manner as is ordered and directed by this act.

Persons to whom pay is due may apply to treasurer for certificate of amount due.

And whereas in the course of the late war, it has frequently been necessary for his excellency the governor the brigadier general or commanding officers of regiments or corps, to order out detachments of the levies and militia for the defence of the frontiers before any means could be provided for their regular subsistance, upon which emergencies such detachments have subsisted themselves or have been subsisted by the inhabitants and for which no recompence hath hitherto been made.

Proviso as to ordering out levies without other provisions.

Persons producing to auditor certificate of having subsisted levies to be allowed pay at rate named.

Be it therefore enacted by the authority aforesaid, That when any person or persons shall produce to the auditor for the State for the time being, a certificate attested on the oath of and signed by the commanding officer of any such detachment of levies or militia who may have been subsisted in manner aforesaid, specifying the number of men and the number of days they were subsisted as aforesaid, and also specifying that no provisions were drawn from any public magazine for the time therein mentioned, the said auditor shall and is hereby authorized and required to allow the person or persons named in such certificate at and after the rate of one shilling for every day each person in such detachment was employed, and the auditor shall give a certificate to the person or persons with whom he has so settled, purporting that this State is indebted to such person or persons in the sum therein mentioned, and shall charge the same to the United States.

And whereas many of the citizens of this State are now or hereafter may be possessed of accounts audited by the auditor-general of this State or by the auditor thereof for articles delivered or services performed for the use of the United States or of this State.

Certificates to be delivered in lieu of audited accounts.

Be it further enacted by the authority aforesaid, That the treasurer of this State is hereby authorised and required upon the application of any person or persons possessed of an account or accounts audited as aforesaid or on the application of the legal representative of such person, to receive such accounts, and to deliver in lieu thereof and to alike amount one or more certificates as are by this act directed to be granted to the levies and militia with interest in like manner as by this act is directed, reducing the same to specie value by the Continental scale of depreciation, if not already so reduced, and which account the treasurer is further directed to retain in his hands with a discharge thereon and at the same time numbering with equal numbers the certificate so to be given and the account for which the same is given from number one progressively.

Account to be kept by the auditor.

And be it further enacted by the authority aforesaid, That the said auditor shall keep an exact and true account of the number of persons contained in the abstracts or pay rolls by him audited in virtue of this act and the said treasurer shall have the certificates he is hereby authorised to issue bound in a book or books by him to be procured for that purpose, and in filling up the same as directed by this act, cut the same thereout, and leave a part thereof in the said book and number such certificates, as also the parts left in the book from number one progressively, and the sum in each certificate, as also the persons name to whom such certificate issues shall be inserted in the part of such certificate left in the book as aforesaid.

CHAP. 46.

AN ACT for the inspection of sole leather in the city of New York.

PASSED the 28th of April, 1784.

Inspectors of sole leather to be appointed.

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 the mayor, aldermen, and commonalty, of the city of New York in common council convened, shall be, and hereby are authorized and directed to appoint from time to time, and as often as vacancies by

deaths, resignation of office, or otherwise shall happen, two fit persons to inspect and weigh all sole leather that shall be manufactured within the said city of New York, or imported or brought into the said city from any place whatsoever, after the passing of this act; which said inspectors shall respectively take and subscribe the following oath before the mayor or recorder of the city of New York, before they shall be deemed qualified for, or proceed to the execution of the duties enjoined upon them by virtue of this act, viz.

"I do solemnly swear, that I will well faithfully and impartially, according to the best of my skill and understanding, execute do and perform the office and duty of an inspector and examiner of sole leather, and will not directly, or indirectly by myself, or by any person or persons under me, or for my benefit or advantage, buy or sell any sole leather, during the time that I shall continue an inspector of the same (except for the use of my own family) according to the true intent and meaning of an act entitled An act for the inspection of sole leather in the city of New York. So help me God."

Official oath.

And be it further enacted by the authority aforesaid, That from and after the passing of this act no sole leather whatsoever shall be sold disposed of, or used for any purpose, or purposes whatsoever within the said city of New York, until the same shall be inspected, sealed and weighed, by one of the inspectors to be for that purpose appointed by virtue of this act, under the penalty of forty shillings, for every such offence, to be sued for and recovered, by action of debt with costs of suit, in a summary way, by any person or persons, who will sue and prosecute for the same, before the mayor, recorder, or any alderman of the city of New York, to be levied by process to be directed to the sheriff or any one of the constables of the said city, commanding him, or them, or either of them, to levy the same by distress and sale of the offenders goods and chattles; one moiety whereof when so recovered, to be paid to the chamberlain of the city of New York, to be applied at the discretion of the mayor, aldermen, and commonalty of the said city, to the use of the poor thereof; and the other moiety to the use of such person or persons who prosecuted for the same.

Sole leather not to be sold in New York city until it has been inspected.

And be it further enacted by the authority aforesaid, That there shall be paid to the inspector for inspecting, sealing and weighing of every side of sole leather, the sum of fourpence, one half thereof to be paid by the seller, and the other half by the purchaser.

Inspector's fees.

And be it further enacted by the authority aforesaid, That each inspector shall, and is hereby required to provide himself, with proper seals for the purpose aforesaid, and to impress on every side of sole leather, which shall be deemed dry, good, and merchantable, his own name, and the words New York at full length, and also the weight thereof. And if any person or persons, shall presume to counterfeit such mark or marks, to be made by any such inspector, by making any impression or mark on any sole leather, he or they so offending, shall forfeit and pay for every such offence the sum of ten pounds to be sued for recovered and applied in manner aforesaid.

Inspector to provide seal and impress same on every side of leather inspected.

Provided nevertheless, that all sole leather which upon inspection as aforesaid shall be found not to be dry, good and merchantable, and which as such shall not be branded in manner herein before directed, may be used for any other purposes, except, being worked into shoes, boots, or buckets. And provided further that all such sole leather which shall not on such inspection as aforesaid, be deemed good, and merchantable by the inspector, shall be by him marked with the word BAD, and may then be used for any other purpose, or purposes, except

Proviso as to use of unmerchantable leather.

To be marked "BAD."

being worked into shoes, boots, or buckets. And every such inspector is hereby required and directed to keep proper instruments for the purpose of marking such unmerchable leather accordingly; and if any person or persons shall presume to work up into shoes, boots, or buckets, any sole leather, before the same shall be inspected as aforesaid, or any sole leather which shall be marked with the word BAD as aforesaid, he, or they so offending, shall forfeit and pay for every such offence the sum of ten pounds, to be sued for recovered and applied, in manner before directed.

CHAP. 47.

AN ACT to raise five hundred pounds for repairing and finishing the court house and gaol in Haverstraw precinct in Orange county, and for other purposes therein mentioned.

PASSED the 28th of April, 1784.

Preamble. WHEREAS the court house and gaol in Haverstraw precinct in the county of Orange, have not been completed, and are now out of repair.

Tax to be assessed to repairing court house and gaol.

Be it therefore 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 the supervisors of the said county for the time being, shall, and they are hereby directed and required, to order to be assessed on and collected from the freeholders and inhabitants of the precincts of Orange Town and Haverstraw, in Orange county, the sum of five hundred pounds for repairing and finishing the said court house and gaol, with the additional sum of nine pence for every pound for collecting the same. That one hundred and twenty five pounds of the said five hundred pounds shall be raised with the first tax that shall hereafter be assessed in the said precinct; and the like sum of one hundred and twenty five pounds annually, for three years next succeeding the said first tax; which said several sums amounting to five hundred pounds, and the poundage for collecting the same, shall be assessed levied and collected, in like manner as the other contingent charges of the said county.

When to be assessed

Trustees named to cause repairs to be made.

And be it further enacted by the authority aforesaid, That the monies so to be raised by virtue of this act, shall from time to time be paid by the several and respective collectors of the precincts of Orange Town and Haverstraw, unto David Pye, Cornelius Cornelius Smith, Roeloff Van Houten, Benjamin Coe and William Sickels, who are hereby appointed trustees to direct and cause the said court house and gaol to be repaired and finished; and the said trustees or any three or more of them, are hereby authorized and empowered from time to time to direct the manner in which, and the materials wherewith the said court house and gaol shall be repaired and finished; and to inspect, examine, audit, settle and pay every account for labor or work done or materials provided or used, or any other disbursements expended for repairing or finishing the said court house and gaol, or either of them.

Preamble as to monies taken on loan.

And whereas John Coe, David Pye, Edward William Keers, Cornelius Cornelius Smith and Roeloff Van Houten in pursuance of an act of the legislature of the late colony of New York, entitled "An act for raising a sum not exceeding one thousand pounds, for building a court house and gaol in the county of Orange, and for other purposes therein mentioned, passed the 19th of March, 1774, did take monies on loan, at

interest, to erect and build the said court house and gaol, which monies still remain due and unpaid.

Be it therefore enacted by the authority aforesaid, That the trustees by this act appointed, or any three or more of them, are hereby authorized and empowered to pay and discharge the monies both principal and interest due or that shall become due as aforesaid, out of the said sum of five hundred pounds, directed by this act to be raised; and the said trustees shall deliver to the supervisors of the county, an account in writing with the names of the said trustees or the major part of them, with their own handwritings respectively subscribed, of all the interest due or that shall become due on the monies so taken on loan for the purpose aforesaid; and the supervisors of the county shall thereupon order and direct the sum or sums so paid for interest, to be assessed on and levied from the freeholders and inhabitants of the precincts of Orange Town and Haverstraw, in the same manner as the other contingent charges of the county; and the monies so to be assessed, and levied for the interest aforesaid, when collected, shall by the collectors of the said precincts, be paid to the said trustees, or the survivors of them, to be expended in repairing and finishing the said court house and gaol.

Payment to be made out of sum hereby authorized to be raised.

And be it further enacted by the authority aforesaid, That the said trustees, and every of them, and the survivors and survivor of them, shall from time to time, render just and true accounts upon oath, to the justices at the general sessions of the peace for the said county, of the expenditure of all the monies they shall respectively receive in pursuance of this act, until the same shall be expended.

Account to be rendered.

CHAP. 48.

AN ACT to continue and revive an act entitled "An act for staying execution in suits against public officers on contracts, and acts by them made and done in behalf of the United States, and of this State."

PASSED the 20th of April, 1784.

WHEREAS the act entitled "An act for staying execution in suits against public officers on contracts, and acts by them made and done in behalf of the United States, and of this State," passed the twenty-first day of March one thousand seven hundred and eighty-three, did expire by its own limitation on the first day of March last; *And whereas* it is conceived that the expediency which induced the passing of the said act still exists.

Preamble.

Be it therefore 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 the said act entitled "An act for staying execution in suits against public officers on contracts, and acts by them made and done in behalf of the United States, and of this State," shall be and the same is hereby revived and declared to be and continue in force until the first day of February next. Provided always, that nothing in this act or the said recited act contained, shall be construed deemed or taken to prevent execution being levied against any such officer or officers, on any suit instituted or to be instituted by any commissioner or other person whomsoever appointed or to be appointed on the part of the United States, or of this State, to settle and adjust the account of such officer or officers.

Act revived.

Proviso as to execution in suits instituted by U. S. commissioner.

CHAP. 49.

AN ACT to exempt Richard Morris, his heirs executors administrators and assigns, from paying any part or share of the produce of a mine in the county of Westchester, to the people of this State as sovereign thereof until the first day of May in the year of our Lord 1795.

PASSED the 29th of April, 1784.

Preamble. WHEREAS it is represented to the legislature by Richard Morris Esquire, that he conceives he has discovered a mine in the county of Westchester, which may be so charged with silver as to be subject to the payment of a proportion of it, to the people of this State as sovereign thereof; and if such proportion be demanded it may not, only take away any profit which may arise, but should there not be a profit equal to such proportion it may prove ruinous to the workers of it: and the said Richard Morris hath by his memorial presented to the legislature, prayed, that himself his heirs, executors, administrators and assigns may by a law of this State be exempted from paying any part or proportion of the said mine to the people of this State as sovereign thereof until the first day of May, which will be in the year of our Lord, one thousand seven hundred and ninety-five.

Be it therefore 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 the said Richard Morris, his heirs, executors, administrators and assigns, shall be and hereby are exempted acquitted, released and discharged from paying or yielding to the people of this State as sovereign thereof, or to any commissioner, agent, collector or receiver for their use, any part, share, royalty, proportion or dividend whatsoever of a certain mine in the county of Westchester, discovered by him the said Richard Morris, until the first day of May in the year of our Lord one thousand, seven hundred and ninety five.

And be it further enacted by the authority aforesaid, That neither the said Richard Morris his heirs executors administrators or assigns, nor any or either of them shall presume to work or intermeddle with the said mine after the day last mentioned on any pretence whatsoever until he or they shall have obtained permission from the legislature of this State fixing the part or share of the said mine to be paid by the said Richard Morris his heirs executors administrators or assigns to the State, as their share, proportion or part as sovereign thereof.

And in order to give the said Richard Morris his heirs, executors, administrators or assigns every advantage arising from the discovery.

Be it further enacted by the authority aforesaid, That in all treaties with the legislature for the working of the said mine, the said Richard Morris his heirs, executors, administrators or assigns, shall have the offer to be a party and privy thereto, and shall on every offer have the preference, it being the will and design of the legislature that no person whatsoever shall work the said mine upon such terms, as the said Richard Morris, his heirs executors administrators or assigns will accept. Provided always that nothing herein contained shall be construed to give the said Richard Morris his heirs executors administrators or assigns any preemption or right to dig or break up the soil or grounds of any private person, or which may be the property of the people of

Released from paying royalty on mine until day named.

Not to work mine after date named without permission from legislature.

Preference to be given to party named.

Proviso as to digging on soil of private persons.

this State, without having previously made a contract and obtained permission for that purpose as well from the owner or possessor of the improvements of such lands as from the owner or owners of the fee thereof.

CHAP. 50.

AN ACT to exempt Henry Oothoudt his heirs executors administrators and assigns, from paying or being accountable to the people of this State as sovereign thereof, for any part of the issues or profits of the mine therein described, for a limited period.

PASSED the 29th of April, 1784.

WHEREAS it is represented to the legislature by Henry Oothoudt of the district of Coxhacky in the county of Albany Esquire, that he has discovered a mine in the said district, which there is reason to hope, may on proper assays and experiments prove to be a silver mine, or at least to be so charged with that metal as to entitle the people of the State as sovereign thereof thereto; or for the privilege of working the same, to a proportion of the produce, issues, or profits thereof. That should the petitioner in the first instance be bound or exposed to account to the people for a proportion of such produce, issues or profits, it might happen in an operation so hazardous, laborious and extensive, that the remainder might not equal the actual and necessary expense of pursuing the discovery, and bringing it to effect; by which means the petitioner and his family might be involved in ruin, wherefore the petitioner hath most humbly prayed that the legislature would be favourably pleased by law to permit him to work the said mine, without hinderance or interruption on the part of the people of this State as sovereign thereof, and to exempt him, his heirs, executors, administrators and assigns from paying or accounting for any part, share or proportion of the produce, issues, or profits of the said mine, to or for the use of the people of this State as sovereign thereof until after the first day of May which will be in the year of our Lord one thousand seven hundred and ninety-five.

Be it therefore 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 to and for the said Henry Oothoudt, his heirs executors administrators, partners, agents, factors and assigns, at his and their own and sole charge and expence to work the said mine so discovered without any hinderance or interruption by or on the part of the people of this State as sovereign thereof, until the first day of May which will be in the year of our Lord one thousand, seven hundred and ninety five.

And be it further enacted by the authority aforesaid, That the said Henry Oothoudt, his heirs, executors administrators, partners, agents, factors or assigns shall be, and he and they hereby are exempted, acquitted, released and discharged, from rendering or paying to the people of this State as sovereign thereof or to any commissioner, agent, collector, or receiver for their use, any part, share, royalty, proportion or dividend whatsoever of the produce, issues, or profits of the said mine so discovered by the said Henry Oothoudt until after the said first day

Preamble.

Permission given to work mine.

Released from paying royalty on mine until day named.

of May in the year of our Lord one thousand seven hundred and ninety-five.

Not to work mine after day named without permission of legislature.

And be it further enacted by the authority aforesaid, that from and after the said first day of May in the year of our Lord one thousand seven hundred and ninety-five, neither the said Henry Oothoudt his heirs, executors, administrators or assigns, or any or either of them shall presume to work, or intermeddle with the said mine on any pretence whatsoever, until he or they shall have obtained permission from the legislature of this state, fixing the part or share of the said mine to be paid by the said Henry Oothoudt, his heirs, executors, administrators or assigns, to the State, as their share, proportion or part as sovereign thereof.

And in order to give the said Henry Oothout his heirs, executors, administrators and assigns every advantage arising from the discovery of the said mine.

Preference to be given to party named.

Be it further enacted by the authority, That in all treaties with the legislature for the working of the said mine, the said Henry Oothoudt, his heirs, executors, administrators or assigns shall have the offer to be a party thereto, and shall on every offer have the preference, it being the will and design of the legislature that no person whatsoever shall work the said mine upon such terms as the said Henry Oothoudt, his heirs, executors administrators or assigns will accept. Provided always that nothing herein contained shall be construed to give the said Henry Oothoudt his heirs executors administrators or assigns any permission or right to dig or break up the soil or grounds of any private person, or which may be the property of the people of the State without previously having made a contract and obtained permission for that purpose, as well from the owner or possessor of the improvements of such lands as from the owner or owners of the fee thereof.

Proviso as to digging on soil of private persons.

CHAP. 51.

AN ACT for granting certain privileges to the college heretofore called Kings College, for altering the name and charter thereof. and erecting an university within this State.

PASSED the 1st of May, 1784.

Preamble.

WHEREAS by letters patent under the great seal of the late colony of New York, bearing date the thirty-first day of October, in the twenty eighth year of the reign of George the second king of Great Britain, a certain body politic and corporate, was created by the name of the Governors of the College of the Province of New York in the city of New York in America, with divers privileges, capacities and immunities, as in and by the said patent will more fully appear.

And whereas there are many vacancies in the said corporation, occasioned by the death or absence of a great number of the governors of the said college, whereby the succession is so greatly broke in upon as to require the interposition of the Legislature.

And whereas the remaining governors of the said college, desirous to render the same extensively useful, have prayed, that the said college may be erected into an university, and that such other alterations may be made in the charter or letters of incorporation above recited, as may

render them more conformable to the liberal principles of the Constitution of this State.

Be it therefore 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 all the rights priviledges and immunities heretofore vested in the corporation, heretofore known by the name of the Governors of the College of the Province of New York, in the city of New York in America, so far as they relate to the capacity of holding, or disposing of property either real or personal, of suing or being sued, of making laws or ordinances for their own government, or that of their servants, pupils and others, under their care and subject to their direction, of appointing, displacing, and paying stewards and other inferior servants, of making, holding and having a common seal, of altering and changing the same at pleasure, be and they hereby are vested in the regents of the university of the State of New York, who are hereby erected into a corporation or body corporate and politic, and enabled to hold possess and enjoy the above mentioned rights, franchises priviledges and immunities, together with such others as are contained in this act, by the name and stile of the Regents of the University of the State of New York, of whom the Governor, the Lieutenant Governor, the President of the Senate for the time being, the Speaker of the Assembly, the mayor of the city of New York, and the mayor of the city of Albany, the Attorney General and the Secretary of the State respectively for the time being, be and they hereby are severally constituted perpetual regents, in virtue of their several and respective offices, places and stations, and together with other persons herein after named to the number of twenty four, to wit, Henry Brockholst Livingston and Robert Harpur of the city of New York, Walter Livingston and Christopher Yates of the county of Albany, Anthony Hoffman and Cornelius Humfrey of the county of Dutchess, Lewis Morris and Philip Pell Junior of the county of Westchester, Henry Wisner and John Haring of the county of Orange, Christopher Tappen and James Clinton of the county of Ulster, Christopher P. Yates and James Livingston of the county of Montgomery, Abraham Bancker and John C. Dongan of the county of Richmond, Mathew Clarkson and Rutger Van Brunt of the county of Kings, James Townsend and Thomas Lawrence of the county of Queens, Ezra L'Hommedieu and Caleb Smith of the county of Suffolk, and John Williams and John McCrea of the county of Washington, be and they hereby are appointed regents of the said University, and it shall and may be lawful to and for the clergy of the respective religious denominations in this State, to meet at such time and place, as they shall deem proper after the passing of this act, and being so met shall by a majority of voices of those who shall so meet, chuse and appoint one of their body to be a regent in the said university and in case of death or resignation to chose and appoint another in the same manner and the regent so chosen and appointed shall have the like powers as any other regent appointed or to be appointed by virtue of this act. And to the end that a succession of regents be perpetually kept up.

Rights, powers, etc., vested in regents of university.

Ex officio regents.

Regents.

Clergy may meet and appoint a regent.

Be it further enacted by the authority aforesaid, That whenever and so often as one or more of the regents of the said university, not being such in virtue of his or their office, place or station, shall remove his or their place of residence from within this State, shall resign or die, that the place or places of such regent or regents, so removing, resigning or dying shall be filled up by the governor or person administering the government of the State for the time being, by and with the advice and consent of the council of appointment, so that such appointments be of

Vacancies, how to be filled.

persons resident in the counties respectively wherein in the former regents did reside, other than where such vacancy may happen of a regent appointed by the clergy as aforesaid.

Officers
to be
elected.

And be it further enacted by the authority aforesaid, That as soon as may be after the passing of this act, the regents of the said university, shall by plurality of voices, chuse a chancellor a vice chancellor a treasurer and a secretary, from among the said regents, the said chancellor or in his absence the vice chancellor to preside at all elections and other meetings to be held by the said regents, and to have the casting vote upon every division. And for the well ordering and directing of the said corporation.

Powers
conferred.

Be it further enacted by the authority aforesaid, That the regents of the said university, or a majority of them shall be and hereby are vested with full power and authority to ordain and make ordinances and bye laws for the government of the several colleges, which may or shall compose the said university, and the several presidents, professors, tutors, fellows, pupils and servants thereof and for the management of such estate as they may and shall be invested with ; that they shall have full power and authority to determine the salaries of the officers and servants of the said college to remove from office any such president professor tutor fellow or servant, as they conceive, after a full hearing to have abused their trust, or to be incompetent thereto, provided nevertheless, that no fine to be levied by virtue of the said laws or ordinances, shall exceed the value of one bushel of wheat for any one offence, and that no pupil or student shall be suspended for a longer term than twenty days, or be rusticated or expelled, but upon a fair and full hearing of parties, by the chancellor or vice chancellor of the said university, and at least ten of the regents not being president or professors of the college to which the person accused belongs, or under whose immediate direction the same may be, and the said regents are hereby further empowered and directed as soon as may be, to elect a president and professors for the college heretofore called Kings College, which president shall continue in place during the pleasure of the regents of the university. And that from and after the first election, the said president and all future presidents shall be elected, from out of the professors of the several colleges, that may or shall compose the said university, and that no professor shall be in anywise whatsoever accounted intelligible, for or by reason of any religious tenet or tenets, that he may or shall profess, or be compelled by any bye law or otherwise, to take any religious test-oath whatsoever. And to the end that the intention of the donors and benefactors of the said beforementioned college be not defeated.

Religious
test oath
not re-
quired.

Property
vested in
regents.

Be it further enacted by the authority aforesaid, That all the estate whether real or personal, which the said governor of the corporation of Kings College held by virtue of the said beforementioned charter, be held and possessed by the said regents and applied solely to the use of the said college and that the said regents may and there hereby are empowered to receive and hold for the use of the said college, an estate of the annual value of three thousand five hundred pounds, in manner specified in the said first above recited charter or letters patent of incorporation. And for the further promotion of learning and the extension of literature.

May hold
property
to amount
named.

Be it further enacted by the authority aforesaid, That the said regents may hold, and possess estates, real and personal to the annual amount of forty thousand bushels of wheat, over and above all profits arising from room rent or tuition money, and that whenever any lands tenements or hereditaments, or other estate real or personal, shall be

given, granted or conveyed to the regents of the university of the State without expressing any designation thereof, such estate shall be applied in such manner as to the said regents shall seem most advantageous to the said university — provided always, that whenever any gift, grant, bequest, devise or conveyance shall express the particular use to which the same is to be applied, if adequate thereto, it shall be so applied and no otherwise.

And be it further enacted by the authority aforesaid, That the said regents be and they hereby are impowered, to found schools and colleges in any such part of this State as may seem expedient to them, and to endow the same, vesting such colleges so endowed with full and ample powers to confer the degrees of bachelor of arts, and directing the manner in which such colleges are to be governed, always reserving to the chancellor and vice chancellor of the university, and a certain number of the regents, to be appointed by a majority of the said regents, a right to visit and examine into the state of literature in such college, and to report to the regents at large any deficiency in the laws of such college or neglect in the execution thereof, every such school or college being at all times to be deemed a part of the university, and as such, subject to the controul and direction of the said regents ; and if it should so happen, that any person or persons, or any body politic or corporate, should at his or their expence found any college or school, and endow the same with an estate, real or personal of the yearly value of one thousand bushels of wheat, that such school or college shall on the application of the founder or founders or their heirs or successor, be considered as composing a part of the said university, and the estate thereunto annexed shall be and hereby is vested in the said regents, of the university, to be applied according to the intention of the donor, and that the said founder and founders, and their heirs, or if a body corporate, their successors shall be and hereby are forever hereafter entitled to send a representative for such college or school, who together with the president (if the estate is applied to the use of a college) shall be and they hereby are at all times hereafter to be considered as regents of the said university, and vested with the like powers and authorities in all things, as in and by this act is given to the other regents of the said university and the said college or school, shall in all things, not particularly restricted by the donor, conform to the general laws and regulations of the said university, provided that nothing in this act contained shall be construed to deprive any person or persons of the right to erect such schools or colleges as to him or them may deem proper, independent of the said university.

Power to found schools, etc.

And be it further enacted by the authority aforesaid, That whenever any religious body or society of men shall deem it proper to institute a professorship in the said university for the promotion of their particular religious tenets, or for any other purpose not inconsistent with religion, morality and the laws of this State, and shall appropriate a fund for that purpose, not being less than two hundred bushel of wheat per annum, that the regents of the said university shall cause the same to be applied as the donors shall direct, for the purposes abovementioned, the said professors so to be appointed to be subject to the like rules, laws and ordinances, as other the professors of the said university, and entitled to the like immunities and priviledges.

Religious bodies permitted to institute a professorship, etc.

And be it further enacted by the authority aforesaid, That the said regents and their successors forever, shall and may have full power and authority by the chancellor or vice chancellor of the said university, or any other person or persons by them authorized or appointed, to give

Power to grant degrees.

and grant to any of the students of the said university, or to any person or persons thought worthy thereof all such degrees as well in divinity, philosophy, civil and municipal laws, as in every other art, science and faculty whatsoever as are or may be conferred by all or any of the universities in Europe, and that the chancellor or in his absence the vice chancellor of the said university for the time being, do sign and seal with the seal of the said corporation diplomas or certificates of such degrees having been given, other than the degree of bachelor of arts, which shall and may be granted by the president of the college in which the person taking the same shall have been graduated, and the diploma shall be signed by the said president. That the persons to be elected fellows professors or tutors as aforesaid, be also regents of the said university, *ex officio* and capable of voting in every case relative only to the respective colleges to which they shall belong, excepting in such cases wherein they shall respectively be personally concerned or interested.

Name
changed.

And be it further enacted by the authority aforesaid That the college within the city of New York heretofore called Kings College, be forever here after called and known by the name of Columbia College.

CHAP. 52.

AN ACT for the better laying out regulating and keeping in repair all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery.

PASSED the 4th of May, 1784.

Preamble.

WHEREAS the keeping in good repair public roads and highways, contributes greatly to the ease and advantage of the inhabitants of a country.

Commissioners to lay out and regulate highways, election of, etc.

Be it therefore 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 from and after the passing of this act, the freeholders and inhabitants of the towns within the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery shall be, and hereby are authorized at their annual town meetings for electing town officers, to choose and elect not less than three nor more than five freeholders, as shall be determined by plurality of voices of the inhabitants at each annual town meeting, in each respective town, to be commissioners to lay out and regulate the highways in the town for which they shall be so respectively chosen; and also as many overseers of the highways in each town as there shall be road districts in the said town, who are to oversee repair and keep in order the several highways within the several districts for which they shall be elected and chosen overseers as aforesaid; and the persons so to be chosen commissioners or overseers are hereby required to execute the said offices respectively.

Powers and duties of.

And be it further enacted by the authority aforesaid That the commissioners or the major part of them, in the respective towns for which they shall be chosen commissioners, are hereby empowered and authorized to regulate the roads already laid out, and if any of them shall appear inconvenient, and an alteration necessary, and the same be certified upon oath by twelve reputable freeholders of such of the said

counties wherein the alteration may be required to alter the same in such manner as a majority of commissioners in such town shall judge meet and convenient; and also to lay out such other public highways and roads, as they or the major part of them shall judge necessary, as well for the convenience of travellers, as for the inhabitants of such town. Provided nevertheless that where any roads shall be laid out through inclosed or improved lands, the owner or owners shall be paid the value of the land so to be laid out into an highway or road, with such damage as he, she or they may sustain by reason thereof, in manner following viz. The value of the said lands and the amount of the damages the owner or owners thereof may sustain as aforesaid, shall be determined, and the value set and appraised by two justices of the peace and by the oaths of twelve reputable freeholders not having an interest in the said land so to be laid out into an highway or road; and the said freeholders shall be summoned by any constable of the town in which such road or highway shall be laid out as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace for that purpose. And if any road within any town so laid out to be a common public highway, and the same be laid out at the request of twelve reputable freeholders of such county, then the whole value of the said lands and damages together with the charges of the commissioners and of summoning the jury and the whole proceedings thereon had, shall be paid as the other contingent charges of said counties are paid, but if the road so to be laid out shall be a private road, and for the particular convenience of one or more towns or neighbourhoods then such towns or neighbourhoods requiring the same shall pay and defray the whole of such value damages and charges, and when any such highway or road shall be so laid out and appraised, it shall be lawfull for any justice of the peace of the county or any one of the commissioners of the town in which such road is laid out, to order the overseers of the road district next unto such road to open and work on the same, provided always that no road or highway shall be laid through any orchard or garden without the consent of the owner or owners thereof, any thing herein contained notwithstanding.

Proviso as to payment to owners of inclosed improved lands; damages, how ascertained, &c.

And be it further enacted by the authority aforesaid, That if any person or persons within any of the said towns do or hereafter shall alter or obstruct any highway or road, such person so offending shall for every such offence forfeit the sum of two pounds, to be recovered before any justice of the peace of the county where the offence shall happen, upon the oath of any one or more credible witness or witnesses, and levied by distress and sale of the goods and chattles of the offender, by warrant from such justice, to be directed to any constable of the town where such offender shall reside; and the said constable is hereby required to pay such penalty into the hands of the commissioners of the highways for the town wherein the offence was committed, to be by the commissioners thereof applied for and towards repairing the public roads and bridges within the town where such forfeiture shall arise.

Penalty for obstructing highway.

And be it further enacted by the authority aforesaid That all public roads to be altered or laid out by the commissioners shall be of the breadth of not more than four rods, nor less than two rods. And in order that the burthen of keeping the highways in the said counties in repair and making other highways for the ease benefit and convenience of the inhabitants thereof may be borne as equally as the nature of the case will admit of.

Width.

Be it further enacted by the authority aforesaid, That the commissioners for each town shall be and are hereby required to meet within ten

Keeping in repair;

proceed-
ings to
assess
labor
upon, etc.

days after they shall be so chosen, at the place of town meeting, on such day as they shall agree upon, and as often thereafter as need shall be, and at such time and place as they shall think meet; that the overseers of the road districts respectively shall deliver a list subscribed by such overseer to the clerk of the town in which such overseers shall respectively be elected, within eight days next after the day of election, which list shall contain the names of all the inhabitants in such road district who are in and by this act made liable to work on the highways; that the said clerk shall deliver such lists to the commissioners of the town, who, or a majority of such commissioners shall, at their next meeting, or as soon as may be thereafter affix to the names of each respective person mentioned in such lists respectively, the number of days which such persons shall respectively be liable to work in the then ensuing year, to be determined by the commissioners in proportion to the estate and ability of each respective person; and the commissioners shall thereupon after causing the clerk of the town to make a copy of such list, and after the said commissioners or a majority of them shall have subscribed the copies of such lists, cause the same respectively to be delivered to the overseers of the town having returned the same, in the manner hereinbefore mentioned, or his successor in office; provided always, that if the name of any person should be left out of such lists, or the road increase by the accession of new inhabitants, such persons whose names are omitted, or shall remain in the town, shall from time to time be added to the said list, and the persons be rated by the said commissioners to work on the highways. Provided also, that it shall not be in the power of the commissioners to rate any one person rateable by this act, at more than twenty days annually. And in order the more clearly to ascertain what persons shall be compellable to work on the highways in each district.

Persons
liable to
work.

Be it enacted by the authority aforesaid, That every freeholder, house-keeper and other person exercising any trade business or labour for themselves, and on their own account, or receiving wages for such labour within the said counties, shall be liable to work on the public roads and highways.

Inhabit-
ants to
work when
required
by over-
seer.

And be it further enacted by the authority aforesaid, That all the inhabitants of the respective towns who shall be rated to work on the highways, shall, as often as they or any of them shall receive notice from the overseers of the highways for the time being, to work on the highways, punctually attend the said service either by themselves or by an able sufficient man in their stead respectively, with proper tools, and faithfully work all the number of days at which they are rated if required, at such place or places as the overseer shall direct. And in case any person or persons duly warned shall refuse or neglect to appear, or being come to work on the highways shall remain idle or not work faithfully, or hinder or deter any other from doing his duty, such offender shall, for each and every such offence forfeit the sum of twenty shillings to be adjudged by the overseer of the highways in the district where the offence shall happen, and to be levied by distress and sale of the goods and chattles of the offender, by warrant under the hand and seal of such overseer, and to be directed to any constable within the town, where the offender shall reside; and the said forfeitures to be paid to the said overseer and to be by him well and faithfully laid out within his district, for and towards repairing the public roads and bridges within the same.

Penalty for
refusal.

Team
work, how
rated.

And be it further enacted by the authority aforesaid, That if the overseers of the highways and roads shall think fit and have occasion for

any team cart waggon or plough and a man to manage the same, the said team cart waggon or plough and man to manage the same, shall be esteemed to be for in lieu and instead of three days work of one man, and the fine to be proportionable, that is to say treble to the fine to be imposed for the neglect of one person; and every working man shall be obliged to bring one spade, hoe, axe, crowbar, pickaxe or other working tool, as shall be directed by the overseers of the highway, in the respective road districts.

Fine.

And be it further enacted by the authority aforesaid, That all trees standing or lying on, or in any land through which any common public highway or road is or shall be laid out, shall be for the proper use of the owner or owners of such land; so as the overseer or overseers of the highways shall be authorized to take and use so much timber standing or lying on such road, as may be necessary to repair the highway or bridges leading through such land.

Trees in highway ownership of, etc.

And be it further enacted by the authority aforesaid, That if any tree shall fall out of any inclosed land into or across any of the public highways, that the owner of such inclosure shall within twelve hours after the same be so fallen, remove the same, or be liable to a fine of twenty shillings for every day such owner shall neglect to remove the same, after notice given by any person or persons whatsoever, to be recovered and applied in the manner as other fines and forfeitures are before directed to be recovered and applied by this act.

Removal of trees falling into highway.

And be it further enacted by the authority aforesaid, That in case it should not be necessary in any one or more of the said road districts to have all the days wrought by the inhabitants that this act requires, that then the commissioners shall direct the overseers to let the several persons work in their just proportion to the day such persons are respectively rated at, and no more, or to pay an equivalent at the rate of four shillings per day.

Work to be done pro rata.

And be it further enacted by the authority aforesaid, That the commissioners of the respective towns, or the major part of them, shall, from time to time, during the continuance of this act, enter in writing all the highways so by them laid out or altered, and the highways so laid out and altered, they shall cause to be entered of record with the clerks of the respective towns.

Record of roads to be made.

And be it further enacted by the authority aforesaid, That upon application to the commissioners of any town for a private road, the commissioners for the said town where such private road is desired to be laid out, shall view the same, and if they are of opinion that such road is absolutely necessary, and twelve reputable freeholders under oath shall be of the same opinion, the said commissioners are hereby empowered to lay out such road, observing the same steps in ascertaining what shall be paid for the said land, as before directed to be taken, in laying out public roads; and the value of the land over which such road shall be laid, and all the expences and charges attending the laying out and valuing the same, shall be paid by the person or persons applying for the same; and the said road when laid out, shall be for the only use of the person or persons who shall pay for the same, his and their heirs and assigns, but not to be converted to any other use or purpose than that of a road. Provided always, that the owner or owners of the land thro' which such private road may be laid, shall not be prevented from making use of such road, if he shall signify his intention of making use of the same at the time when the jury are to ascertain the value of the land, and the damages by means of laying out such road.

Private roads, proceeding to lay out.

Gates on highways.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to hang good easy swinging gates in the said counties on such highway, roads and private ways, as the commissioners or the major part of them shall deem proper, such person or persons keeping the same in good and sufficient repair, at their own costs and charges.

Staking open gates, etc., prohibited.

And be it further enacted by the authority aforesaid, That in case any person or persons shall stake or shore open any gate or gates that shall be allowed in the said counties by the commissioners, or wilfully and unnecessarily ride over or thro' any lands, meadow grounds or cornfields, to the damage of the owners thereof, such person or persons shall, for every such offence forfeit the sum of ten shillings, to be adjudged by any of the commissioners for the town where such offence shall be committed, and be levied by, and applied in like manner as the forfeitures mentioned in the third clause in this act. Provided, that such penalty shall not be deemed a satisfaction for such damage, but the owner or owners of such meadow grounds, or cornfields, shall be entitled to a right of action for the recovery of damages, the payment of such penalty notwithstanding.

Hours constituting a day's work

And be it further enacted by the authority aforesaid, That every person compellable to work on the highways in either of the said counties, shall actually work for each day he is obliged to work six hours, and shall be liable to pay a fine of one shilling for every hour such person shall be in default, to be recovered and applied in like manner as the forfeitures mentioned in the eighth clause of this act.

Commutation.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person compellable to work on the public roads or highways as aforesaid, to commute for and pay money at the rate of four shillings per day, instead of working, which money shall be paid to the overseer of the highways of the district, in which the person or persons paying the same do reside, to be by the said overseer applied and expended in the improvements of the said roads and highways in such road district, and towards purchasing materials and other necessaries for, and in erecting and building the most public and useful bridges in same district.

Road districts.

And be it further enacted by the authority aforesaid, That the commissioners for the time being, of the respective towns, or the major part of them, shall, if needful, at least ten days before their next annual town meeting, and so annually if they shall judge the same necessary, by writing under their hands, to be lodged with the town clerk, and by him to be entered in the town book, divide their respective towns into as many road districts as they shall judge most convenient, and for each of which districts there shall annually be elected and chosen by the freeholders and inhabitants of such towns in the said counties respectively, an overseer of the highways.

Penalty for overseer refusing to perform duties of his office.

And be it further enacted by the authority aforesaid, That every overseer of the highways who shall neglect or refuse to do and perform any of the duties and services required of him by this act, shall forfeit and pay the sum of five pounds for every such neglect or refusal, to be adjudged and levied and applied in like manner as the forfeiture mentioned in the third clause of this act. And if any vacancy of overseers shall happen by death or otherwise, in any such case the commissioners

Vacancies, how to be filled.

of such towns respectively, or the major part of them, shall and hereby are empowered to appoint some other fit person in such district, as overseer or overseers; and the overseer or overseers so appointed, shall have the same powers, and be subject to the same fines, forfeitures and penal-

ties, as overseers chosen by virtue of this act, have or are liable and subject to, until the next annual day of election.

And be it further enacted by the authority aforesaid, That any of the justices of the peace for either of the said counties, or any of the commissioners for the time being, may at any time or times, order any overseer to work upon and repair any road or highway, that such justice or commissioner shall think necessary, within the district of such overseers; and such overseer shall within five days thereafter, warn and set to work, the persons of his district who are obliged to work on highways, upon that part of the road and highway which he shall be so ordered to work upon and repair; and upon any neglect or refusal of such overseer or overseers, to warn and set to work the persons in and by this act required, such overseer or overseers respectively shall for every such offence forfeit the sum of two pounds, to be recovered and applied in like manner as is directed by the third clause of this act.

Overseer to warn and set to work persons in his district as required by justice or commissioner.

And be it further enacted by the authority aforesaid, That the overseers of each district shall keep a just and true account in writing, wherein he shall distinctly set down or mention all such persons as have commuted for and paid in lieu of working as aforesaid, and such as have been fined, and the sums in which they were so respectively fined, and also those who shall have actually worked on the public roads or highways, with the number of days they have so worked; which said account together with the said list, the said overseer shall on or before the determination of his office, deliver to one of the commissioners of the town of which he doth belong: which account so delivered the said commissioner shall file with the town clerk, and the said overseer shall pay the ballance mentioned in the said account, (if any) to his successor in office, to be expended in the course of the next year; and if any of the said overseers shall refuse to pay such ballance, the succeeding overseer shall and may sue for the same, in like manner as he might have done if such ballance had been due to him in his own right. And whereas the monies that may arise by fines, and from persons commuting for and paying money in time of working, may not be sufficient for purchasing materials and other necessaries for erecting and building bridges and in making such other improvements on the public roads as are absolutely necessary, and cannot be accomplished in the ordinary way of working thereon.

Account of work to be kept and delivered to commissioner.

Balance to be paid to successor.

Be it further enacted by the authority aforesaid, That if the major part of the commissioners of any town in either of the said counties shall judge it necessary to raise a further annual sum for the purpose aforesaid, they shall in that case meet together annually and agree upon the sum necessary to be raised for that year, and shall deliver a certificate of such sum so agreed upon in writing subscribed with their names to the supervisor of such town, which supervisor shall lay the same before the supervisors of the county at their next annual meeting for raising the contingent charges of the said county, who shall and they are hereby required to order the raising and collecting of that sum of and from the freeholders and inhabitants of such town, in the same manner and after the same rate that the contingent charges of the county are raised; which sum as soon as the collector shall have collected the same, such collector shall and is hereby required to pay into the hands of the clerk of the town in which it was levied, to be paid to the overseer or overseers of the public roads or highways for the said town, on an order or orders under the hands of the major part of the commissioners being produced and delivered to him for that purpose. Provided always, that the annual sum so agreed upon to be raised, shall

Proceedings to raise further sum for repair of roads.

not exceed the sum of one hundred pounds for any town, which sum or sums shall be laid out and expended in the said town in the same manner and for the like purpose that fines are directed to be applied by virtue of this act. And provided also, that nothing in this clause contained shall be construed to extend to the precincts of Goshen and Cornwall in Orange county.

Official
oath.

And be it further enacted by the authority aforesaid That the commissioners for the highways to be chosen by virtue of this act shall before they execute any of the powers herein mentioned take an oath, or if of the people called Quakers an affirmation before any justice of the peace for the county in which they shall be chosen commissioners in the words following viz. I do solemnly swear (or if of the people called Quakers affirm and declare) that I will to the best of my knowledge fairly and impartially execute the powers to me given and granted by an act intitled an act for the better laying out regulating and keeping in repair all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Charlotte, Westchester, Albany, and Tryon, so help me God.

Bridges
and cause-
ways
named,
repair of.

And be it further enacted by the authority aforesaid, That the bridges and causways herein after mentioned in the precincts of Goshen and Cornwall in the county of Orange, shall be made and kept in repair by a public tax on the freeholders and inhabitants in the said two precincts, and are as followeth (viz.) One bridge and causeway near the house of Zachariah Dabois deceased, one other bridge and causeway near Richard Goldsmiths, one other bridge and causeway near Johannes Decker's, one other bridge and causeway near Benjamin Tustens, one other bridge and causeway across Pochuck creek where the old bridge now stands, one other bridge and causeway near Warwick meeting house, one other bridge and causeway near Grey court, one other bridge and causeway near Curtis Coleman's, one other bridge or causeway across the Murderers creek near Cornwall, one other bridge and causeway across Schonnemunck creek near Ketchum's mill, one other bridge and causeway over the said creek, called Coal House bridge, one other bridge and causeway near the widow Tuthills, one other bridge and causeway near Thorn's mill, one other bridge and causeway near the house of the late Daniel Denton deceased, one other bridge and causeway near the house of Jeremiah Curtis, one other bridge and causeway near the house late of John McClean, deceased, one other bridge and causeway across the Walkill, at the outlet of the drowned lands, one other bridge and causeway across Warwick creek near where Israel Woods mill formerly stood, one other bridge and causeway near the grist mill of John Wheeler Esquire one other bridge over the Murderers creek known by the name of Vandeusens bridge and one other bridge and causeway across the trout brook. And the commissioners of the highways for the time being, for the said precincts of Goshen and Cornwall, are hereby directed and required to cause the aforementioned bridges and causeways to be well and sufficiently made and kept in repair, and an account of the expences attending the same, shall be transmitted to the supervisors of the county of Orange at their annual meetings, who are hereby required and directed, to divide the whole amount of such expences between the said precincts of Goshen and Cornwall, in the same proportion as the other contingent charges of the said county of Orange are usually divided between the said two precincts, and cause the same to be levied and collected from the freeholders and inhabitants of the said two precincts, and paid to the county treasurer, in like manner as the other contingent charges of the said county are raised and paid. And the

Account of
expences
to be trans-
mitted to
supervis-
ors.

said treasurer is hereby directed and required from time to time to pay the said monies to the said commissioners, on a warrant or warrants from the said supervisors as is usual in other cases, any thing herein contained, to the contrary notwithstanding.

And whereas there are many creeks or rivers, which run thro' several towns in the county of Ulster, which the common public highways are laid thro' or across. *Be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of such towns where any such creek or river runs thro', which might be forded, shall be obliged to fill up and level the ford or fords, and shall keep the said ford or fords in repair, as well as any other part of the highways in any of the towns aforesaid.

Fords to be kept in repair.

And be it further enacted by the authority aforesaid, That if it shall happen that the improved farm of any inhabitant of the said counties shall be divided and lie in different towns, then and in such case, every such inhabitant shall be subject to work upon the highways in that town only, in which his dwelling house is erected.

Work to be done in town where dwelling is situated.

And be it further enacted by the authority aforesaid, That in the said counties of Albany and Montgomery where any carriages or sleighs meet each other on any of the said roads or highways, the persons in carriages or sleighs going from the city of Albany shall give way to those going toward the said city, and all persons travelling eastward in any of the said roads or highways, on the east side of Hudson's river shall give way to those travelling westward, and *vice versa* on the west side of said river, under the penalty of twenty shillings for each offence, to be recovered and applied as directed in the third clause of this act.

Right of way to persons travelling toward Albany.

And be it further enacted by the authority aforesaid, That every public road or highway leading from any town in which there is a considerable settlement to any place of embarkation in either of the said counties, or where a new road shall be required to be laid out, that then and in every such case such public road or highway shall be continued from town to town, and thro' the same as straight and direct as the nature of the ground will admit; and that such public road or highway may be established, or being established, may be altered, so as to be more generally convenient and useful to the inhabitants of the respective towns thro' which the same may run, it shall and may be lawful to and for the commissioners of the town which require the said road to be laid out or altered, by writing under their hands, to appoint and summon a general meeting of all the commissioners of the respective towns, thro' which the road proposed shall extend, at any time not less than ten days or more than twenty days after the service of notice on the said commissioners, and at such convenient place in that town which shall be most central to the usual residence of the major part of such commissioners, and the said commissioners are hereby directed and required to meet and attend according to such appointment: and when the said commissioners so convened shall have consulted together and deliberated upon the subject of the said meeting, they shall then proceed to lay out the highway or road required from town to town and in the best and most advantageous manner for public and general utility and convenience, that is to say, the commissioners of each respective town shall lay out that part of the intended road which shall extend through the town of which they are respectively commissioners, and the same so being laid out, shall be certified returned and recorded as a public road or highway in the manner directed in and by this act and shall be maintained in each respective towh. But if a majority of the commissioners of any or either of the said towns when so met and assembled, shall disapprove of, and not consent to the place or places where any part of such roads shall be-

Highways leading from settlement to place of embarkation to be continued as straight as ground will admit; proceedings to lay out same.

Jury to be summoned in case of disagreement.

proposed to be laid out, and propose any other place or places for the same, to which the commissioners of the town through which that part of the road is to pass or a majority of them do not consent and agree, then, and in every such case, a description shall be made in writing, signed by all the commissioners present of both the roads proposed and it shall be lawful for three or more of the said commissioners to apply to any two justices of the peace for the said counties respectively not residing or holding lands in that town concerning the road through which such controversy shall have arisen or the town for which such road shall be required and such justices are hereby authorized and directed thereupon to issue their precept to the sheriff of the said county commanding him to summon a jury of twelve good and sufficient freeholders of the said county not interested in the course of the said road, who being duly sworn for that purpose shall enquire and give their verdict which of the roads in controversy will be the best and most commodious as a main and public highway; and an inquest being thereof made under the hands and seals of the said justices and jurors, shall be final and conclusive, according to which the road shall be laid out certified and returned as a public road by the respective commissioners through whose town it shall extend; and the return thereof, together with the said inquisition being filed in the office of the said county, and entered of record, the said road shall be deemed and esteemed a public road or highway to all intents and purposes, and be supported and maintained in the respective towns through which the same shall extend, in the same manner as the other highways in such towns are directed and required to be maintained and supported by this act: which inquest shall be at the expence of the town the commissioners of which shall have refused to lay out the said road in the direction found by such inquest and such expence shall be paid out of the monies raised in such town, in pursuance of this act. Provided always, that if such road so altered or laid out shall run thro' any improved lands, the proprietor thereof, shall be satisfied and paid therefor as directed by the second section of this act. And provided further that nothing in this act shall be construed to make void abridge, or any wise lessen the rights and priviledges granted to the city of Albany by charter, any thing contained in this act to the contrary thereof notwithstanding.

Inquest to be final.

Roads to be opened after a deep fall of snow.

And be it further enacted by the authority aforesaid, That the overseers of the high ways for the road districts respectively are hereby impowered, directed, and required to notify and order such a number of the inhabitants of their respective districts, with their sleds horses, or oxen as they the said overseers shall think sufficient and proper to open the roads whenever deep snows happen to fall: and if any person or persons being so notified and ordered as aforesaid shall neglect or refuse to open any such road, such person or persons shall respectively forfeit the sum of ten shillings for every day they shall so neglect or refuse such services, to be levied by the overseer requiring the same, in like manner as the other fines and penalties inflicted by this act; which said forfeiture of ten shillings shall be paid to the commissioners of highways for the town where such forfeiture shall arise, to be by them applied in building and repairing bridges in the same.

Compensation of commissioners.

And be it further enacted by the authority aforesaid, That the commissioners of highways that shall be appointed by virtue of this act, shall respectively be allowed the sum of six shillings for each and every day they shall respectively be employed in the execution of their said office, to be allowed and paid as the other contingent expences of the town they shall be commissioners for are allowed and paid.

And whereas the counties aforesaid are divided into towns, manors, districts, and precinct. *Be it further enacted by the authority aforesaid,* ^{Word town defined.} That the word town as used in this act, shall be taken and understood to comprehend the words town, manor, district, and precinct, as fully as though the same were used in this act.

And be it further enacted by the authority aforesaid That all and every of the laws for the laying out, altering and keeping in repair public highways and private roads within the counties aforesaid, by whatsoever stile or title such laws may be named, shall be and hereby are repealed. ^{Laws repealed.}

And be it further enacted by the authority aforesaid That this law shall continue and be in full force until the first day of June in the year one thousand seven hundred and eighty five, and until the end of the then next meeting of the legislature.

CHAP. 53.

AN ACT to authorize the congress of the United States to adopt certain regulations respecting the British trade.

PASSED the 4th of May, 1784.

WHEREAS it appears by an order of the King of Great Britain in council bearing date the second day of July last, made under the express authority of his parliament, that the growth or produce of any of the United States of America are prohibited from being carried to any of the British West India Islands, by any other than British subjects, in British built ships, owned by British subjects, and navigated according to the laws of that kingdom; which proceeding, although but a temporary expedient, exhibits a disposition in Great Britain to gain partial advantages, injurious to the rights of free commerce, and is repugnant to the principles of reciprocal interest and convenience which are found by experience to form the only permanent foundation of friendly intercourse between states. ^{Preamble.}

Be it therefore 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 the United States in congress assembled, shall be, and they are hereby authorized and impowered to prohibit the importation of the growth or produce of the British West India Islands into these United States in British vessels, or to adopt any other mode which may most effectually tend to counteract the designs of Great Britain with respect to the American commerce, so long as the said restriction shall be continued on the part of Great Britain. Provided that this shall not be in force until all the states of the Union shall have passed similar laws. ^{Congress impowered to prohibit importation of the growth or produce of British West India Islands.}

CHAP. 54.

AN ACT to amend an act entitled "An act for relief against absconding and absent debtors," and to extend the remedy of the act entitled "An act for granting a more effectual relief in cases of certain trespasses;" and for other purposes therein mentioned.

PASSED the 4th of May, 1784.

Preamble. WHEREAS divers persons, being indebted to the citizens of this State, having since the ninth day of July in the year of our Lord one thousand seven hundred and seventy six, removed from parts of this State out of the power of the fleets and armies of the king of Great Britain, late enemies of this State, to parts thereof then within the power of the said fleets and armies; or having, during the late war, remained in parts of this State which then were within the power of the fleets and armies of the said king; and who have respectively withdrawn himself or themselves from the State; by which, creditors will be defrauded of their just dues, unless a legislative provision shall be made for their relief.

Creditors of persons named may make application to supreme court judge.

Be it therefore 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 if any person or persons, who since the ninth day of July in the year one thousand seven hundred and seventy six, removed from any part of this State out of the power of the fleets and armies of the king of Great Britain, late enemies of this State, to any part thereof, at the time of such removal, within the power of the said fleets and armies; or having, during the late war, remained within the power of the fleets and armies of the said king, and who hath or have since withdrawn himself or themselves respectively from the said State, leaving property within the same, are or shall be indebted to any person or persons, citizens of this State, in the sum of ten pounds or upwards; it shall and may be lawful for such creditor or creditors respectively, to make application to any one of the judges of the supreme court of judicature of this State, or to any one on the judges of the court of common pleas of the county, in which the property of the debtor or debtors is or doth lie, and then and there make affidavit or, (if of the people called Quakers,) affirmation, that such person or persons is or are justly indebted to him or them in the sum of ten pounds or upwards; and shall also prove by one or more witness or witnesses, to the satisfaction of the judge to whom such application shall have been made, that such debtor or debtors, did, after the ninth day of July in the year one thousand seven hundred and seventy six, remove from parts of this State out of the power of the fleets and armies of the king of Great Britain, late enemies of this State, to some part thereof within the power of the said fleets and armies, while enemies as aforesaid; or did, during the late war, remain within the power of the said fleets and armies, and who hath or have withdrawn himself or themselves respectively from this State, from causes of disaffection or otherwise; that then and in such case, the said judge shall and is hereby authorized to proceed in manner, as nearly as may be, as is prescribed and directed in and by the aforesaid act entitled "An act for relief against absconding and absent debtors," passed the 3d day of April one thousand seven hundred and seventy five.

Affidavit.

Proceedings thereon.

And whereas many persons who have injured destroyed or occupied the real or personal estates of such inhabitants of this State described in "An act for granting a more effectual relief in cases of certain trespasses;" have withdrawn themselves from this State, leaving considerable property within the same; *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful to and for any person or persons who are or were inhabitants of this State, and who by reason of the invasion of this State, by the troops of the king of Great Britain, left his her or their places of abode and who have not voluntarily put themselves respectively in the power of the said troops since they respectively left their places of abode, his, her or their heirs executors or administrators, after issuing process out of any court of record in this State, in the usual form, against any person or persons who have occupied injured or destroyed his, her or their estates real or personal in the power of the troops of the king of Great Britain aforesaid, his, her or their heirs executors or administrators; and after the defendant or defendants named in such process, shall have been returned by the officer to whom the same was directed, not found, to file a declaration against such defendant or defendants in such court of record from which such process issued; and that the plaintiff or plaintiffs shall thereupon and within ten days after the expiration of the term in which such process shall be returnable, cause a publication to be made in one of the public newspapers printed in this State, for the space of ten weeks successively, setting forth that such process hath been issued and declaration filed, and that unless such defendant or defendants shall enter his, her or their appearance in such action within six months from the date of such publication, a judgment will be entered against him her or them in such action. That if such defendant or defendants shall not appear within the time in and by such publication limited, the court shall grant an interlocutory judgment against the defendant or defendants and thereupon a writ of inquiry shall be granted to ascertain the quantum of the plaintiffs demand, and on the return thereof final judgment shall be entered for the sum found in the inquisition with costs in such manner and form and such further proceedings shall be had thereon as if such defendant or defendants had entered his, her or their appearance on the return of the process issued against him her or them. Provided always that no execution on a judgment to be obtained in the mode prescribed by this act, shall be levied on any ship or other vessel or the cargoes thereof respectively, nor on any property forfeited to the people of this State.

Persons who by reason of the invasion left their places of abode may have process and file declaration against persons who have injured their estates.

Proceedings in case defendants do not appear.

And whereas the intent of the person or persons bringing such suit may be to satisfy such judgment out of the personal property, monies, goods or chattels of such defendant or defendants in the hands of persons now remaining within this State *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for every plaintiff in such suit to notify, in the presence of two witnesses the person or persons in whose hands he shall conceive such personal property to be, of the bringing of the suit and his design that the judgment to be obtained shall be satisfied out of the personal property of the said defendant or defendants in the said persons hands, and request his her or their certificate on oath in writing of the particulars or amount of the same which shall be filed with the declaration. And if on the final judgment the same shall not be found, or if such persons respectively shall refuse to give such certificate as aforesaid, it shall be lawful for the court in which such suit shall be commenced to bring such person or persons into court by attachment to examine them on interrogatories and to

Intent of bringing suit.

Notice to persons having personal property of defendants, etc.

commit them without bail or main prise until they comply with such rule or order as the said court in their wisdom shall think just and equitable.

Surplus
moneys to
be paid to
State
treasurer.

And be it further enacted by the authority aforesaid, That the surplus of any monies, which may be in the hands of any trustees to be appointed in pursuance of this act, after payment made to the creditor or creditors of any such debtor or debtors as aforesaid, by the sale of whose estate such monies shall so come into the hands of such trustees as aforesaid; and the surplus of any monies which may be in the hands of any sheriff, after paying and satisfying the sum or sums levied for by virtue of any execution or executions, whereby such monies so come into the hands of such sheriff, shall be by them respectively paid into the treasury of this State, and be, by the treasurer paid to the debtor or debtors, defendant or defendants, or their respective attorneys or legal representatives, whenever they shall respectively apply for the same.

Persons
named to
have like
remedy
for in-
juries.

Be it further enacted by the authority aforesaid, That every citizen of this State whose estate real or personal, has been injured destroyed or occupied by any such person or persons who have so withdrawn themselves from this State respectively, may have the like remedy for recovering the damages so sustained by such injury destruction or occupancy during the late war, as is given by this act to the persons described in and by the said act last recited.

Stay of
proceed-
ings dis-
charged

And whereas by an act, entitled "An act, relative to debts due to persons within the enemy's lines," passed the twelfth day of July one thousand seven hundred and eighty two, certain suits and prosecutions therein mentioned, which were already commenced, or might be thereafter commenced, should be stayed until the legislature should make further provision in the premises. *Be it therefore enacted by the authority aforesaid,* That the necessity of staying such suits as aforesaid does no longer exist; but that the said act entitled "An act, relative to debts due to persons within the enemy's lines," shall and is hereby declared to be in full force and operation according to the true intent and meaning thereof; except so far as respects the staying of such suits.

Words
inserted
in act
named

And whereas there appears to be an omission of the words, to any person, in the first enacting clause of the aforesaid act, *Be it therefore further enacted by the authority aforesaid,* That the words, to any person, shall be, and hereby are declared to be inserted between the words, "due by or from any person not within the enemy's power or lines," and the words, "that has remained with," in the said first enacting clause of the said act entitled "An act relative to debts due to persons within the enemy's lines."

Benefits
of act
extended.

And whereas it is provided in and by the said last mentioned act, that nothing therein contained, should be construed to extend to any person, that theretofore had been, then was, or thereafter should be a prisoner with the enemy, *Be it therefore further enacted by the authority aforesaid,* That the benefit of the said act, shall be extended to all such persons as are described in the said proviso, except with respect to debts which such persons may have contracted whilst in captivity at any time during the late war.

CHAP. 55.

AN ACT to naturalize certain persons therein named.

PASSED the 4th of May, 1784

WHEREAS the Honorable Major General Baron Frederick William Steuben, Henry Emanuel Luterlogh, John George Spangler, Robert Bell, John Jacob Jacobson, Johan Christian Tice, Thomas Daft, John Francis Vacher, Pryse Campbell, George Schmelzel, George Sutton, Christian Baher, Lott Merszell, George Diederick, Sampson Fleming, Conrad Bernhar Cordeman, Charles John Evans, Alexander Zuntz, Lion Hart, James Taylor, William Cochran, Martin Bucho, John Ernst, Peter Adam, Adam Kuntz, Christopher Zerenius, John George Vach, Charles Roth, Johannes Dackett, Henrich Kuhlman, Daniel Weiss, John Helerigh, Johannes Anthonius Muth, John Conrad Shafer, Henry Franck, Samuel Spraggs, William Edgar, Arthur Noble, James Lowry Casper Friedrich Greenewald, John Ashmore, Henrich Rosenkrantz, Jacob Heusser, Theodor Valentine Wagener, Johan Sebastian Kersting, Henrich Widdigen, Conrad Menger, William Diehl, George Albrecht, Johannes Streicher, Johannes Ernst, Christian Schmied, Philip Werner, George Kehler, Martin Engelhard, Christian Miller, Friedrich Bernhauer, Conrad Jordan, Conrad Harrit, Johan Henrich Limberger, Moritz Alhard, Leonhard Goetz, Christoph Endeman, George Bächtel, Heinrich Fasauer, Daniel Hartung, Carl Wend, Casper Samler, Conrad Lies, George Dietrich, Henrich Arcularius, Henrich Astor, Johannes Philips, John Richardson, Andrew Read, Joseph Allen, James Dunbar, Frederick Reinwald, Alexander Grand Champ, Frederick C. Focke, Francis Davis, James Smith, Samuel Dea, Thomas Thomas, John Morgan Senior, John Morgan Junior, Thomas Mackey, John Delafield, William Eccles, Thomas B. Stoughton, Charles Constance Varin, Frederick Nicholas Sander, John Meyer, Rudolph Van Dorslin, George Scriba, George Casper Schroppel, Henry A. Coster, Cassle Colburn, Frederick W. Starmann, John Byrne, William Vander Loch, Adam Keeling, Philip Vicar, Christian Brant, Robert Adams, Frederick August de Zeng, Samuel Atlee, John Nehemia, George Alizon, Laurance Cramer, John Miller, John De Pouthieu Wilkes, Alexander Kenneday, Alexander McDonald, and John McDonald have by their several petitions prayed to be naturalized and be admitted citizens of this State.

Persons
admitted
to citizen-
ship.

Be it therefore 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 all and every of the above named persons shall be and they are hereby respectively naturalized, and shall from and immediately after having taken and subscribed in any court of record within this State the oath of allegiance to this State and abjured and renounced all allegiance and subjection to all and every foreign king, prince potentate and State in all matters ecclesiastical as well as civil, be deemed subjects of this State to all intents constructions and purposes whatsoever: and that the court in which any of the persons aforesaid shall be admitted to the oath aforesaid shall cause an entry thereof to be made in the records of said court, and shall also give a certificate to such person purporting that such person hath been admitted to such oaths in said court in pursuance of this act: and the judge of the court where

such record shall be made shall be entitled to demand and receive six shillings, and the clerk of such court, three shillings from each person to whom such oaths shall be administered.

CHAP. 56.

AN ACT to appoint commissioners to settle and adjust any differences which may arise between the proprietors of certain lots in the city of New York, the buildings whereof were burnt in the year 1776, and for altering the streets which heretofore were laid out adjoining to such lots.

PASSED the 4th of May, 1784.

Preamble. WHEREAS a considerable part of the city of New York hath been destroyed by fires which have happened therein at different times during the late war; and whereas it hath been represented to this legislature, that alterations may be made in the manner of laying out the streets in such parts of the said city, as have principally suffered by those fires, which would be conducive to the health and safety, as well as the ornament of the city: and whereas divers proprietors of the lots, the buildings whereof have been burnt down, have petitioned this legislature to direct a mode for making the said alterations.

Commissioners to lay out streets. *Be it therefore 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 the corporation of the said city be authorised to appoint commissioners for the purpose of laying out the streets in such parts of the said city, as are above described, in such manner, as shall appear to them most conducive to the convenience and ornament of the said city and to the advantage of the proprietors of those lots, the buildings of which have been destroyed by the said fires, and of other lots adjacent thereto, which may be in anywise affected by the proposed alterations, provided that the plan of the said commissioners for the purpose herein mentioned shall be laid before and approved by the said corporation previous to its being carried into execution. Provided also, that where any proprietor or proprietors of any lot or lots, shall deem his, her, or their, lot or lots injured in value by the alteration in the streets which may be made pursuant to this act, such proprietor or proprietors, his her or their lawful representatives, may at any time within three years from the passing of this act, apply to the said corporation of the said city, to have the injury or damage so supposed to have been suffered, ascertained by appraisal; whereupon it shall be the duty of the said corporation to appoint one person as appraiser in behalf of said corporation, and such proprietor or proprietors, his her or their lawful representatives, may appoint one other person as appraiser in his her or their behalf; and the two appraisers so appointed shall within three weeks after such appointment proceed to appraise the lot or lots in question and shall determine upon a full and equitable consideration and estimate of all the circumstances attending the alterations in the streets as aforesaid, whether such lot or lots has or have been decreased or advanced in value by such alterations and to what amount; and shall report their opinion thereof in writing to the chamberlain of the city, to be by him reported to the corporation, in order that in case such lot, or lots shall have been adjudged to have decreased in value provision may

Proviso as to appraisal of damages.

Appraisal, how to be made.

be made for paying the proprietor or proprietors, the full amount of the damage so reported to have been sustained : and in case such lot or lots shall be adjudged to have increased in value, the amount of such increase shall be deemed a debt due from the proprietor or proprietors of such lot or lots to the corporation to be recovered for the use of the corporation at the suit of the said chamberlain in any court of record within this State : and as it may happen that the two appraisers to be appointed as herein before mentioned may differ in opinion, in such case they are hereby authorised to agree upon a third person as an umpire, whose determination of the matters in difference, between them shall be conclusive.

And be it further enacted by the authority aforesaid, That when the streets aforesaid shall be determined and laid out pursuant to this act, it shall be the duty of the said commissioners appointed for that purpose to stake out the said streets in order that the length breadth and extent thereof may be the better known and observed ; and if any person or persons whatsoever shall without good authority, pluck up, cut down or remove any of the said stakes, and shall be convicted thereof by the oath of one witness, before the mayor recorder or one of the aldermen of the said city, every such person so offending, shall by the judgment of such mayor recorder or aldermen be fined in the sum of ten pounds to be paid to any person or persons who shall have given information of such offence ; and in case of refusal to pay the said fine shall be committed to the common gaol of the said city for the space of three months without bail or mainprize.

Streets to be staked out.

Penalty for removing stakes.

And to the end that no buildings may be erected to intrude or encroach upon the streets so to be laid out. *Be it further enacted by the authority aforesaid,* That any and every building which may be hereafter erected so as to intrude or encroach upon the streets to be laid out in pursuance of this act shall be deemed a public nuisance ; and upon a view thereof by the mayor, recorder or any two or more of the aldermen of the said city, the owner or builder shall be obliged to enter into recognizance in such sum as the said mayor, recorder or aldermen shall think fit, to remove the same in convenient time ; and in case of refusal to enter into such recognizance, or neglect to perform the condition of the same within the time limited, the common council of the said city may thereupon make an order for abating and demolishing the said nuisance, provided that if the owner, builder or lessor thereof shall controvert the fact of such intrusion or encroachment, and shall demand that the same be determined by a jury of inquest, it shall be the duty of the said common council before they proceed to make such order as aforesaid for abating and demolishing the said nuisance to issue their warrant to the sheriff of the said city requiring him by the oaths of twelve good and lawful men to inquire whether such building hath intruded or encroached upon the streets or either of them so to be laid out as aforesaid ; and the said sheriff shall within the time limited in and by such warrant impanel a jury upon the premises ; and shall duly return the inquisition by him therefore made to the common council who, in case the said jury shall find the intrusion, then and not otherwise shall proceed to make the order for abatement as aforesaid.

Buildings encroaching on streets declared a public nuisance.

CHAP. 57.

AN ACT to prevent the bringing in and spreading of infectious distempers in this State.

PASSED the 4th of May, 1784

Preamble. WHEREAS the ports of this State are now open to vessels coming from any foreign parts by means whereof many infectious distempers may be brought into this State, in order as much as possible to prevent the same.

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,

Vessels having on board persons infected with contagious diseases, etc., to go into quarantine.

That all vessels of whatever kind they may be, having on board any person or persons infected with the yellow fever, or any other contagious distemper, or coming from any place infected with such contagious distemper, shall not come into any of the ports or harbours of this State, or nearer to the city of New York than the island commonly called Bedlow's island, and shall be obliged to perform quarantine there, or in such other place, and for such time, and in such manner as the governor, or person administering the government for the time being, or in his absence from the said city as the mayor thereof shall think proper to direct and appoint, and that during the time of such quarantine, no person or persons whomsoever, nor any goods or merchandise whatsoever, coming or imported in such vessels, shall come or be brought onshore, unloaded, or be put on board of any other vessel within this State, or the neighbouring States of New Jersey or Connecticut, until such vessel, persons, goods and merchandize shall respectively be discharged from such quarantine by an order from the governor or person administering the government for the time being, or in his absence from the said city from the mayor thereof; and all masters or commanders of such vessels, and all others, who shall presume to put on shore, unload, or put onboard any other vessel as aforesaid any person or persons, goods or merchandize contrary to the true intent and meaning of this act, having first had notice thereof, shall forfeit the sum of two hundred pounds current money of this State.

Duty of pilots to hail vessels and give notice, etc.

And be it further enacted by the authority aforesaid, That the several branch pilots and their respective deputies belonging to this State, shall use their utmost endeavours to hail every vessel coming into this State from sea, and shall ask and demand of the master or commander of every such vessel, whether he has onboard any person or persons, sick or infected with the yellow fever, or any other contagious distemper, or whether such vessel comes from any place where infectious distempers prevail, and being answered in the affirmative, shall immediately give notice to the commander of such vessel of the penalty aforesaid, and forbid his going any farther with his vessel than Bedlow's island, and that he is to anchor his vessel there, until he shall have further directions from the governor or person administering the government for the time being, or in his absence from the said city from the mayor thereof, and shall also forbid such commander from putting on shore any person who belonged to, or performed the voyage in such vessel, and from unloading, or putting onboard any other vessel, any person or persons or goods and merchandize out of his said vessel under the penalty aforesaid, and any branch pilot or such deputy, neglecting his duty therein shall respectively forfeit the sum of fifty pounds for every offence; and if any person or persons shall come on shore from such vessel (unless

first permitted and licensed by the governor or person administering the government for the time being, or in his absence from the said city, by the mayor aforesaid) it shall and may be lawful to use all necessary force and constraint, to compel such person or persons to return on board the said vessel, or to dispose of him or them in some suitable place in order to prevent the infection from spreading.

And be it further enacted by the authority aforesaid, That if the commander of any vessel, having any person or persons onboard, sick or languishing under any of the aforesaid distempers, or coming from any place infected therewith, shall not make a true discovery thereof, when thereunto required as aforesaid, such commander shall forfeit the sum of two hundred pounds for every such offence, and the governor or person administering the government for the time being is hereby authorized and empowered, by and with the advice and consent of the council of appointment, to appoint a physician to inspect all vessels which may have onboard, or which may be suspected of having onboard, any person or persons, infected with a contagious distemper, and it shall and may be lawful to and for such physician, and he is hereby authorized and required to enter onboard all and every vessel and vessels coming into this State under the circumstances aforesaid, and there to make strict search, examination and enquiry into the health state and condition of the master passengers and mariners of such vessels respectively, and to report his discovery and opinion thereupon without delay to the governor or person administering the government for the time being, or in his absence from the city of New York to the mayor of the said city. And if any person or persons whomsoever, shall presume to hinder or obstruct the said physician in performing the duties required of him by this act, such offender shall forfeit for every such offence the like penalty of two hundred pounds lawful money aforesaid: and the said physician shall be entitled to and shall receive from the commander of every vessel to be visited by him in pursuance of this act the sum of twenty-eight shillings for his services in making such examination and reporting thereupon.

Penalty if commander does not make true discovery of sick, etc.

Physician to inspect vessels, appointment and duty of.

And be it further enacted by the authority aforesaid, That it shall be and is hereby made the duty of the master and wardens of the port of New York to give their utmost aid and assistance in carrying this law into effect, and in their own names to sue and prosecute for all the penalties, which shall arise accrue or become forfeited, by virtue of this act, and to apply the same for the use and support of the lighthouse established at Sandy Hook for the security of commerce.

Duty of master and wardens to aid in executing this act.

CHAP. 58.

AN ACT for raising £100,000 within the several counties therein mentioned.

PASSED the 6th of May, 1784.

WHEREAS the several counties in the middle western and eastern districts of this State and a part of the county of West Chester have sustained many and heavy burthens and expences in prosecuting the late war between these States and the king of Great Britain. *And whereas* it is just and equitable that all who participate in the blessings

Preamble.

derived from the freedom and independence which this State now happily enjoys should contribute in the burthens and expence whereby the same was obtained. *And whereas* the citizens of the southern district of this State impressed with a just sense of the exertions and sufferings of their brethren in the other districts have by their representatives declared their readiness to afford a testimonial of the sense they have of the exertions and sufferings aforesaid and it being conceived by this legislature that if the sum of one hundred thousand pounds should be raised in the said southern district it would be such a compensation to the other districts as would prove satisfactory to the citizens thereof and that no future compensation would be required from the southern district: And it being the intention of this legislature that on all future occasions where burthens are to be borne by the citizens of this State each county shall be charged with a proportion according to the relative value of such county to the whole.

Amount to be raised in counties named and quota for each county.

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 there shall be raised within the city and county of New York, the counties of Suffolk, Kings, Queens and Richmond, and that part of Westchester county herein after described, the sum of one hundred thousand pounds That the quota of the city and county of New York of the said sum shall be fifty six thousand pounds—the quota of the county of Suffolk ten thousand pounds—the quota of Kings county thirteen thousand pounds—the quota of Queens county fourteen thousand pounds—the quota of the county of Richmond five thousand pounds, and the quota of that part of the county of Westchester comprized in the bounds of the borough and town of Westchester, the township of Eastchester, the Yonkers, Manor of Pelham, New Rochelle, Mamaroneck and Scarsedale, shall be two thousand pounds.

Mayor, etc., to meet and issue warrants to assessors

And be it further enacted by the authority aforesaid, That the mayor, recorder and aldermen of the city and county of New York, or the major part of them, for the time being, shall meet and assemble at the City Hall of the said city, within ten days after the passing of this act, and then and there issue their warrants to the several assessors of the said city and county, to take a true and exact account of all the estates real and personal of all the freeholders, residents and inhabitants within the several wards of the said city and county, (and liable to be assessed by this act) for which they at the time of issuing such warrants shall be assessor or assessors, and true equal and impartial assessments to make, and at such day to be therein prefixed, not more than fifteen days after the time of issuing such warrants, to the said mayor, recorder, and aldermen, or the major part of them to exhibit: And when the said assessments shall by the said assessors be completed, and a full account of the same made and cast up according to the pound value of the estates of persons by this act liable to be assessed, then the said mayor recorder and aldermen, or the major part of them shall issue their warrants to the several and respective collectors in the city and county (within fifteen days after the day on which such assessments to be laid by the assessors of the respective wards as aforesaid, shall have been exhibited) to collect the monies so assessed, and pay the same from time to time to the treasurer of this State, never retaining in the hands of any such collector, more than the sum of five hundred pounds; and so that the whole of the monies to be raised in the said city and county, be paid to the said treasurer of this State, on or before the first day of August next.

Tax warrants to collectors.

And be it further enacted by the authority aforesaid, That each of the assessors of the said city and county of New York, shall before he enters on the performance of the duties required of him by this act, take an oath before the said mayor, recorder and aldermen, or the major part of them, in the words following, viz. "I do solemnly swear and declare, that I will well, truly, equally and impartially, in due proportion, according to the best of my skill knowledge and understanding, assess and rate the freeholders residents and inhabitants of the ward for which I am assessor, who are liable to be rated and assessed in pursuance of the law entitled An act for raising the sum of one hundred thousand pounds within the several counties therein mentioned, agreeable to the directions of the said law ;" which oath the said mayor recorder and aldermen, or the major part of them, are hereby empowered, required and directed to administer.

Assessors' official oath.

And be it further enacted by the authority aforesaid, That if any assessor or collector in the said city and county, shall neglect any duty, or delay any payment required of him by this act, such delinquent assessor or collector, shall be liable to the like fines, penalties and forfeitures, and subject to the like judgments, executions and imprisonments, as the assessors or collectors in the other counties mentioned in this act for, the like neglects, omissions or delays of duty; and shall be prosecuted for the same by the treasurer of the State, in like manner as if he was the county treasurer of the city and county of New York. That the quotas hereby assigned to the said counties respectively, the city and county of New York excepted, shall by the supervisors of the same be apportioned to and amongst the respective towns, manors, districts and precincts, within such counties respectively, according to what may be deemed their respective circumstances and abilities, at the time of making such apportionment

Fines and penalties imposed on delinquent assessors and collectors.

That the secretary of this State, or his deputy, shall within twelve days after the passing of this act, cause a competent number of copies thereof to be printed, and shall cause as many copies as may be necessary for the supervisors of the said counties, to be transmitted by special messengers, and at the expense of this State, to the respective clerks of the supervisors, and such clerk shall give duplicate receipts for the same, each specifying the day of such delivery, one whereof shall by the secretary, or his deputy, be lodged with the treasurer of this State; and every such clerk shall within five days next after the receipt of such copies, by circular letters to be conveyed by special messengers, call a meeting of the supervisors for the purpose aforesaid; and such clerk shall within three days next after such apportionment shall be made, by special messengers, cause the several supervisors who shall not be present at such meeting, to be served with a notice in writing, of the sums at which the quotas of their respective towns, manors, districts or precincts, shall have been so apportioned. That in case of the death or absence of the supervisor, such notice shall be served on any of the assessors, and the supervisors or assessors receiving such notice, shall give duplicate receipts therefor, specifying the day on which such notice was delivered; and the expence of such messengers shall be charged to the towns, manors, districts or precincts, whose supervisors did not attend at the meeting aforesaid. That the several supervisors, after such apportionment shall be made, or in case such notice as aforesaid shall be served on an assessor, such assessor, shall within five days next after the day on which such notice was received, convene the assessors, in order that they may proceed to make the assessment of the town, manor district or precinct. That the assessors shall thereupon forthwith proceed to make out. within twenty days next after such assessors

Secretary of State to cause copies of this act printed, etc.

Clerks to call meetings of boards of supervisors, etc.

Assessors to be convened and to make assessment.

shall be convened as aforesaid, assessments on the several inhabitants, residents and persons holding or possessing real or personal estate within the town, manor, district or precinct, according to the estate and other circumstances and ability to pay taxes, of each respective person collectively considered; distinguishing in such assessment roll between the real and personal estate of such persons respectively, specifying the residents in the town, manor, district or precinct, and the residents in the county, and not within the town, manor, district or precinct; and also such as are not residents of either. That after the assessors shall have made out the assessment roll, they shall cause notifications thereof in writing to be affixed in at least four public places in the city ward town manor, district or precinct, and shall in such notification assign a time and place when and where they shall meet; and that such time shall not be less than six days, nor more than ten days from the last day of their last meeting; and that all persons who will attend may inspect the assessment roll. That upon hearing the proofs and allegations of any person or persons who are assessed at an higher or lower rate than they respectively ought to be, the assessors shall add to or deduct from the respective assessments, in such manner as they shall deem reasonable, and make the necessary alterations in such assessment-roll according. That the assessors shall be authorized to adjourn the said meeting, to such and so many different places as they shall deem most convenient; and such meeting may be continued from day to day, (Sundays excepted) until it shall appear to the assessors, that there hath been reasonable time for the inhabitants of the city, ward, town, manor, district or precinct to have appeared before them, and have had respectively an hearing; so as in the whole such time shall not exceed six days. That as soon as the assessors shall have completed the assessment-roll, the same subscribed by them, shall be delivered to the supervisor or supervisors of the town, manor, district or precinct, or in case of his or their death or absence to a justice of the peace of the county, whom the assessors shall notify for the purpose. That the supervisor or justice receiving the same, shall give duplicate receipts therefore, specifying the day on which the same was delivered, one of which receipts shall be without delay transmitted by the assessors to the county treasurer. That such supervisor or justice shall immediately on receipt of such assessment-roll, proceed to make a rate list. That the assessment-rolls and rate lists shall respectively be of the form and upon the plan contained in the schedule hereunto annexed. That the amount of the monies to be inserted in the said rate lists as and for the rate to be paid by each respective person, shall bear such proportion to the amount of the sum at which such person shall be assessed, as the whole of the sum to be raised within the city ward town, manor district or precinct, doth appear to the whole amount of the assessment thereof. That the supervisor or supervisors, or such justice, shall within eight days after receiving the assessment roll complete and sign the rate list, and deliver to the collector or collectors, such parts of the said list, signed by such supervisor or supervisors, or justice, as contains the rate which such collector or collectors respectively, are authorized to collect, taking duplicate receipts therefor, specifying the day on which the same was delivered, one whereof shall be without delay transmitted by such supervisor or justice, to the treasurer of the county; and every such collector shall without delay, proceed to levy and collect the rate herein after mentioned, so that rate payable by residents in the town, manor, district or precinct be paid into the treasury of the county, on or before the expiration of eight weeks, to be computed from the day on which

Notice of making out assessment-roll and of meeting to hear objections.

Adjournments.

Rate list to be made out.

To be delivered to collectors and collected within eight weeks.

such collector shall have received the rate list from the supervisor or justice ; and so as that the rate payable by residents within the county, not residing in the town, manor, district or precinct, be paid into the said treasury, on or before the expiration of nine weeks from the receipt of such lists as aforesaid ; and so that the rate payable by persons not residing within the county, be paid into the said treasury on or before the expiration of twelve weeks from the receipt of such lists as aforesaid.

And be it further enacted by the authority aforesaid, That gold and silver coins only shall be received in payment for the said rate. That if any of the persons so rated, shall neglect or refuse to pay the rate imposed on them, the collector shall levy the same by distress and sale of the goods and chattles of the persons so refusing or neglecting. That where distress and sale shall be made in either of the cases above mentioned, the overplus after deducting the charges of such distress and sale, shall be returned to the person by reason of the neglect or refusal of whom such distress and sale shall have been made. That for want of goods and chattles whereon to levy the rate, the collector shall be, and is hereby authorized and required to commence a suit in his own name, before any justice of the peace of the county, and the justice or jury shall give a verdict and judgment for the amount of the sum at which the defendant shall be so taxed, with costs, upon the rate lists being duly proved to have been signed by the supervisor or supervisors, or justice ; which is hereby declared to be conclusive evidence to entitle the plaintiff to recover ; and the authority and jurisdiction of such justice is hereby extended to all such actions, notwithstanding the sum to be sued for shall exceed the sum of ten pounds : And it shall and may be lawfull to and for the justice giving judgment as aforesaid, and he is hereby strictly enjoined and required, to award execution forthwith after such judgment, any former law to the contrary in any wise notwithstanding, therein directing the officer to make return of such execution within ten days from the date of the said execution, and to pay the amount of the rate to be paid by the person against whom such execution shall have been awarded, to the collector who sued for the same, within fifteen days from the date of such execution ; or if the person is committed to the custody of the sheriff, or cannot be found to give such collector, a certificate thereof, which certificate shall be by the said collector delivered to the treasurer of the county, and who is hereby directed to credit the said collector for the amount of the rate mentioned in such certificate. That the collectors shall be allowed, and are hereby authorized to retain in their hands out of the rates by them collected, four pence in the pound, for their services in the execution of this act, except in the city and county of New York, where the collectors respectively shall only retain two pence in the pound. That the county treasurers shall pay the monies they shall respectively from time to time receive from the collectors, into the treasury of this State, within fifteen days next after the days and times in which the collectors by this act, are directed and required to pay the same into the county treasury. That the several county treasurers shall be allowed and are hereby authorized to retain in their hands out of the monies they shall respectively receive from the collectors, a commission of eight shillings for every hundred pounds, for their services in receiving the said monies, and paying the same into the treasury of this State.

Gold and silver only to be received; manner of enforcing payment.

Fees of collectors.

Fees of county treasurers.

And be it further enacted by the authority aforesaid, That the supervisor or justice, shall and may call special town meetings for election, in case of the death, refusal to serve or removal of any assessor or collector, shall cause an assessment-roll and rate list to be fairly made out,

Special town meetings to fill vacancies.

sign the rate list, and cause the same to be delivered to the collector or collectors, and a copy thereof to be filed with the treasurer of the county, and the said treasurer shall cause the collectors to appear before him from time to time, and at such times and at such places within the county, as he shall appoint, to render an account of the monies they shall have respectively collected, and of the rates which shall remain unpaid, and to direct the collectors to pay the monies which they shall severally have in hand, into the county treasury.

Certain persons exempted from assessment.

And be it further enacted by the authority aforesaid, That every person who being an inhabitant in the southern district of this State, at the time of the invasion thereof by the troops of the King of Great Britain, who removed from the said district into any part of this or any other of the United States of America, in consequence of the said invasion, and whose stated residence has from the time aforesaid until the first day of March 1783, been in such parts of this State, or any other of the United States, not in the power or possession of the said troops, and every other person whose stated residence during the late war has been in such parts of this or any other of the United States, not in the power or possession of the said troops, shall be exempted from paying any part of the rate imposed in and by this act. That it shall and may be lawful to and for the assessors, and they are hereby required, to omit the names of such persons respectively, in forming the assessment-rolls directed in and by this act to be made by such assessors.

Proceedings to compel collectors to account

And be it further enacted by the authority aforesaid, That if any collector shall not pay the several rates which by virtue of this act he is directed to pay into the county treasury, on the days and times therein before specified, that then and in every such case the treasurer of the county, shall and he is hereby strictly enjoined and required, to issue a warrant under his hand and seal, directed to the sheriff of the county, commanding him to levy such deficiency by distress and immediate sale of the lands and tenements, goods and chattles of such delinquent collector, which deficiency, and the time when the same became deficient, shall be specified in the warrant; and such sheriff shall make return within twenty days from the date of such warrant, and with such return pay any monies which may have come into his hands by virtue of such distress and sale to the said treasurer, and shall for want of sufficient lands and tenements goods and chattles whereon to levy the whole amount of such deficiency, commit such delinquent collector to the common gaol, there to remain without bail or mainprize, until such deficiency shall be paid. Provided always, that it shall and may be lawful for the county treasurer to allow such collector, upon any settlement, subsequent to such distress and sale, or prior thereto, if any such settlement shall be made, the amount of the rates due from persons who after assessment, and before the times respectively limited for payment into the treasury, shall have removed out of the city, town, manor, district, or precinct, and upon such collectors making oath that such removed persons are not to the best of his knowledge within the county, and have not left sufficient lands or tenements goods or chattles within the district, and shall also allow the said collector, the amount of all monies due from persons committed to the custody of the sheriff by a justice, for non payment of rates, and shall farther allow for such rate as may not have come to his hands, by the sale of any lands by the supervisor or justice, as hereinafter directed.

Proceedings to compel

And be further enacted by the authority aforesaid, That if any county treasurer shall neglect or refuse to pay any monies paid unto him by

the collectors or any of them, or by the sheriff in manner aforesaid, or shall not in case of deficiency issue his warrant as herein before directed, that then or in any of the cases aforesaid, after receiving the certificate herein after mentioned, it shall and may be lawful for the treasurer of this State at the expiration of thirty days, next after the days and times on which the collectors are directed by this act to pay the rate into the county treasury, and he is hereby strictly enjoined and required, to proceed against such delinquent county treasurer, in like manner as such county treasurer is authorized by the last preceding section, to proceed against a delinquent collector. Provided always that in any settlement with a county treasurer, he shall allow such discount from the county rate, as the collectors severally are legally intitled to by virtue of the last preceding section.

county treasurers to account.

And to enable the treasurer of this State to determine whether the county treasurers respectively, have performed the duties enjoined in and by this act, it shall and may be lawful to and for the treasurer of the State, either by himself or some person to be appointed by the said treasurer, from time to time to apply to any of the judges of the inferior court of common pleas of the county in which such treasurer resides, who is hereby authorized by summons under the hand of such judge, directed to any of the constables of the county, to summon such county treasurer to appear before such judge, at a day in such summons mentioned, which day shall not be less than six nor more than ten days from the date of such summons; and if such county treasurer shall not appear at the day and place in such summons mentioned, or if appearing, shall not make it appear to the satisfaction of such judge, either by his own oath, or the testimony of any other person or persons, that such county treasurer hath done and performed all the matters and things which in and by this act such county treasurer is directed to do and perform, that then the judge shall give a certificate to the treasurer of this State, or the person appearing before such judge in behalf of the said treasurer, reporting that such county treasurer hath not performed the duties in and by this act prescribed; and such certificate shall be retained by the treasurer of this State in his possession.

How delinquency of treasurer ascertained.

And be it further enacted by the authority aforesaid, That if any sheriff shall neglect or refuse to execute any warrant to him directed by virtue of this act, such sheriff, shall for every neglect or refusal forfeit the sum of two hundred pounds, to be recovered by the treasurer in his own name for the use of the people of this State, in like manner as in and by this act is directed with respect to the recovery of rates from the persons who shall be rated in pursuance of this act.

Penalty for neglect of sheriff.

And be it further enacted by the authority aforesaid, That the assessors or a majority of them, may by writing under their hands, summons any person actually resident within the city, town, manor, district or precinct, to appear before them at such time and such place within the city, town, manor, district or precinct respectively as they may think proper, to be examined on oath or if of the people called Quakers, on affirmation, which oath or affirmation the assessors, or a majority of them, are hereby authorized to administer, touching the value or amount of any personal estate; and if the person so to be summoned, shall not upon being served with such summons, appear before the assessors, or appearing shall refuse to answer to interrogatories upon oath, or if of the people called Quakers on affirmation, touching the value or amount of the personal estate of any person or persons, within such city, town, manor, district or precinct, the person or persons so offending shall for every such offence forfeit the sum of five pounds, to be recovered with

Assessors may summon witnesses.

costs in an action of debt, in the name of the treasurer of the county; and when recovered paid in like manner as last aforesaid, so as the person to be summoned, shall not be compelled to answer to any interrogatories, touching the value or amount of his or her property. Provided always, that no such evidence shall be conclusive for forming any assessment, but that the assessors, shall be at liberty to determine the actual value of such personal property as aforesaid, by such evidence as aforesaid, or any other means, which in their judgment, may be deemed most proper for estimating such actual value.

Exemption of ministers. Penalties for neglect of official duty.

And be it further enacted by the authority aforesaid, That ministers of the gospel shall not be rated by virtue of this act for their salaries.

And be it further enacted by the authority aforesaid, That if any supervisor or justice of the peace, or supervisors clerk, shall neglect or refuse to execute any of the duties enjoined on him by this act, or if any collector, shall neglect or refuse to appear before the treasurer of the county as aforesaid, when duly notified by writing under his hand; or if any collector shall refuse to render an account to the said treasurer of the county as aforesaid, in manner herein before directed, when thereunto required by the said treasurer of the county; or if the assessors shall neglect to complete the assessments, within the time by the said supervisor or supervisors, or such justice of the peace as aforesaid, from time to time to be assigned, the person or persons so offending shall for each and every such offence forfeit the sum of twenty pounds to the people of this State, to be recovered by action in the name of the treasurer of the county, in assumpsit for monies received to the use of the plaintiff, before any justice of the peace of the county in which such neglect or refusal shall happen, with costs of suit; and such forfeiture when recovered shall be paid into the treasury of this State. And it is hereby expressly made the duty of the supervisor or supervisors, or such justice of the peace as aforesaid, to report such offenders to the treasurer of the county: And it is hereby expressly made the duty of the said treasurer, to sue and prosecute for the recovery of any such penalty, to pay the same when recovered into the treasury of this State; and such suit shall and may be prosecuted to effect, although the treasurer in whose name the same shall be commenced, should die, resign or be displaced.

Allowances to supervisors and justices.

And be it further enacted by the authority aforesaid, That the supervisor, or such justice of the peace as aforesaid, shall be severally allowed for their respective services and expenses for every day they shall be severally employed in executing the business by this act committed to them the sum of eight shillings, and that the assessors shall be allowed and paid for their services and expenses for each day they shall be respectively actually employed in making the assessments in pursuance of this act, the like sum of eight shillings, which wages of the supervisors, justices of peace and assessors as aforesaid shall be allowed and paid, as the contingent charges of the county are allowed and paid, to be charged nevertheless to the city, town, manor, district or precinct, in which the same shall respectively arise.

Lands non-residents, collection of tax on.

And be it further enacted by the authority aforesaid, That where lands not being in the possession or held by any person residing in the county in which the lands lie, are assessed by virtue of this act, and the collector upon enquiry shall find that the person whose name is mentioned in the rate list, as the holder of any lands within the city, town, manor, district or precinct doth not reside in the county in which the lands lie, that then the collector shall apply to any two of the assessors of the city, town, manor, district or precinct for a description of the lands for which the person whose name is mentioned in the list is in-

tended to be rated, and such assessors are hereby required to make such description of such lands, and subscribe the same with their names, and deliver the same to the collector; and that thereupon it shall and may be lawful for the collector of the city, town, manor, district or precinct, in which such lands lie to be published in any of the public news papers printed in this State for eight weeks successively, a general description of the said lands, the city, town, manor, district or precinct, in which the said lands lie, the name or names of the supposed owner or owners of the said lands, the sum assessed on the same, and the time when the said sum ought to be paid; and requiring such person or persons as are interested in the said lands or any part thereof to pay him the sum assessed on the same within ten days after the expiration of the said eight weeks; and that in case the sum so assessed, is not paid at the day mentioned in the said publication, that part of the said lands will be sold at public vendue to the highest bidder, for the payment of the sum assessed on the same, at the day in the said notice mentioned at the place in the city, town, manor, district or precinct, in which the lands lie, at which the town meetings are most usually held, and which day appointed for the sale shall not be more than eight days nor less than four days from the expiration of such time limited for the payment of the rate by such publication; and in case the rate assessed on the lands with all the charges attending the said publication be not paid to the said collector within the said time so to be limited, that then it shall and may be lawful to and for such collector, to make return of the amount of the said rate, and the description of the lands on which the same was assessed, so signed by the assessors aforesaid, to any of the supervisors of the city town manor district or precinct. That such supervisor shall at the day and place appointed by the said advertisement between the hours of ten in the forenoon, and four in the afternoon, sell and dispose of such lands at public vendue or outcry to the best bidder, and at the time of the sale such person or persons as will accept of the least quantity of lands to pay the rate due, and all charges which such supervisor shall then make a true account of, shall be deemed the best bidder; and upon such sale such supervisor shall cause such land so sold to be surveyed and shall them make sign seal and deliver a deed for such lands (upon receipt of the purchase money) to the purchaser or purchasers thereof; which deed so made and executed shall be a sufficient title both in law and equity to all intents and purposes whatsoever; and the purchaser or purchasers of such lands by virtue of this act, and their respective heirs and assigns, shall be thereby severally vested with, and entitled to an estate in fee simple of in and to the said lands. That the supervisor shall immediately upon the receipt of the purchase money, pay the amount of the rate imposed on the lands of which part shall be sold as aforesaid to the collector. Provided always that such deeds shall be entered on the records of the county in which the lands lie within sixty days after such sale, being first duly proved. And provided also, that the lands so to be sold in pursuance of this act, shall be surveyed and laid out in one entire piece, and at one end or side of the tract out of which the same is sold.

And be it further enacted by the authority aforesaid, That any lands vested in the people of this State as sovereign thereof shall not be subject to be rated by virtue of this act. State lands exempted.

And be it further enacted by the authority aforesaid That the several sums charged on the city and counties aforesaid shall be raised in each of them in two installments, the first one half by the time herein before Tax to be paid in two installments.

Sale of lands for non-payment.

designated, and the other half in like manner so as that the last be paid into the treasury of this State on or before the first day of January next.

And whereas certain sums of money were taken on loan for the use of this State, and several quantities of cloathing purchased by the commissioners appointed in virtue of the act entitled an act for the appointment of commissioners to procure monies on loan, and cloathing for the use of this State.

Payment of certain loans.

Be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the auditor of this State to audit the accounts of the said commissioners, and that the treasurer of this State shall after such accounts have been audited and filed with him, pay such sums of money as shall appear due for principal and interest on such accounts, to the several persons to whom the same are respectively due, out of the monies to be raised in pursuance of this act.

Tax of 1781 suspended

And be it further enacted by the authority aforesaid, That the collecting of the rate imposed by an act entitled an act for the appointment of commissioners to procure monies on loan and cloathing for the use of this State, passed the seventh day of March one thousand seven hundred and eighty one, and all proceedings on the said act, shall be, and the same are hereby suspended untill the first day of January next.

Tax law of 1783 repealed.

And be it further enacted by the authority aforesaid, That the second clause or section of the act entitled "An for raising monies by tax" passed the 25th day of March 1783, shall and the same is hereby declared to be repealed: And that if the collection of the tax therein mentioned shall have been proceeded on, and any parts of the said tax shall have been paid, the several county treasurers are hereby required to repay the same to the respective collectors from whom the same was received; the several collectors are hereby required by advertisement to be published by such collectors respectively on or before the first day of July next to notify all persons from whom they have respectively collected the said tax severally to come and receive the same; and the said several collectors are hereby also required to return to each person the tax so by him or her paid as aforesaid.

SCHEDULE.

ASSESSMENT-ROLL.

Assessment-roll.

Persons residing in the.... of....	Real estates.		Persons residing in the county and not in the.... of....	Real estates.		Persons not residing in the.... of.... nor in the county.	Real estates.	
	Real estates.	Personal estates.		Real estates.	Personal estates.		Real estates.	Personal estates.
A.... B.....	£100	£50	A.... B.....	£100	£50	A.... B.....	£100	£50

THE TAX LIST.

Tax list.

Persons residing in the.... of....	Real estates.		Persons residing in the county and not in the.... of....	Real estates.		Persons not residing in the.... of.... nor in the county.	Real estates.	
	Real estates.	Personal estates.		Real estates.	Personal estates.		Real estates.	Personal estates.
A.... B.....	£100	50	A.... B.....	£100	£50	A.... B.....	£100	50

CHAP. 59.

AN ACT for granting relief to heirs executors devisees and legatees, and for other purposes therein mentioned.

PASSED the 10th of May, 1784.

WHEREAS it is represented that in the course of the late war between Preamble. Great Britain and the United States of America, many things have been done and transacted by executors who remained within the British lines against the express intention of their respective testators, and in violation of the rights of orphans, and widows, whose distresses demand the attention of the legislature.

Be it therefore 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 where any trustees, executors, devisees, legatees or persons whatsoever, under any last will or testament, or by virtue of letters of administration, have enjoyed, used or received the whole or any part of the real or personal estate of their testators, or intestates respectively, or the rents, issues or profits thereof, for which they have not rendered a due account, nor made due satisfaction to other parties, in trust or interest under the same last will or testament, or as lawful representative or representatives of the same intestate and have withdrawn themselves out of this State, antecedent to the time of passing this act, the remaining trustees executors or parties interested, in whatsoever manner, under such last will or testament or otherwise, as legal representatives of the testator or intestate, may proceed against such absent trustees, executors, devisees, legatees, or other persons, by filing a bill in the court of chancery of this State; and if any defendant or defendants, in such suit against whom any subpoena or other process shall issue, shall not cause his, her, or their appearance, to be entered, upon such process within such time and in such manner as, according to the rules of the court, the same ought to have been entered, in case such process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of the said court, that there is just ground to believe that such defendant or defendants, is or are not within the State, and was or were not to be found, so as to be served with such process then and in such case the said court may make an order directing and appointing such defendant or defendants to appear at a certain day therein to be named, and a copy of such order shall within fourteen days after the same has been made, be incerted in one or more of the newspapers printed in this State, for such term as the court shall direct not exceeding eighteen months and which term shall expire before the time limited in such order for the appearance of such defendant, or defendants, and another copy thereof shall be affixed up within the same term, upon one of the doors of the court house in the county where such defendant, or defendants did last usually reside. And if the defendant, or defendants do not appear within the time limited by such order, or within such further time as the court shall appoint, then on proof made of such publication of such order as aforesaid, the court being satisfied of the truth thereof, may order the plaintiff's bill to be taken *pro confesso*, and may make such decree thereupon as shall be thought just, and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration and sale of the real and personal estate and effects of the party so absenting (if any such can be found) or such

Proceedings against absent executors, etc.

Order of court in such cases.

part thereof as may be sufficient to satisfy the demands of the plaintiff or plaintiffs in such suit, or otherwise as the nature of the case shall require. And the said court may likewise order such plaintiff or plaintiffs to be paid and satisfied, his, her, or their demands out of the estate or effects so sequestered and sold, or otherwise according to the true intent and meaning of such decree. Provided that it shall be in the discretion of the said court in cases which shall appear to the said court to render such a provision just and necessary, to give a day, to such absent persons, or their representatives, not exceeding eighteen kalender months from the time of making such decree, to apply to the said court for a rehearing and revisal of the same, and also to require of the plaintiff or plaintiffs, sufficient security in such sum as the court shall think proper, to abide such order touching the restitution of such estate or effects, or the money arising from such sale as the court shall think proper to make concerning the same upon the defendant or defendants appearance to defend such suit, and paying such costs to the plaintiff or plaintiffs, as the court shall order; but in case such plaintiff or plaintiffs shall refuse or neglect to give such security as aforesaid then the said court shall order the estate or effects so sequestered or the money arising from the sale to remain under the direction of the court, either by oppointing a receiver thereof, or otherwise as to the said court shall seem meet, until the appearance of the defendant or defendants to defend such suit, and his, her, or their paying such costs to the plaintiff or plaintiffs as the said court shall think reasonable, or until such order shall be made therein as the court shall think proper. Provided also, that if it should happen that an attachment should have been sued out while such cause is depending in the said court of chancery against the estate and effects of such absent persons, according to any law of this State in such case made and provided, then in such case it shall only be the duty of the said court to ascertain by their decree the sum or sums of money due to the plaintiff or plaintiffs (unless the demand of such plaintiff or plaintiffs be of some real estate, held in trust for his, her, or their benefit for the possessing and disposing whereof the aid of the said court may be necessary) and such plaintiff or plaintiffs shall be intitled to his, her or their, proportion, in the distribution of the estate and effects of such absent person or persons, according to the sum or sums ascertained in the said decree, and in common with the other creditors of the said absent persons according to any law of this State as aforesaid; and in case the time for making such distribution according to law shall arive before such decree shall be made as aforesaid, it shall in such case be the duty of the trustees appointed pursuant to such law, on due notice to them from the plaintiff or plaintiffs of such suit depending in the said court, to take sufficient security from the creditors for whose benefit such distribution shall be made, to refund so much of their respective shares as may be necessary to satisfy such plaintiff or plaintiffs for his or their dividend of the proportion or proportions of the estate and effects of such absent persons, to which he, she, or they may become intitled by the decree of the court aforesaid, to be made as aforesaid.

Day given for appearance of absent parties.

Distribution of estate among creditors, in cases of attachment.

In case of removal, remaining executors or trustees have full power to act.

And whereas in some cases special powers have been granted by testators to executors and trustees in and by the last wills and testaments of such testators, to be exercised by the said trustees and executors, or the survivors of them jointly, which powers, by the removal of some of the said trustees or executors from the State, cannot now be executed agreeable to the intentions of such testators. *Be it enacted by the authority aforesaid,* That where two or more trustees or executors have

been appointed by any will or wills within this State, with joint power to execute and perform certain trusts therein contained, and one or more of such trustees, or executors, have left this State, without discharging the duty or duties required of them by the said wills respectively, agreeable to the intentions of the testators thereof, that in such case the trustee or trustees, executor or executors now remaining in this State, and the survivors and survivor of them shall have, and is and are hereby invested with all the powers and authorities in the said wills respectively contained, as if all the trustees or executors named in such wills respectively, were personally present.

And whereas by the circumstances of the late war, trustees and executors under last wills have, in many instances, suffered the times in and by the said last wills limited for the sale of real estate belonging to their testators respectively to lapse without making the said sale, pursuant to the authority to them for that purpose given, whereby they can no longer perform the trusts incumbent upon them, according to the said last wills, without application to the court of chancery for an extension of the time limited, which would be productive of delay and expence

Be it therefore further enacted by the authority aforesaid That where the time limited by any last will within this State, for the sale of any real estate belonging to the testator, has expired at any time since the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy five, and before the passing of this act, it shall and may be lawful to and for the person to whom such power was given, or such of the said persons as now remain within this State, the survivors or survivor of them, to carry into execution the said trusts as though the time so limited had not expired; and that the time mentioned in any such last will for the execution of such trusts shall be deemed and taken to commence on the first day of May next ensuing.

And whereas during the time which the southern district of this State was in possession of the fleets and armies of the king of Great Britain, many wills were proved and letters testamentary were granted in the said district by or under authority derived from the said king; *and whereas* it is necessary for the benefit of widows and orphans to confirm the said proceedings.

Be it enacted by the authority aforesaid That all and every probate or probates, or letters testamentary, issued or granted out of the office of any person or persons residing in the southern district of this State and deriving authority from or under the king of Great Britain for that purpose, from and between the fifteenth day of September in the year one thousand seven hundred and seventy six, (and the twenty fifth day of November, in the year one thousand seven hundred and eighty three, is, and are hereby declared to be confirmed and made valid in the law, to all intents constructions and purposes whatsoever, in like manner as if the said probates or letters testamentary, and every of them had been granted or issued by any officer acting under the authority of the people of this State; unless the person or persons who may conceive themselves aggrieved by such probate or probates or letters testamentary shall within eighteen calendar months from the passing of this act, file a caveat in the office of the judge of probates of this State, against the confirming of such probate or letters testamentary, and procure to be issued out of the said court of probates, a citation, citing the parties interested under such probate or letters testamentary, to appear before the judge of probates, in order that a full hearing may be had thereon, and justice done therein. Provided that the original wills, probates and letters testamentary as aforesaid respectively be recorded in the probate office of this State for

Time for performance of specific acts extended.

Probate of wills in southern district during the war; legalized.

Parties aggrieved may have hearing.

the information of all such persons whom it may in any wise concern as in other cases where wills have been proved according to law.

Act not extended to forfeited estates.

And be it further enacted by the authority aforesaid That nothing in this act contained shall be deemed or construed in any manner to extend to, or affect any real or personal estate which may be vested in the people of this State by the attainder or conviction of any person or persons whatsoever.

CHAP. 60.

AN ACT to encourage the settlement of the waste and unappropriated lands within this State.

PASSED the 10th of May, 1784.

Preamble. WHEREAS the wealth strength and prosperity of this State will be greatly promoted, by the settlement of the waste and unappropriated lands within the same.

Commissioners to grant waste and unappropriated lands.

Be it therefore 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 his excellency the governor or person administering the government of this State for the time being, the lieutenant governor, the speaker of the assembly, the secretary of the State, the attorney general, the treasurer, and the auditor of this State respectively for the time being shall be and they hereby are constituted and appointed commissioners to direct the laying out, and for granting and disposing of, waste and unappropriated lands within the same, in such manner and form, and according to such powers and directions, as shall from time to time be conferred and prescribed by the legislature; and all and every the powers and trusts to be vested in them by this or any future act, shall and may be lawfully executed by any three of them, the governor or person administering the government for the time being, to be always one.

Lands to be laid out in townships.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, and they are hereby authorized and directed, to lay out, and grant, all the waste and unappropriated lands in this State, not already set apart by law for other purposes, and shall cause such waste and unappropriated lands to be delineated in a map or maps, and to be subdivided on the same into townships of six miles square, as nearly as circumstances will permit, and in such manner that each township shall not contain more than twenty three thousand and forty acres, and to be numbered from number one progressively, and such map or maps being subscribed by the said commissioners, shall be recorded in the secretarys office, and then lodged with the surveyor general; duplicates thereof being also delivered to the governor or person administering the government, for the time being, to all which maps, and records in the office of the secretary and surveyor general respectively, every person or persons may have access; and thereupon the governor or person administering the government for the time being, by proclamation, shall forthwith inform the people of the proceedings aforesaid, and that all who may be desirous of making settlements shall receive grants for lands according to the true intent and meaning of this act. Which proclamation shall be published at least for four weeks in two or more of the newspapers of this State, and no petition shall be received or deemed of any valid-

ity, until after the expiration of the said four weeks. Provided always, that all lands legally purchased of the native Indians prior to the fourteenth day of October in the year of one thousand seven hundred and seventy five, and which do not lay westerly of a line being at the north-east corner of the State of Pennsylvania, thence running northerly along the west bank of the Mohawk or westerly branch of Delaware river, and up that river to opposite where Tianaderha falls into Susquehanna, thence to Tianaderha, and up the west side thereof, and the west side of its west branch, to the head thereof, and thence to Canada creek, where it empties into Wood creek, shall not be subject to be granted by virtue of this act, but the claimants of the same shall be at liberty at any time within one year from passing of this act, to represent their respective claims to the legislature, that such provision may be made therein, as justice shall require, and that the execution of the powers given to the said commissioners by this act may not be obstructed by reason of the proceeding proviso.

Proviso, as to lands purchased of native Indians.

And be it further enacted by the authority aforesaid, That the surveyor general as soon as conveniently may be after the passing of this act, shall give six weeks public notice by advertizement in two or more of the public newspapers printed in this State, to all persons claiming or interested in lands purchased from the Indians in manner aforesaid, and not patented, to produce and specify their respective claims to the governor or person administering the government of this State for the time being, within one month after the expiration of the said six weeks; and such lands only as shall be so claimed, and specified, as having been purchased from the Indians in manner aforesaid, shall be deemed and adjudged to be within the same proviso.

Production of claims for reserved lands.

And be it further enacted by the authority aforesaid, That the said waste and unappropriated lands shall be granted and disposed of in the manner and form and upon the terms and conditions following, that is to say, when forty two or more persons desirous of making a settlement shall present a petition to the governor, or person administering the government for the time being, praying for a grant of one of the said townships, not already located, an indorsement of the time of receiving such petition shall be made and subscribed by the governor, or person administering the government for the time being; by whom a certificate shall be given to the person delivering such petition, specifying the number of the township petitioned for, and the name of the first subscribing petitioner, at the time in which such petition was delivered; and the person first presenting a petition for any township as aforesaid shall be entitled to receive a grant therefor.

Manner of granting lands.

And whereas it may so happen that two or more petitions may be presented in manner aforesaid, on the same day, for a grant of one and the same township; *Be it therefore enacted by the authority aforesaid* that whenever two or more petitions shall be presented to the governor, or person administering the government for the time being, on the same day, praying a grant for one and the same township, it shall and may be lawful for the governor, or person administering the government for the time being, together with the other commissioners appointed by this act, or any two of them to determine in such manner as to them shall seem most conducive to the interest of this State, which of the said petitioners shall be preferred; and that letters patent shall be issued to the petitioners named in the petition, to which a preference shall be given as aforesaid, in like as is directed by the preceeding clause in this act. That at a subsequent meeting of the commissioners, such petition shall be read and filed with the secretary of the State, and an entry

Where two petitions received at same time.

Surveyor general to have actual survey made.

thereof, and a declaration that the petitioners are intitled to the grant of such township upon the terms prescribed by this act, shall be entered in a record to be kept by the secretary, of the proceedings of the said commissioners, and the secretary shall thereupon cause a copy certified by him to be a true copy of such petition and entry, to be delivered to the surveyor general, which shall be his sufficient warrant for causing an actual survey at the expense of the petitioners, to be made of such township; that upon a return of the survey of the township, certified by the surveyor general to be actually and truly performed, the commissioners shall pass an order for issuing letters patent to the petitioners for such township, distinguishing the same by such name as they shall think fit:

Payments for lands into the treasury.

Provided always, and be it further enacted by the authority aforesaid, that on the day on which the order shall be issued for granting letters patent as aforesaid, the commissioners shall certify to the treasurer of the State, the sum of money which the petitioners shall respectively pay for each respective township, into the treasury of this State and shall lodge such certificate with the secretary of the State, to the intent that the petitioners or one of them may obtain the same, and if the said petitioners, or one or more of them, or some person on their behalf, shall not within six months next ensuing the date of such certificate, pay the sum therein mentioned into the treasury of this State, and lodge the treasurers receipt of the payment thereof in the secretarys office, then such order for issuing the said letters patent shall be utterly void and of none effect; or if upon lodging such receipt in manner aforesaid, the said petitioners shall not within one year from the filing of such petition, apply to the surveyor general to survey such township, and enter into security to pay the expences of such survey, then such order shall also be void and of none effect; and the money so paid into the treasury shall be forfeited to the people of this State, and the commissioners shall and may in either case, grant such township to any other persons applying for the same, in manner, and on the terms and conditions, by this act directed.

Price of lands fixed at one shilling an acre.

And be it further enacted by the authority aforesaid, That there shall be paid into the treasury of this State, by the petitioners, for every township, at the time of passing letters patent for the same, at and after the rate of one shilling for every acre thereof, except five acres per cent allowed for highways and nine hundred and ninety acres set apart for public uses hereinafter mentioned. And that the respective letters patent shall contain a condition, that there shall be at least one settler actually settled on each and every right in such township, within the term of three years next after taking out such letters patent; and on failure thereof, then the estate of the proprietors in such lot or lots which shall not be actually settled within the time for that purpose herein before limited, shall cease and become void, and such lot or lots shall revert to the people of this State, and that if any person shall at the expiration of the said term apply to the surveyor general of the State for any such supposed forfeited lot, the surveyor general shall give such applicant a certificate of such application, and as soon as conveniently may be, by advertizement to be published for eight weeks successively, in two or more of the news papers printed in this State, notify the person, or his or her legal representative, claiming such lot by virtue of the said letters patent, to appear, (by a day to be mentioned in the said advertizement, not less than thirty days from the expiration of the said eight weeks) before the commissioners by this act appointed, and to show cause why such lot should not be granted to the person applying for the same; and if it shall appear to the said commissioners at the day men-

Lands forfeited when not settled within three years

tioned in the said advertisement, that the lands are forfeited for the non compliance with the condition above mentioned, they shall grant the same to the person who make application therefor to the surveyor general, on the conditions by this act directed.

And be it further enacted by the authority aforesaid, That all mines of gold or silver, salt lakes and springs, and mines of salt, and carrying places upon any of the water communications, which may be contained or found within the limits of the lands by this act directed to be granted, shall be reserved for the benefit of the people of this State, and the commissioners are hereby expressly prohibited from granting the same, or either of them, upon any pretence whatever.

[And be it further enacted by the authority aforesaid, the gold or silver, bills of credit emitted in pursuance of an act of this State intitled "An act for emitting monies upon the credit of this State," passed the twenty seventh day of March in the year one thousand seven hundred and eighty-one for gold or silver, certificates issued by the agent of this State, in pursuance of an act intitled "An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy," passed the twenty fourth day of June, in the year one thousand seven hundred and eighty; certificates granted for horses purchased by this State, for the use of the army of the United States, in the year one thousand seven hundred and eighty; accounts liquidated and certified by, or certificates granted by the late auditor general of the State, and the auditor of the State for the time being, for gold or silver certificates issued by the auditors appointed in pursuance of the act intitled "an act to liquidate and settle the accounts of the troops of this State, in the service of the United States," passed the fourth day of October in the year one thousand seven hundred and eighty, at the nominal value expressed in all such notes and certificates as gold or silver, bills of credit emitted by the authority of the provincial congress of this State while it was a colony, and the convention of this State, at the rate of one dollar in silver, for every one hundred and twenty eight nominal dollars in such bills; certificates issued by the treasurer of this State in pursuance of an act intitled "an act to provide for the payment of certain monies taken on loan by this State," passed the thirteenth day of June in the year one thousand seven hundred and eighty, at the rate of one dollar in silver for every forty of the nominal dollars specified in such certificates; warrants with receipts thereon endorsed, given by virtue of the act entitled "an act to compleat the Continental battallions raised under the directions of this State," passed the first day of July in the year one thousand seven hundred and eighty, at the rate of one dollar in silver for each bushel of wheat specified in such warrants; certificates issued by the treasurer of this State, for monies borrowed for the use of this State, and directed to be paid by an act intitled "an act to provide for the payment of certain contingent expenses of this State" passed the twenty fifth day of October in the year one thousand seven hundred and seventy nine, reduced to the value of gold or silver by the Continental scale of depreciation; certificates issued by the Continental loan officer in this State, for monies lent to the United States, by the inhabitants of this State, reduced to their value in specie by the Continental scale of depreciation; certificates given, or that may be given, by the Continental commissioner of accounts within this State, for services performed, or articles delivered by the inhabitants of this State, for the use of the United States; the ballance due the troops of this State in the service of the United States, for their pay of the year

Mines and salt springs reserved.

Certain certificates to be received in payment for lands.

one thousand seven hundred and eighty one, to be audited by the commissioners appointed for liquidating and settling the accounts of the troops of this State, in the service of the United States.]

Certificates made negotiable.

And be it further enacted by the authority aforesaid, That all such of the said notes, certificates or securities, mentioned in the next preceding clause, and which are not negotiable, shall and hereby are declared to be negotiable from and after the passing of this act. That all and every of the above notes and certificates shall be received by the treasurer of this State in payment for any lands to be sold by virtue of this act, and that the interest thereon shall be allowed to the person or persons paying the same, to the said treasurer.

Fees on issuance of patents.

And be it further enacted by the authority aforesaid, That the governor or person administering the government of this State for the time being, the secretary of the State, and the surveyor general of the State, respectively, shall be entitled on passing letters patent for any township to be granted by virtue of this act, to the following fees that is to say, the governor for receiving and endorsing the petition, making the orders thereon, and affixing the great seal to the letters patent, the sum of three pounds, the secretary for his attendance, and for drawing and engrossing and recording the letters patent, the sum of five pounds, the surveyor general for his attendance, and for directing, examining, and approving of every survey, and making and returning a correct map, the sum of three pounds, and that no greater fees shall be demanded or received by any of them.

Township privileges.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of all and every of the townships to be granted by virtue of this act, shall hold exercise and enjoy all the rights, immunities and privileges, which have by law been granted, or hereafter may be granted, to the inhabitants of the respective districts in the county of Tryon.

Partition of lands, how made.

And for the more easy partition of lands, which shall be granted by virtue of this act, *be it further enacted by the authority aforesaid,* That whenever three or more proprietors of any such township shall be desirous to make partition thereof, it shall and may be lawful to and for such proprietors to call a meeting of the proprietors to come to a partition of such township and thereupon appoint a time and place for that purpose, and due notice of such meeting shall be published in two or more of the public newspapers of this State, for six weeks successively, and thereupon the proprietors of such township, or the major part of such of them as shall attend for that purpose, according to the said notice, shall by plurality of voices choose and appoint commissioners, to consist of one or more surveyors, and his or their assistants, to make an actual partition of such township, at the common expence of the proprietors, in proportion to their respective rights, and shall then agree upon a place for balloting for the same: and the said commissioners as soon as conveniently may be, shall make an actual survey of the township; and having in the first place appropriated in some convenient part of the said township nine hundred and ninety acres set apart for public uses viz. three hundred acres for the use of a minister of the gospel, and six hundred and ninety acres for the use of a public school or schools, the residue shall be divided into as many allotments as there were patentees, each allotment to consist of one or more lots, having due regard in the partition to the situation, quantity and quality thereof, so that the patentees and those holding their several rights may have equal shares in value as near as may be; that of all such surveys and allotments made by virtue of this act, four true field books and maps, specifying the bounds of every lot, shall be made, and the several lots

Four field books to be made.

laid down and numbered on the said maps, and then signed by the said commissioners, which being performed, the said commissioners shall cause an advertizement for six weeks successively, to be published in two or more of the said news papers, notifying the said survey, and appointing a day within thirty days after the expiration of the said six weeks, and requiring all persons interested in the township then to attend at the place which shall have been appointed for the purpose, by the said proprietors, at their first meeting, to see the several allotments balloted for. And that the same may be conducted with strictest equity, one or more judges of the county not interested in the division, or in case there should be no judge in the county where the lands lay, that then and in such case one or more judges of a neighboring county, upon request of the commissioners in writing, under their hands, served twenty days before the time of meeting, shall be present to oversee the balloting so to be made ; at which day and place, the said commissioners having made as many tickets as there are allotments, with the number of a different allotment on every ticket, and as many tickets as there are patentees, with the name of a different patentee for every ticket, the tickets of names shall be put into a box, and the numbered tickets into another box, and such indifferent and disinterested person as the commissioners shall then appoint, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and so proceed untill all the tickets are drawn ; and the allotment on the map bearing the number of the ticket, drawn next after drawing the ticket with the name, shall be the separate and divided share of that patentee, in the lands so to be divided, and of all persons holding under him, of which balloting, and all the proceedings on such petition, the said commissioners shall make a full and fair entry or minute in a book ; one copy whereof certified under the hands of the majority of them, and under the hand of the judge presiding at the said meeting, shall be filed with one of the copies of the said map in the secretary's office ; another copy of the said book certified in like manner, and a copy of the said map, in the clerk's office of the county, where the lands lay ; a third copy of the said book, and map, in the surveyor general's office, and a fourth copy of the said book and map in the office of the clerk of the township ; which same books and maps, or an exemplification under the great seal of the State, of the book and map filed in the secretary's office, shall be good evidence of such partition ; and the said partition shall be as valid and effectual in the law to divide and separate the said lands, as if the same had been made between the patentees on writs of partition, according to the course of the common law. Provided always, that the commissioners who shall perform the survey and make partition as aforesaid, shall be duly sworn, or if of the people called Quakers, affirmed, that they have respectively performed their several parts in the said survey, and partition, truly faithfully and impartially, according to the best of their skill and judgment ; and that the persons drawing the ballots on every such partition, shall in like manner be sworn or affirmed, that they have performed that office faithfully and impartially. The declaration in each of the said cases being entered at the close of the proceedings of the said commissioners, and subscribed by a majority of them, and attested by the judge or judges of the county who preside at such balloting.

Judges to be present and oversee balloting.

Minute books, where filed.

Commissioners of partition to be sworn.

And be it further enacted by the authority aforesaid, That if any proprietor of lands within the township whereof petition shall have been made in manner aforesaid, shall neglect or refuse to pay his proportion of the charges of patenting or making partition thereof, or his rate of

Expense of partition, enforcement of collection.

the quota of the expence of any public roads or bridges which shall be directed by law to be laid out or made in or thro' such township, then and in every such case it shall and may be lawful to and for the judge of the county where the lands shall lie, on complaint of the officer or person having the direction of such work, or collection of such town rate or duty, to appoint a time and place for the appearance of such proprietor or his legal representative, to answer such complaint, and notice thereof shall be published at least four weeks in two or more of the public news papers of this State, and at the time and place so to be appointed the judge shall proceed to hear the complaint, and defence of the party charged, if he shall appear, and if judgment shall be given by default, or otherwise, against the proprietor, and in case of the want of sufficient chattles of the defaulter within the township, so much of his lands therein shall be sold at public vendue as will be sufficient to satisfy such judgment. Provided, that notice of the intended sale of such lands shall be previously advertized in two or more of the public newspapers of this State, for four weeks successively, and three of the most public places in the township where the lands is situated, expressing the time and place of such sale ; and that at the time of sale such person as will accept of the least quantity of land to satisfy such judgment, and all charges, shall be deemed the purchaser ; and the deed from the officer making sale of the said lands, shall operate as a legal title to the purchaser, who shall thenceforth hold the same to him his heirs and assigns forever.

Proviso as to advertising sale, etc.

Surveyor general to report annually.

And be it further enacted by the authority aforesaid, That the surveyor general shall once in every year lay before the legislature for their inspection, a map of all the lands which shall from time to time be granted by virtue of this act.

CHAP. 61.

AN ACT for the relief of Elizabeth Bend and Grove Bend, and their creditors.

PASSED the 10th of May, 1784.

Preamble.

Whereas the said Elizabeth Bend and Grove Bend, in order to obtain a general discharge, are willing to convey, assign and deliver all their estate for the use of their creditors, *and whereas* it is represented that the said Elizabeth Bend is in a very weak and infirm state and incapable of transacting business, and that she hath by deed for that purpose duly executed assigned all her estate to the said Grove Bend.

Assignees named to settle estate.

I. Be it therefore 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 said Grove Bend by deed executed in the presence of two credible witnesses immediately after the passing of this act, to grant, convey, assign and deliver, to Daniel Phoenix Benjamin S. Judah and James Beekman all of the city of New York merchants, for the use of the creditors of the said Elizabeth and Grove, all his and her estate real and personal both in law and equity; and all evidences, books of accounts, vouchers and securities relating thereto excepting their usual wearing apparel and one bed each with necessary bedding. And that the said assignees shall immediately after the passing of this act take an oath well and truly to execute the

trust reposed in them by this act according to the best of their skill and understanding, which oath either of the judges of the supreme court are hereby authorized and required to administer.

And be it further enacted by the authority aforesaid, That the said assignees when so as aforesaid qualified shall as soon as may be thereafter cause public notice be given in one or more of the news papers printed in the city of New York of this their appointment, and thereby require all persons indebted to the said Elizabeth and Grove or to either of them by a certain day in their said notice to be specified to pay all such sum or sums of money or other debt, duty or thing, and to deliver all other effects of the said Elizabeth and Grove Bend which he, she or they, may have in their power or custody to them the said assignees. And shall also by public advertisement in one of the said newspapers require all the creditors of the said Elizabeth and Grove Bend or of either of them by a certain time in such advertisement to be mentioned to deliver to the said assignees or to one of them their respective accounts and demands against the said Elizabeth and Grove duly proved and attested.

Public notice for production of property.

And be it further enacted by the authority aforesaid That the assignees or any two of them or the survivors or survivor of them is and are hereby enabled and made capable to sue for recover and receive all such estate and estates debts, dues or effects, whatsoever as they shall find due payable or belonging to the said Elizabeth and Grove or to either of them and the same or any part thereof to sell convey or dispose of, and deeds, releases, bills of sale or other conveyances for the same or any part or parts thereof from time to time to make and execute which being so made and executed by them or any two of them the survivors or survivor of them shall be good, valid and effectual in law to all intents and purposes whatsoever against the said Elizabeth and Grove her and his heirs executors, administrators and assigns, and all persons claiming under them or either of them by virtue of any act deed matter or thing after the passing of this act. And the said assignees or any two of them the survivors or survivor of them shall keep a book or books wherein he or they shall duly enter an account of all sum or sums of money or other effects which he or they shall have got in or received out of the estate of the said Elizabeth or Grove Bend or either of them, to which book or books of account every creditor who shall have proved his or her debt shall at all reasonable times have free resort, and inspect the same as often as he or she shall think fit.

Assignees may sue, convey, etc.

And be it further enacted by the authority aforesaid That if any person or persons indebted to the said Elizabeth and Grove or to either of them or having the custody of any goods chattles or effects of them the said Elizabeth and Grove or either of them shall conceal the same, and not deliver a just account thereof to the said assignees or to one of them by the day for that purpose by them appointed, he she or they so concealing, shall forfeit double the sum of the debt or debts, or double the value of the goods chattles effects or other things so concealed to be recovered by the said trustees in any court within this State having jurisdiction to the amount of such forfeiture, and applied as herein after directed; which said courts are hereby respectively fully empowered to compel to come before them all such concealors or others concerned, and them to examine upon oath touching the premises and to commit them or either of them to the common goal of the county where such court shall be held, if they refuse to be so examined, or being so examined refuse to answer fully and satisfactorily to such court.

Forfeiture for concealment of property.

Assignees
may arbitrate.

And be it further enacted by the authority aforesaid That the said assignees or any two of them, the survivors or survivor of them shall be and hereby are fully authorized and empowered, to refer to arbitration, settle, compound and adjust, in the manner her or they may think the most expedient, all matters contracts and accounts, that may be subsisting between the said Elizabeth and Grove and his or her debtor or debtors, or between the said Elizabeth and Grove and his or her creditor or creditors. And the said Grove Bend is hereby requirid and obliged to give his attendance upon every reasonable notice in writing to be given to him, or left at his place of abode by the said assignee or assignees, or their order, thereby requiring his attendance, and shall assist in making up adjusting or settling any account or accounts between the said Elizabeth and Grove, or either of them, and any other person or persons or for such other businesses as the said assignees, or any two of them, the survivors or survivor of them, shall judge necessary, for collecting and recovering the estate and effects of the said Elizabeth and Grove for the benefit of his her or their creditors.

Grove
Bend to
assist as-
signees.

Dividends
to credi-
tors

And be it further enacted by the authority aforesaid, That the said assignees shall proceed to convert all the estate and estates real and personal of the said Elizabeth and Grove, or of either of them, into money, and collect debts due to the same, and that the said assignees or any two of them the survivors or survivor of them shall at some time after the expiration of four months and within twelve months after the passing of this act cause at least thirty days public notice to be given in two of the newspapers printed in his State of a time and place at which the said assignees or any two of them the survivors or survivor of them intend to meet to make a dividend or distribution among the creditors ; at which time the creditors who have not before proved their debts shall then be at liberty to prove the same; that previous to any dividend debts due to the people of this State, as sovereign thereof, all costs of suit and other necessary disbursements, and the allowance hereinafter made to the said assignees for their care and trouble shall be first paid that the said assignees or any two of them or the survivors or survivor of them shall then at the said meeting or other subsequent meetings to be continued by adjournment if necessary forthwith cause a distribution or dividend to be made of all the monies which shall have come to his or their hands as assignee or assignees of the estate and effects of the said Elizabeth and Grove Bend among such of the creditors of the said Elizabeth and Grove who shall have duly proved their debts, in proportion to their respective debts.

And whereas mortgages may have been obtained of the said Grove Bend and Elizabeth Bend or one of them by persons who during the late war remained within that part of the State then in the power of the enemy, to the manifest injury of those who moved into or resided in parts of this State or any other of the United States not in the power of the enemy, and who by such residence were deprived of equal means of securing debts due to them by the said Elizabeth and Grove or one of them.

Certain
mortgages
treated as
simple
contracts.

Be it therefore further enacted by the authority aforesaid That no mortgage whatsoever executed by the said Elizabeth Bend and Grove Bend or either of them between the fifteenth day of September one thousand seven hundred and seventy six, and the twenty-fifth day of November one thousand seven hundred and eighty three, shall charge the estate of the said Grove and Elizabeth or either of them, otherwise than as simple contracts as far forth as the same may effect the creditors of the said Grove and Elizabeth or either of them who during the late war resided

in parts of this State or of any of the United States not then in the power of the enemy, which creditors on a division to be made by the assignees of the estate of the said Grove Bend and Elizabeth Bend or either of them, shall be entitled to receive such proportion of the whole as if no such mortgage had ever been executed; provided always and it is hereby enacted and declared that with respect to the proportion of the said estate which on such division may fall to the creditors of the said Grove and Elizabeth or either of them who during the late war resided within the power of the enemy, the sum or sums due and secured by such mortgage or mortgages shall be first paid and discharged thereout, and the residue thereof only be divided among and paid to the creditors last mentioned, any thing in this act contained to the contrary thereof in any wise notwithstanding.

And be it further enacted by the authority aforesaid That where it shall appear to the said assignees or any two of them or to the survivors or survivor of them that there hath been mutual credit given by the Elizabeth and Grove or either of them and any other person or persons or mutual debts between the said Elizabeth and Grove or either of them and any other person or persons before the passing of this act, the said assignees or any two of them the survivors or survivor of them shall state the account between them, and one debt may be set against another and what shall appear to be due on either side on the ballance of such account and on settling such debts against one another and no more shall be claimed or paid on either side respectively.

Mutual
accounts,
how ad-
justed.

And be it further enacted by the authority aforesaid That within eighteen months next after the passing of this act the said assignees or any two of them the survivors or survivor of them shall make a second dividend of the estate and effects of the said Elizabeth and Grove if the same were not wholly divided upon the first dividend and shall cause notice to be given thereof in the like manner as is herein before directed to be given of the first dividend, and for the creditors who shall not before have proved their debts to come in and prove the same; and that the said assignees or any two of them or the survivors or survivor of them shall then forthwith make a dividend of the neat proceeds of the estate and effects of the said Elizabeth and Grove amongst the creditors who have made due proofs of their debts in proportion to their several and respective debts which second dividend shall be final; unless any suit at law or in equity shall be depending or any part of the estate standing out that could not have been disposed of, or collected, or unless some other future estate or effects of the said Elizabeth and Grove or of one of them, shall come to or vest in the said assignees; in which case the said assignees or any two of them or the survivors or survivor of the shall as soon as may be convert such other or future estate and effects into money and shall within two months next after the same shall be converted into money, divide the same among such of the creditors of the said Elizabeth and Grove as shall have made due proof of their debts, in proportion to their respective debts.

Second
dividend
to be
made.

And be it further enacted by the authority aforesaid, That if any creditor or creditors shall neglect or refuse to give notice of or deliver to the said assignees or one of them an account of his or their debt or demand untill after a dividend shall have been made of the monies and effects in the hands of the said assignees such creditor or creditors shall not be entitled to any dividend and the whole monies then in hand to be divided shall be divided among the other creditors, but in case the whole of the estate of the said Elizabeth and Grove shall not be

Where
creditors
neglect to
produce
accounts.

divided and settled at the first division, then if such creditor or creditors respectively shall duly prove and deliver unto the said assignees or one of them his her or their debt or demand proved as aforesaid before the time appointed for the second dividend then such creditor or creditors shall have his her or their first dividend, or so much as he she or they would otherwise have been entitled to on the first division, before any second dividend shall be made; and if any surplus shall remain after all just debts and legal charges and commissions are fully paid and satisfied such surplus shall be paid or delivered to the said Elizabeth and Grove Bend her or his executors administrators or assigns.

Interest,
when to
be cast.

And be it further enacted by the authority aforesaid, That no interest shall be allowed on any book account unless on due proof of some special agreement therefor, and in such case to be allowed only from the time of such agreement, nor upon any promissory note, unless particularly therein expressed; and no interest shall be computed or allowed on any debt of what kind soever after the first day of July last past, and all forfeitures recovered by the said assignees by virtue of this act shall be considered and applied as part of the estate of the said Elizabeth and Grove Bend.

Fees of
assignees.

And be it further enacted by the authority aforesaid, That the said assignees or any two of them, the survivors or survivor of them shall be allowed, and shall and may retain in his or their hands for their care and trouble, and the services to be by them performed, the sum of five per cent on all the monies which shall come into their hands by virtue of this act before each dividend made over and above all necessary disbursements in the premises.

Elizabeth
and Grove
Bend to be
discharged
of all debts

And be it further enacted by the authority aforesaid That the said Elizabeth and Grove Bend conforming in all things to the true intent and meaning of this act shall be forever discharged from all debts by her or him due or owing at the time of the passing of this act; and in case he she or they shall hereafter be arrested prosecuted or impleaded for any debt due before the passing of this act, he she or they shall be discharged on common bail, and shall and may plead in general that the cause of such action or suit did accrue before the passing of this act, and may give this act and the special matter in evidence.

Proviso, as
to certifi-
cate to be
made by
assignees.

Provided always and be it further enacted by the authority aforesaid That the said Elizabeth and Grove shall not nor shall either of them be entitled to the benefits of this act, unless the said assignees or any two of them, the survivors or survivor of them shall in writing under his or their hand and seal or hands and seals certify that they the said Elizabeth and Grove have made full discovery of his her and their estate and effects, and in all things conformed himself and herself according to the directions of this act.

CHAP. 62.

AN ACT for the relief of John Hubbard and Richard Varick.

PASSED the 10th of May, 1784.

Preamble.

WHEREAS John Hubbard an inhabitant of this State having served as an ensign in the regiment of troops in the service of the United States, whereof James Livingston Esquire was colonel, from the eighteenth day of December one thousand seven hundred and seventy

six, to the first day of February one thousand seven hundred and seventy nine, and was on that day transferred to a regiment of the line of the Rhode Island troops.

Be it therefore 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 the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States, are hereby authorized and directed to audit the accounts of, and grant certificates for the depreciation of pay to the said John Hubbard until the first day of February one thousand seven hundred and seventy nine, in like manner as they are directed to audit and settle the accounts of the troops of this State in the service of the United States.

Certificates to be issued to John Hubbard.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said auditors to settle with Colonel Richard Varick by allowing him what his arrears of pay and years advance as deputy muster master general was worth in specie, at the time they respectively became due, agreeable to the act of congress of the thirtieth of October, one thousand seven hundred and eighty three, and grant him a certificate for the same, which certificate shall be received in payment for lands and be paid in like manner as certificates granted to the line of this State for the depreciation of their pay are received and paid.

Id., to Richard Varick.

CHAP. 63.

AN ACT for granting certain lands promised to be given as bounty lands, by laws of this State, and for other purposes therein mentioned.

PASSED the 11th of May, 1784

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 his excellency the governor or person administering the government of the State for the time being, the lieutenant governor, the speaker of the assembly, the secretary of the state, the attorney general, the treasurer, and the auditor thereof respectively for the time being, shall be and they are hereby constituted and appointed commissioners for granting certain lands promised to be given as bounty lands by laws of this State, herein after particularly mentioned; and that all and every the powers and trusts, to be vested in the said commissioners by virtue of this act, shall and may be lawfully executed by any three of them, the governor or person administering the government for the time being, always to be one thereof.

Commissioners for granting bounty lands.

And be it further enacted by the authority aforesaid, That whenever any person, or the legal representative or representatives of any person intitled to grants of land by virtue of the act entitled "An act for raising two regiments for the defence of this State on bounties of unappropriated lands" passed March 20th 1781, or by virtue of an act entitled "An act for raising troops to compleat the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands, and for the further defence of the frontiers of this State," passed March the 23d 1782, or by virtue of another act entitled "An act to enable John Cochran Esquire to locate

Persons entitled to lands under certain acts, to produce surveyor general's certificate.

two thousand acres of waste and unappropriated lands within this State," passed March the 8th 1783, shall produce a certificate from the surveyor general of this State to the said commissioners, certifying that the person therein named is intitled by virtue of the said acts, or either of them, to the quantity of land in such certificate mentioned and described, that the same is laid out as nearly in a square as the circumjacent patented lands will admit of, or is laid out as nearly in a square as local circumstances will admit of, or is laid out in a square as the case may be; that the same is not to the best of his belief and information then granted to, or located by any other person, by virtue of any of the before recited acts, that it was not occupied and improved by any person, on or before the 25th day of July, in the year one thousand, seven hundred and eighty-two, that it is no part of the land by this act reserved to the use of the people of this State; the said commissioners shall thereupon direct letters patent to be made out, and the governor shall affix the great seal of this State thereto; provided always, that if any caveat shall be entered in the secretaries office by any person whatever, claiming lands so located, that the said commissioners shall decide on the principles of equity and good conscience, if such location shall be valid or not; first giving timely notice to the parties, to appear and be heard, by themselves or by council on their behalf; and if the location shall, by the said commissioners be deemed void, the person having made the same, may locate other ungranted and unappropriated lands, as tho' no location had ever been made.

Proviso, where caveat entered in secretary's office.

Tracts containing wrong number of acres.

And be it further enacted by the authority aforesaid, That if any tract of land, described in any location already entered, or to be entered in the surveyor generals office, shall appear upon actual survey, to contain a greater, or a less quantity of acres, than the person having located or who may hereafter locate, is intitled to, it shall be the duty of the surveyor general to reduce or extend the bounds of such tract as the case may require, or if the lands so located, do not lay as nearly in a square as circumstances will permit, the said surveyor general shall reduce the bounds to a square, or as nearly to a square as may be.

"Reserved and applied" lands, explained.

And whereas by a law of this State entitled "An act to prevent grants or locations of the land therein mentioned," passed the 25th July 1782 certain lands were intended to be reserved to the use of the State; and whereas such lands were not otherwise described in the said law, than as lands "theretofore reserved and applied for public uses;" and whereas the terms "reserved and applied for public uses" are not only doubtful and indifinite, but no specific quantity of land is directed to be set apart adjacent to places intended to be "reserved and applied" as aforesaid, and lands supposed to be intended by the said act to be reserved, and other lands adjacent thereto, were actually located by virtue of the said first mentioned acts, before the passing of the said last mentioned act, and the surveyor general having no definite directions, how to conduct himself in the premises; to explain and remedy which,

Lands specified, not to be granted.

Be it further enacted by the authority aforesaid, That the said surveyor general be, and he is hereby inhibited from granting any certificate for either of the several tracts of land herein after particularly specified, or for any part thereof, that is to say, he shall not grant any certificate for a certain tract of land adjoining the south, end of Lake George, within two miles of the fort called Fort George,—For a certain tract of land at Tyconderoga comprehended by the limits following, bounded southerly and easterly by part of the waters of Lake Champlain, northerly and westerly by patented lands — For a certain tract of land at Crown Point comprehended within the limits following, to wit, bounded on the

At Lake George.

At Tyconderoga.

At Crown Point.

west north and east by Lake Champlain, on the south by a west line from the waters of Lake Champlain on the east of the peninsula, so as to comprehend all the vacant lands on the said peninsula — For a certain tract of land at a peninsula adjoining Lake Champlain commonly called Point-Aufer, bounded on the south, east and north by Lake Champlain, and on the west by a line across the said peninsula on such course as the said surveyor general shall judge most eligible, so as to comprehend five hundred acres of land — For two certain tracts of land adjoining Lake Ontario, where the Onondaga river falls into the said lake, running from the mouth of the said river, and on both sides thereof as the same runs one mile, then extending northerly and southerly one mile with a line perpendicular to the general course of the river within the said mile, thence westerly with the said general course to Lake Ontario, thence northerly and southerly to the place of beginning — For a certain tract of land adjoining the water communication between Lake Erie and Lake Ontario, and to be bounded on the east by a line across a pond, one mile distant from the most easterly inclination of the said water communication, on a perpendicular to the general course of the said communication, and to extend from the said pond to Lake Ontario on the one side, and to Lake Erie, or to the north boundary-line of Pennsylvania, as the case may be, on the other side — For a certain ore bed lying about eight miles north of Crown Point adjoining to Lake Champlain, commonly called Skeenes ore bed — For all that certain piece of land, adjoining the falls commonly called Oswego falls on the Onondaga river, beginning twenty chains above where the batteaux were heretofore usually taken out of the said river, to be carried across the portage, and extending down the said river twenty chains below where the batteaux were usually put into the said river, after having been transported over the said portage, and extending northeasterly in every part between the said two places, ten chains from the said river. Nor shall any such certificates be granted by the said surveyor general for any unpatented lands laying in the southern district of this State, and for no lands vested in the people of this State as confiscated or forfeited by the attainder or conviction of any person whatsoever and that the lands so inhibited from being certified as aforesaid shall be and hereby are reserved to the use of this State any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That every survey to be made of any lands located, or to be located by virtue of the said acts or either of them, shall be performed by the surveyor general, at the expence of the party who located or may hereafter locate, and that no more than twenty shillings per day shall be taken by the said surveyor general for each day he may be employed in and about such survey, making the maps, and in travelling to make such survey, and in returning therefrom, except as in the said acts is excepted.

And be it further enacted by the authority aforesaid, That all certificates of inlistment given by any person appointed by his excellency the governor to muster men to be raised by virtue of any of the said laws, shall be accepted by the surveyor general as tho' such persons had been appointed by virtue of any law of this State.

And be it further enacted by the authority aforesaid, That the lands herein reserved to the use of this State and laying adjoining to Lake George, Tyconderoga and Crown Point, shall and may by the said commissioners be leased unto any citizen or citizens of this State, for a term of years not exceeding twenty-one years, and on such terms and conditions as the said commissioners shall deem most beneficial to the interest of this State.

At Point Aufer.

At Oswego.

At Niagara river.

Skeenes's ore bed.

At Oswego falls.

Surveyor general to make survey at expence of applicant.

Certificates of governor to muster men to be accepted.

Reserved lands along Lakes Champlain and George to be leased.

Surveyor general to complete surveys after expiration of term of office.

And be it further enacted by the authority aforesaid, That all and every of the duties required of the surveyor general by the above recited acts, or by this act may be executed by the present surveyor general, altho' he should resign his office, and another surveyor general should be appointed; provided always that no future locations shall be received, except by the surveyor general for the time being.

Fees of State officers on granting patents.

And be it further enacted by the authority aforesaid, That the following and no other fees shall be demanded or taken for any services to be performed in pursuance of this act, by the governor for his attendance and for affixing the great seal of this State to any letters-patent the sum of sixteen shillings, if for any grant not exceeding five hundred acres; and for every greater quantity two pounds; by the secretary of the State for preparing and recording any letters patent, the sum of sixteen shillings, if for a grant not exceeding five hundred acres and for every greater quantity two pounds; by the surveyor general for filing every certificate, transfer, indorsement and location, for his certificate thereof, for his warrant of survey, filing the return of survey, certificates to the commissioners, filing a copy thereof, and for all other papers incident to the business, at and after the rate of two shillings for every one hundred and twenty eight words contained therein.

Proviso, as to lands pledged to troops of the line.

And whereas by a law of this State, entitled "An act to prevent grants or locations of the lands therein mentioned," passed the 25th July 1782, a tract of country was set apart, within which the troops of the line of this State, lately serving in the army of the United States were to be provided with lands. And whereas on the twenty seventh day of March, in the year one thousand seven hundred and eighty-three, by concurrent resolutions of the senate and assembly, a certain quantity of land was promised to each of the officers, non commissioned officers and privates and other persons designated in the said concurrent resolutions.

Names of persons entitled to lands to be returned and certified.

Be it therefore further enacted by the authority aforesaid, That the said commissioners, shall by advertisement to be published in one or more of the newspapers of this State, require returns to be laid before them of all persons or their legal representatives entitled to lands by virtue of the said act or concurrent resolutions, and having decided thereon, shall certify the names of such persons as shall appear to them to be entitled to lands, thereby specifying the quantity of land to the surveyor general under the hand of the governor, which certificate shall also designate in what part of the tract of country, the land mentioned in such certificate shall be laid out, and thereupon the surveyor general shall immediately proceed to lay out the same in townships of twenty-four thousand acres, and in a square form, or as near to a square as circumstances will permit; and shall also subdivide such townships into lots of two hundred acres each, on a map or maps, and shall transmit a copy of such map or maps to the commissioners aforesaid, who shall thereupon proceed by ballot to determine to whom each lot so laid out shall belong: and the governor is hereby authorized to grant letters patent for the respective lots, as herein before directed, and the secretary of the State is hereby required to transmit the names of the persons, who shall so become entitled to lots, with the number of the lot designated for each, and the number and name of the township in which such lots lay, to the surveyor general.

Surveyor general to lay out lands in townships.

Officers and privates of Col. Lamb's regiment to have lands.

And be it further enacted by the authority aforesaid, That all the officers non commissioned officers and privates, which belonged to the regiment of artillery, commanded by Colonel John Lamb, on the first day of January in the year one thousand seven hundred and eighty-one, and such of them as continued in service to the end of the war, or their

legal representatives, shall be entitled to the same quantity of land as other officers non commissioned officers and privates are entitled to by the said concurrent resolutions of the senate and assembly, passed the 27th day of March 1783.

And be it further enacted by the authority aforesaid, That there shall be at least one settler upon every six hundred acres of the lands hereby directed to be granted, within three years after the date of the letters patent; and for non compliance in making such settlement, all the right and title of such proprietor or proprietors as shall fail therein, shall cease and become void; and at the expiration of the said term of three years shall revert to the people of this State.

Lands to be settled within three years.

And be it further enacted by the authority aforesaid, That no person or persons whatsoever, shall be entitled to lands by virtue of the said act or resolutions, unless such person or persons shall respectively exhibit their claim or claims for such lands to the commissioners aforesaid on or before the first day of May in the year one thousand, seven hundred and eighty-five.

Lands to be claimed before May 1, 1785.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners to direct the surveyor general to lay out such a number of townships of unappropriated and unoccupied lands for the Canadian and Nova Scotia refugees upon a return signed by Brigadier General Moses Hazen and Colonel James Livingston, or either of them, on the part of the Canadian refugees, and Colonel Jeremiah Throop on the part of the Nova Scotia refugees, at such place in the northern part of this State as they shall think proper, not exceeding one thousand acres to each of the commissioned officers, and five hundred acres to each other person or persons refugees as aforesaid. Provided nevertheless, that the said commissioners shall not grant any lands to any of the said Canadian or Nova Scotia refugees, unless it shall appear to them by satisfactory proof, that such refugees, had respectively actually left Canada or Nova Scotia before the first day of November in the year one thousand seven hundred and eighty-two, and have respectively resided within this State for the term of two years next preceding the said day last mentioned. And the governor shall direct letters-patent to be issued accordingly to the said person or persons respectively, on his or their paying to the surveyor general, their proportion of the expence of running out the lines of the said townships, and the patent fees, as is directed by the act entitled "An act to encourage the settlement of the waste and unappropriated lands within this State."

Commissioners to direct laying out of lands for Canadian and Nova Scotia refugees.

And be it further enacted by the authority aforesaid, That the lands hereby directed to be granted to the said refugees as aforesaid shall be subject to the same conditions of settlement and forfeitures, as the lands to be granted by virtue of the act aforesaid, entitled "An act to encourage the settlement of the waste and unappropriated lands within this State."

Lands granted to refugees subject to same conditions.

And be it further enacted by the authority aforesaid, That when the surveyor general shall have laid out the quantity of land agreeable to such directions as he shall receive from the commissioners by virtue of the two last preceding clauses of this act, and made a subdivision thereof into lots of two hundred and fifty acres each, on a map or maps and shall have transmitted a copy of such map or maps to the commissioners aforesaid, the said commissioners shall thereupon proceed by ballot or otherwise, as to them shall seem best to determine to which of the said persons, contained in the returns of the said General Hazen, Colonel Livingston or Colonel Throop, the lots respectively shall belong.

Lands granted to refugees to be subdivided and balloted for.

Commissioners of land office may direct laying out of lands.

And be it further enacted by the authority aforesaid, That the commissioners appointed by an act entitled "An act to encourage the settlement of the waste and unappropriated lands within this State," or any three or more of them, the governor or person administering the government being always one, are hereby authorized to direct the surveyor general of this State, to lay out so much of the said lands into townships, and in such manner as to the said commissioners or any three or more of them, the governor or person administering the government always being one, shall appear to be most for the interest of the State; and the surveyor general is hereby directed to conform himself in all things respecting the laying out and surveying of the said lands, to such orders as he from time to time may or shall receive from the said commissioners as aforesaid.

CHAP. 64.

AN ACT for the speedy sale of the confiscated and forfeited estates, within this State and for other purposes therein mentioned.

PASSED the 12th of May, 1784.

Preamble.

WHEREAS the public exigences require that the goods and chattles, lands and tenements, which have been forfeited to, and are now vested in the people of this State by attainder or conviction in the progress of the late war, should be sold and converted into money, and otherwise applied for sinking and discharging the public securities.

Governor to appoint commissioners of forfeitures.

I. *Be it therefore 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 the person administering the government of this State for the time being, shall be and is hereby authorized and required, by and with the advice and consent of the council of appointment, to appoint during the pleasure of the said council, and to commission under the great seal of this State, seven commissioners of forfeitures viz: two commissioners for the southern district, one other commissioner for the middle district three commissioners for the western district, and one commissioner for the eastern district; that it shall and may be lawful, to and for the said commissioner or commissioners of forfeitures to be appointed by virtue of this act for the respective districts of this State, and they are hereby authorized and required from time to time to sell and dispose of all lands tenements hereditaments and real estate, within their respective districts, heretofore confiscated and forfeited to the people of this State, in manner herein after directed, and to make, seal, and deliver to the purchaser or purchasers respectively, or to their respective heirs or assigns, good and sufficient deeds and conveyances in the law, to vest the same in him or them respectively, that every such purchaser and purchasers his, her and their heirs and assigns, shall by virtue of such deed and conveyance, respectively be so vested in title, seisin and possession, of the lands tenements and hereditaments so purchased, as to have and maintain, in his her or their name or names, any action for recovery thereof or damages relating thereto, any actual seisin or possession thereof in any other person or persons notwithstanding; that every such deed and conveyance shall be deemed to operate as a warrantee from the people of this State to the purchaser or purchasers respectively, and their respective heirs and assigns for the lands

Commissioners to sell confiscated and forfeited lands.

Commissioners' deeds to operate as warrantees.

tenements and hereditaments so to be respectively granted and conveyed, against all claims titles and incumbrances whatsoever, and such purchaser or purchasers respectively, and their respective heirs and assigns shall in case of eviction, have such remedy and relief upon such warrantee as is consistent with good faith in such manner as shall be provided for, by future act or acts of the legislature, and if judgment in a due course of law shall be obtained for any lands tenements or hereditaments, which shall be sold by virtue of this act, against any person or persons, having derived title thereto from or under the people of this State, or either of the said commissioners, the person or persons having so obtained judgment, shall not have any writ of possession, nor obtain the possession of such lands tenements or hereditaments, until he, she or they shall have paid to the person or persons possessing the title thereto derived from or under the people of this State or the said commissioners or either of them, the value of all improvements made thereon after the passing of this act as the same shall be estimated valued and ascertained by two or more appraisers; which appraisors shall be by rule for that purpose appointed by the court in which such judgment shall have been obtained, unless the parties shall agree on the value of such improvements, or agree on and submit to appraisors to value the same.

No purchaser to be evicted unless paid value of improvements.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the said commissioner or commissioners of forfeitures, and they are hereby fully authorized to sell and dispose of all the confiscated and forfeited lands, tenements and hereditaments within their respective districts, at public vendue, to the highest bidder or bidders, or at private sale, or by either of the said modes, which he or they may deem to be most beneficial to this State, and that the same shall be sold in such parcels as the commissioner or commissioners shall from time to time think proper, first giving six weeks notice of the sale or sales so to be made by public vendue in two or more of the public news papers of this State containing a description, as to the quantity by estimation of the lands tenements and hereditaments to be sold, the scituation thereof, and the name or names of the person or persons, by the attainder or conviction of whom the said lands tenements and hereditaments are deemed to have become forfeited. Provided always, that such lands, tenements and hereditaments, shall, in the first place, be put up for sale at public vendue, and that if the commissioner or commissioners selling the same shall deem that the highest bidder hath not bidden a sum equal to what such commissioner or commissioners shall conceive to be the true value thereof or nearly so, that then he or they shall adjourn the sale to a future day, and if at such future day he or they shall not be able to procure what shall be deemed by him or them to be the value thereof, or nearly so, he or they shall no longer be bound to expose the same at public vendue, but may proceed to dispose of the same by private contract and sale first duly advertising the same, as is herein after directed with respect to unimproved lands to be sold at private sale in the eastern and western districts. And provided also that if the said commissioner or commissioners for the said eastern and western districts shall deem it prejudicial to the interest of this State, to sell and dispose of the unimproved lands, or any part thereof in the said districts at public vendue, he or they are hereby authorized to sell and dispose of the same at private sale in the first instance, first advertising in two of the public news papers of this State for four weeks the lands so intended for sale and the times and places when and where they will attend to treat for the sale thereof.

Lands to be sold at auction to highest bidder.

Proviso, as to withdrawal of lands where insufficient price bid.

Proviso as to private sale of lands.

Mortgaged lands, when equity of redemption to be sold.

Proviso, as to proof of legality of mortgage.

What mortgages to be considered null and void.

Where judgment liens exist against lands.

Summary proceeding to de-

III. *And be it further enacted by the authority aforesaid,* That in case any of the said forfeited lands tenements or hereditaments shall appear to the said respective commissioners to be legally charged or incumbered by mortgage duly executed before the ninth day of July in the year one thousand seven hundred and seventy six, to or for the use of any person or persons not attainted or convicted, the said respective commissioners shall in manner aforesaid, sell and dispose of the equity of redemption of such mortgaged premises only,—That every assignment by any person or persons attainted or convicted as aforesaid, to a person or persons not attainted or convicted of a mortgage legally charged on any of the forfeited lands tenements or hereditaments aforesaid, by the person under whose attainder or conviction the said lands tenements or hereditaments became forfeited, shall be deemed and adjudged to be good and valid, provided that it shall be proved by competent witnesses to the satisfaction of the chancellor or any of the justices of the supreme court that the said assignment was duly executed in due form of law prior to the ninth day of July in the year last aforesaid, and in such case the said respective commissioners shall in like manner sell and dispose of only the equity of redemption of such mortgaged premises. And where any such lands tenements or hereditaments shall be claimed to stand charged and incumbered by mortgage made or executed between the said ninth day of July in the year one thousand seven hundred and seventy six, and the time when in virtue of any attainder or conviction, the same became forfeited to the people of this State, it shall and may be lawful to and for the chancellor of this State, and he is hereby authorised and required, on the petition of the commissioner or commissioners having the charge thereof on the part of the State, and of the claimant, under such mortgage or pretended mortgage, or either of them, to proceed in a summary way, to enquire into the matters of such claim, and after hearing the parties to make a final decision thereupon and if by such decision, the mortgage shall be decreed to be valid, the commissioner or commissioners shall in manner aforesaid, sell and dispose only of the equity of redemption thereof, and all mortgages made or executed by any person or persons attainted or convicted as aforesaid, to another person in like manner attainted or convicted shall be and hereby are declared to be to all intents constructions and purposes, null and void, and it shall be lawful, to and for the respective commissioner or commissioners having the care of any forfeited lands tenements or hereditaments, claimed to be subject to or incumbered by such mortgage, to proceed to the sale, disposal, grant and conveyance thereof in the same manner as he or they could or ought to have done, if no such mortgage ever had been made or executed; and if it shall appear to the said commissioner or commissioners that any forfeited lands tenements or hereditaments within his or their districts respectively, stand charged or incumbered by judgment or judgments legally obtained or recovered in any court of record prior to the said ninth day of July in the year one thousand seven hundred and seventy six, by, at the suit, or for the use of any person or persons not attainted or convicted as aforesaid, such judgment or judgments being in force and effect, and remaining unsatisfied then and in every such case, it shall and may be lawful to and for such commissioner or commissioners respectively, and he and they are hereby authorised and required to sell, dispose of, grant and convey in manner aforesaid, all such lands tenements or hereditaments, subject and liable to such judgment or judgments and incumbrances.

IV. *And be it further enacted by the authority aforesaid,* That whenever any claim shall be made by any person or persons, on any lands

tenements or hereditaments, forfeited to the people of this State by the attainder or conviction of any person or persons, by contract or bargain in writing for the purchase of any such lands tenements and hereditaments made before the ninth day of July in the year one thousand seven hundred and seventy-six and not carried into compleat execution, it shall and may be lawful to and for the chancellor of this State to proceed in a summary way, to enquire into the merits of such claim in like manner as is directed in the preceding section in cases of mortgages, and to make a final decision thereon. And in case it shall be decreed, that the whole purchase money has been paid for any such lands tenements or hereditaments, it shall be the duty of the said commissioner or commissioners to give a conveyance to the claimant for the premises; but if it shall be decreed that a part only of the purchase money has been paid by the claimant, the said commissioner or commissioners, shall on receiving the sum so decreed to be due, if paid in gold or silver, within three months next after such decree, give a deed or conveyance for such lands tenements or hereditaments to such claimant provided nevertheless, that no such claim as aforesaid on any lands tenements or hereditaments forfeited as aforesaid, shall be admitted by the chancellor unless the same be made within six weeks after the passing of this act, or before the lands, tenements or hereditaments on which such claim is made, are sold by the said commissioner or commissioners and a certificate thereof signed by the said commissioner or commissioners be produced to the said chancellor by the claimant certifying that the lands tenements or hereditaments on which such claim is made are not sold.

termine validity of claims to lands.

Proceedings where persons hold lands under valid contract to purchase.

V. *And be it enacted by the authority aforesaid,* That it shall and may be lawful for the said commissioner or commissioners to receive in payment for any lands tenements or hereditaments, in and by this act directed to be sold, the following species of money, certificates and other paper securities, except for the payment of lands tenements and hereditaments hereinafter otherwise directed to be made, that is to say, gold or silver at its respective legal or current value, bills of credit emitted in pursuance of an act of this State entitled "An act for emitting monies upon the credit of this State passed the 27th day of March in the year 1781, for gold or silver. Bills of credit emitted in pursuance of an act of this State entitled "An act approving of the act of Congress of the 18th March 1780, relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of Congress passed June 15th 1780. Bills of credit emitted by the authority of the provincial Congress of this State while it was a colony, and by the convention of this State at the rate of one dollar in silver for every one hundred and twenty nominal dollars in such bills. Bills of credit emitted by the authority of Congress, or of the United States of America in Congress assembled, at the rate of one dollar in silver, for every one hundred and twenty nominal dollars in such bills. Bills of credit emitted by the authority of the legislature of the late colony, now State of New York, at the rate of one pound in gold and silver for every one hundred and twenty pounds nominal value in such bills. Certificates issued by the treasurer of this State for monies borrowed for the use of this State and directed to be paid by an act entitled "An act to provide for the payment of certain contingent expences of this State passed the 25th day of October 1779," reduced to the value of gold or silver by the Continental scale of depreciation. Certificates issued by the agent of this State in pursuance of an act entitled "An act to procure sup-

What securities may be received in payment; exception.

Mortgaged lands, when equity of redemption to be sold.

Proviso, as to proof of legality of mortgage.

What mortgages to be considered null and void.

Where judgment liens exist against lands.

Summary proceeding to de-

III. *And be it further enacted by the authority aforesaid,* That in case any of the said forfeited lands tenements or hereditaments shall appear to the said respective commissioners to be legally charged or incumbered by mortgage duly executed before the ninth day of July in the year one thousand seven hundred and seventy six, to or for the use of any person or persons not attainted or convicted, the said respective commissioners shall in manner aforesaid, sell and dispose of the equity of redemption of such mortgaged premises only,—That every assignment by any person or persons attainted or convicted as aforesaid, to a person or persons not attainted or convicted of a mortgage legally charged on any of the forfeited lands tenements or hereditaments aforesaid, by the person under whose attainder or conviction the said lands tenements or hereditaments became forfeited, shall be deemed and adjudged to be good and valid, provided that it shall be proved by competent witnesses to the satisfaction of the chancellor or any of the justices of the supreme court that the said assignment was duly executed in due form of law prior to the ninth day of July in the year last aforesaid, and in such case the said respective commissioners shall in like manner sell and dispose of only the equity of redemption of such mortgaged premises. And where any such lands tenements or hereditaments shall be claimed to stand charged and incumbered by mortgage made or executed between the said ninth day of July in the year one thousand seven hundred and seventy six, and the time when in virtue of any attainder or conviction, the same became forfeited to the people of this State, it shall and may be lawful to and for the chancellor of this State, and he is hereby authorised and required, on the petition of the commissioner or commissioners having the charge thereof on the part of the State, and of the claimant, under such mortgage or pretended mortgage, or either of them, to proceed in a summary way, to enquire into the matters of such claim, and after hearing the parties to make a final decision thereupon and if by such decision, the mortgage shall be decreed to be valid, the commissioner or commissioners shall in manner aforesaid, sell and dispose only of the equity of redemption thereof, and all mortgages made or executed by any person or persons attainted or convicted as aforesaid, to another person in like manner attainted or convicted shall be and hereby are declared to be to all intents constructions and purposes, null and void, and it shall be lawful, to and for the respective commissioner or commissioners having the care of any forfeited lands tenements or hereditaments, claimed to be subject to or incumbered by such mortgage, to proceed to the sale, disposal, grant and conveyance thereof in the same manner as he or they could or ought to have done, if no such mortgage ever had been made or executed; and if it shall appear to the said commissioner or commissioners that any forfeited lands tenements or hereditaments within his or their districts respectively, stand charged or incumbered by judgment or judgments legally obtained or recovered in any court of record prior to the said ninth day of July in the year one thousand seven hundred and seventy six, by, at the suit, or for the use of any person or persons not attainted or convicted as aforesaid, such judgment or judgments being in force and effect, and remaining unsatisfied then and in every such case, it shall and may be lawful to and for such commissioner or commissioners respectively, and he and they are hereby authorised and required to sell, dispose of, grant and convey in manner aforesaid, all such lands tenements or hereditaments, subject and liable to such judgment or judgments and incumbrances.

IV. *And be it further enacted by the authority aforesaid,* That whenever any claim shall be made by any person or persons, on any lands

tenements or hereditaments, forfeited to the people of this State by the attainer or conviction of any person or persons, by contract or bargain in writing for the purchase of any such lands tenements and hereditaments made before the ninth day of July in the year one thousand seven hundred and seventy-six and not carried into compleat execution, it shall and may be lawful to and for the chancellor of this State to proceed in a summary way, to enquire into the merits of such claim in like manner as is directed in the preceding section in cases of mortgages, and to make a final decision thereon. And in case it shall be decreed, that the whole purchase money has been paid for any such lands tenements or hereditaments, it shall be the duty of the said commissioner or commissioners to give a conveyance to the claimant for the premises; but if it shall be decreed that a part only of the purchase money has been paid by the claimant, the said commissioner or commissioners, shall on receiving the sum so decreed to be due, if paid in gold or silver, within three months next after such decree, give a deed or conveyance for such lands tenements or hereditaments to such claimant provided nevertheless, that no such claim as aforesaid on any lands tenements or hereditaments forfeited as aforesaid, shall be admitted by the chancellor unless the same be made within six weeks after the passing of this act, or before the lands, tenements or hereditaments on which such claim is made, are sold by the said commissioner or commissioners and a certificate thereof signed by the said commissioner or commissioners be produced to the said chancellor by the claimant certifying that the lands tenements or hereditaments on which such claim is made are not sold.

termine validity of claims to lands.

Proceedings where persons hold lands under valid contract to purchase.

V. *And be it enacted by the authority aforesaid,* That it shall and may be lawful for the said commissioner or commissioners to receive in payment for any lands tenements or hereditaments, in and by this act directed to be sold, the following species of money, certificates and other paper securities, except for the payment of lands tenements and hereditaments hereinafter otherwise directed to be made, that is to say, gold or silver at its respective legal or current value, bills of credit emitted in pursuance of an act of this State entitled "An act for emitting monies upon the credit of this State passed the 27th day of March in the year 1781, for gold or silver. Bills of credit emitted in pursuance of an act of this State entitled "An act approving of the act of Congress of the 18th March 1780, relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of Congress passed June 15th 1780. Bills of credit emitted by the authority of the provincial Congress of this State while it was a colony, and by the convention of this State at the rate of one dollar in silver for every one hundred and twenty nominal dollars in such bills. Bills of credit emitted by the authority of Congress, or of the United States of America in Congress assembled, at the rate of one dollar in silver, for every one hundred and twenty nominal dollars in such bills. Bills of credit emitted by the authority of the legislature of the late colony, now State of New York, at the rate of one pound in gold and silver for every one hundred and twenty pounds nominal value in such bills. Certificates issued by the treasurer of this State for monies borrowed for the use of this State and directed to be paid by an act entitled "An act to provide for the payment of certain contingent expences of this State passed the 25th day of October 1779," reduced to the value of gold or silver by the Continental scale of depreciation. Certificates issued by the agent of this State in pursuance of an act entitled "An act to procure sup-

What securities may be received in payment; exception.

plies for the use of the army, and to prevent a monopoly of cattle within this State and more effectually to prevent supplies of cattle to the enemy passed the 24th day of June 1780. Certificates issued by the treasurer of this State in pursuance of an act entitled An act to provide for the payment of certain monies taken on loan by this State passed the 30th day of June 1780, at the rate of one dollar in silver for every forty of the nominal dollars specified in such certificates. Warrants with receipts thereon indorsed, given by virtue of the act entitled "An act to compleat the Continental battalions raised under the direction of this State, passed the 1st day of July 1780, at the rate of one dollar in silver for every bushel of wheat specified in such warrants. Certificates granted for horses purchased by this State for the use of the armies of the United States in the year one thousand seven hundred and eighty. Accounts liquidated and certified, or certificates granted by the late auditor general of this State or the auditor of the State for the time being, reduced to specie value (if not already so reduced) by the Continental scale of depreciation. Certificates issued by the auditors appointed in pursuance of the act entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States, passed the 4th day of October 1780. Certificates issued by the Continental commissioner of loans in this State for monies lent to the United States, reduced to their value in specie by the Continental scale of depreciation. Certificates given or which may be given by virtue of the act entitled "An act to empower the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States to grant certificates to the troops of this State in the service of the United States for their pay accrued for the time therein mentioned" passed at this present meeting of the legislature. Certificates given or to be given by the Continental commissioner or commissioners of accounts within this State for services performed or articles delivered by the inhabitants of this State for the use of the United States. Certificates given or to be given by the commissioners appointed by virtue of An act for the appointment of commissioners to procure monies on loan and cloathing for the use of this State" passed the 7th of March 1781. Certificates given or to be given by virtue of 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 passed at this present meeting of the legislature. And that the interest due or to become due to the time of sale shall be allowed to the person or persons so paying the same, and that all such of the said notes, certificates or securities herein before mentioned and which are not negotiable shall be and hereby are declared to be negotiable from and after the passing of this act, any law to the contrary in any wise notwithstanding.

Interest on certificates computed to day of sale.

United States bills of credit only taken to extent of five million dollars

When that amount received, commissioners to be ordered not to receive such bills.

VI. *And be it enacted by the authority aforesaid,* That no greater or further sum in bills of credit emitted by the authority of Congress or of the United States of America in Congress assembled, than the sum of five millions of dollars in such bills shall be received in payment for the lands tenements and hereditaments, directed to be sold by this act and the act entitled "An act to encourage the settlement of the waste and unappropriated lands within this State" passed at this present meeting of the legislature. And it is hereby made the duty of the said commissioner and commissioners on the receipt of any sum in such bills immediatly to transmit an account thereof to the treasurer, who is hereby directed, whenever he shall find that such bills which he may have in the treasury, together with the like bills, which may be in the hands of the said commissioner or commissioners, will amount to the

said sum of five millions of dollars, to order the said commissioner and commissioners not to receive any further sums in such bills, which order the said commissioner and commissioners are to observe; and the said treasurer shall not after giving the said order receive any further sum in such bills in payment for waste and unappropriated lands directed to be sold in and by the said act last recited.

VII. *And be it enacted by the authority aforesaid,* That whenever the said commissioner or commissioners shall make sale of any lands tenements or hereditaments, by public vendue or private sale, the person or persons to whom such sale shall be made, shall immediately pay unto the said commissioner or commissioners, the one third part of the purchase money, and shall with the said commissioner or commissioners reciprocally subscribe a memorandum or note in writing of such sale and payment, and such person or persons shall on or before the first day of June in the year one thousand, seven hundred and eighty-five, pay the remaining sum due on such sale mentioned in the said memorandum or note; upon which last payment, such person or persons, or his her or their legal representatives, shall be entitled to deeds and conveyances, for the lands tenements or hereditaments by him or them so purchased, and if the said last payment be in certificates, or other paper securities bearing an interest, no interest shall be allowed or reckoned thereon, other than such as had accrued at the time of the sale of the lands, tenements or hereditaments aforesaid. And in case such last payment shall not be paid within the time abovementioned, the said one third part of the purchase money, paid to the said commissioner or commissioners shall be forfeited to the people of this State, and the said lands tenements or hereditaments, shall be again sold at public vendue or private sale in the manner by this act directed.

One-third of purchase-price to be paid at time of sale.

Deeds to be given when full payment made.

VIII. *And be it enacted by the authority aforesaid,* That it shall be the duty of the said commissioner or commissioners, and they are hereby required from time to time to transmit to the treasury, all such species of money, certificates and other paper securities, as he or they may receive in payment for the lands tenements or hereditaments, directed to be sold by this act; and shall once in every six months account with the treasurer for all such monies certificates and other paper securities by him or them received in pursuance thereof.

Commissioners to transmit money and certificates to treasurer; to account once in six months

And whereas certain lands tenements and hereditaments, which have become forfeited and vested in the people of this State, are charged with the redemption of certain bills of credit emitted, pursuant to the acts herein after mentioned; and whereas the lands tenements and hereditaments so charged in the southern district, are amply sufficient to redeem the whole of the said bills now in circulation.

Proviso, as to lands pledged for certain bills of credit.

IX. *Be it therefore enacted by the authority aforesaid,* That so much of the confiscated estates in the southern district of this State as are charged with the redemption of the bills of credit emitted in this State, pursuant to an act entitled "An act approving of the act of Congress of the 18th of March 1780 relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of Congress; and of the bills of credit emitted pursuant to an act entitled "An act for emitting monies upon the credit of this State" passed 27th of March 1781, as will amount to the value of the said bills of credit now in circulation, with the interest due or to become due thereon, shall be sold by the commissioners of forfeitures for the southern district, and in the manner directed by the second section of this act, and that gold or silver, and the said bills of credit only, shall be received in payment

Where lands in southern district sold certain bills of credit only received.

for the lands, tenements or hereditaments, so to be sold, and that the said commissioners shall by advertisement to be published for eight weeks successively in two or more of the news papers to be printed in this State, describe the lands tenements or hereditaments so by them to be sold, and mention the day or days, on which such lands, tenements or hereditaments will be exposed to sale ; and the treasurer of this State is hereby required to furnish the said commissioners with an account of the amount of all the said bills of credit in circulation, with the interest due thereon, to enable the said commissioners to estimate the amount which will probably be necessary to redeem the said bills ; that if the whole of the said bills shall not be received in payment for the lands tenements and hereditaments so to be sold for their redemption ; the gold and silver arising from such sales shall be and hereby is appropriated to the redemption of such of the said bills, as may not have been paid in on such sales. And to the end that all the said bills of credit, may be taken out of circulation and the State relieved from the interest accruing thereon, it shall be the duty of the treasurer, as soon as he shall be vested with such a sum of money in gold or silver arising from such sales as aforesaid, as he shall deem sufficient to redeem the said bills, to give notice thereof in two or more of the public news papers, printed in this State, requiring all holders of such bills to bring the same to the treasurer, for redemption on or before a day to be mentioned in such notice, not less than fifty days from the date of such notice, and if any such bills shall remain in circulation after the said day, the interest thereon shall cease from and after such day, unless such bills should thereafter be paid for the purchase of unappropriated lands, or confiscated and forfeited lands, tenements or hereditaments, in which the interest shall be allowed to the day of payment, any thing in this case to the contrary notwithstanding.

Bills not received for lands to be redeemed in gold or silver.

Treasurer to give notice of redemption.

Interest, when to cease.

When bills redeemed, pledged lands sold same as others.

X. *And be it further enacted by the authority aforesaid,* That all the other lands tenements and hereditaments, charged with the redemption of the said bills of credit, other than those which are to be sold for the redemption aforesaid, shall be and hereby are declared subject to sale in like manner as other lands tenements and hereditaments not so charged are subject to by this act, any thing in the said two last recited acts to the contrary notwithstanding.

And whereas the lands tenements and hereditaments, which have become forfeited to the people of this State in the southern district, were not subject to sale for certificates granted in pursuance of the act entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States," passed the 4th day of October 1780, so long as the said should remain within the power of the enemy ; and whereas by a subsequent act of this State the commissioners of forfeitures for the southern district were inhibited from selling the said lands tenements and hereditaments until the further order of the legislature.

XI. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful to and for the commissioners of forfeitures in the southern district and for the commissioner or commissioners of forfeitures respectively in the other great districts of this State to sell lands, tenements or hereditaments for certificates granted in pursuance of the said act passed the 4th day of October 1780, or in pursuance of any other acts authorising the granting of certificates for depreciation of pay, and in the manner prescribed by the said act except as to the time of payment other than lands tenements and hereditaments, which are or were charged with the redemption of the bills of credit commonly called the

Certificates for depreciation of pay to be received for lands in southern district.

New Emission, any law to the contrary notwithstanding. Provided always that applications for the purchase of such lands tenements and hereditaments by holders of such certificates as aforesaid shall be made within the space of sixty days next after the passing of this act, and if such application shall not be made before the expiration of the said term the holders of such certificates shall be precluded from any further purchases agreeable to the said act passed the 4th of October 1780, but shall nevertheless at any time thereafter be entitled to receive the full value of the same in specie with the interest which may be due thereon according to the tenor of such certificate. And it shall and may be lawfull to and for the said commissioner or commissioners to sell in the manner prescribed in and by the said act of the 4th of October 1780 except as to the time of payment and for the certificates granted in pursuance of that act or other acts authorizing the granting of certificates for depreciation of pay, any lands tenements or hereditaments which may be vested in the people of this State by the attainder or conviction of any person or persons and which may be in common and undivided, other than the lands tenements and hereditaments charged with the redemption of the bills of credit commonly called the New Emission as above mentioned, in case such commissioner or commissioners shall deem it expedient for the interest of the State to sell such undivided lands tenements and hereditaments; and in case the said commissioner or commissioners shall deem it necessary to cause a division or partition of such undivided lands tenements or hereditaments to be made in order to dispose of the same; it shall be lawful for the said commissioner or commissioners after a division or partition of such lands tenements or hereditaments shall be made as herein is after directed to sell the estate which may be found to belong to the people of this State, in the same, in the manner, and for the certificates last aforesaid. Provided that application for the purchase of such lands tenements or hereditaments by the holders of such certificates is made within sixty days next after such division shall have taken place.

Proviso, as to time in which application may be made.

Sale of lands held in common, where part only forfeited to State.

And provided further and be it enacted by the authority aforesaid, That any lands tenements or hereditaments, that shall be located as aforesaid within either of the said terms of sixty days shall be appraised at such price as the appraisers shall deem to be the value thereof at the time of such appraisement, and upon such appraisement being completed the person or persons who located or applied for the same, shall within two days deliver to the commissioner or commissioners of the district, such certificates as above mentioned in addition to the deposit made at the time of location, as will amount to the sum of such appraisement; and if the commissioner or commissioners of the district, can within ten days after the receipt of such certificates, sell or dispose of the same located and appraised lands tenements or hereditaments for any larger sum in specie, than the amount of the appraisement, he or they may sell and dispose of the same, and shall in such case within the same time pay to the owner of the certificates who had so located thereon, the amount of the appraisement.

Lands located in prescribed time to be appraised and sold.

XII. *And be it further enacted by the authority aforesaid* That where any lands tenements or hereditaments are become forfeited to the people of this State by the attainder or conviction of any person or persons, and are held by leases in fee, leases for lives, leases for years, or by parol leases granted or made by any person or persons in whom such estates were vested at the time of their being forfeited as aforesaid, or made by any person or persons under whom persons attainted or convicted derived estate in fee or for life in the same; the said commis-

Proceedings in case of forfeited lands held under lease.

sioner or commissioners shall give the preemption of purchase of such lands tenements and hereditaments, to such tenant or tenants on such terms and conditions, as the said commissioner or commissioners shall deem in equity and good conscience to be the value thereof. And if such tenant or tenants shall refuse or neglect to purchase the same, the commissioner or commissioners shall proceed to sell the reversion thereof in the manner directed, in and by the second section in this act. Provided always that no person shall derive any advantage of preemption as aforesaid unless he shall produce to the said commissioner or commissioners such certificate as is directed by the nineteenth section of the act entitled An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State, in respect to all property within the same, passed the 22d of October 1779.

Sales of lands, in how large quantities and where made.

XIII. *And be it further enacted by the authority aforesaid* That the commissioner or commissioners of forfeitures to be appointed by virtue of this act shall not be authorized to sell lands tenements hereditaments or real estate in larger parcels than the quantity of five hundred acres in each parcel unless in such particular cases wherein the commissioner or commissioners shall deem it beneficial to the State to sell a larger tract. And that the sales at public vendue shall be made in the county where the lands tenements hereditaments or real estates to be sold respectively do lie.

Proviso, as to partition of lands.

And whereas several lands tenements hereditaments and real estate were at the time of passing of the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same" passed the 22d day of October in the year 1779, and since the passing thereof vested in the people of this State by the attainder and conviction of divers persons who claimed an interest in the same as tenants in common in fee simple with divers other persons. And whereas it is proper that some mode be provided for the more ready and speedy partition of such lands tenements and hereditaments between the people of this State and the said other persons, to the end that the divided share and interest of the people of this State in the same, may on such partition as may hereafter be made, be more readily disposed off.

Commissioners to publish notice to interested parties of intended partition.

XIV. *Be it therefore enacted by the authority aforesaid,* That the commissioner or commissioners to be appointed in manner above mentioned for the sale in each district of this State of all lands tenements and hereditaments lying in such districts respectively shall as soon as may be after their appointment and qualification as herein after mentioned respectively publish in at least two of the public newspapers of this State an advertizement notifying to all persons interested in the lands intended to be divided, and therein to be described, requiring them and each and every of them to be and appear on a certain day and at a certain place in the county wherein the lands to be divided do lie, which day shall not be sooner than six weeks after the date of the said advertizement, requiring such persons to appear either by themselves or their attornies sufficiently authorized for the purpose, at such time and place aforesaid, to agree with the said commissioner or commissioners or person to be appointed by consent of the said commissioner or commissioners and the said persons who shall so attend at the said meeting themselves or their attornies, as agents, to make partition and divis of the said lands tenements and hereditaments, and in case the s commissioner or commissioners and the said other parties who shall

Agents to be named to make partition.

tend in manner aforesaid shall agree on the appointment of such agents, they the said commissioner or commissioners and the said other parties so attending as aforesaid shall reduce the said agreement and appointment to writing and severally and respectively subscribe the same with their names in the presence of two or more credible witnesses who shall also subscribe their names as witnesses thereto, which said agreement and appointment being duly acknowledged by the said commissioner or commissioners and the said other parties, or duly proved by one or more of the said witnesses before one of the judges of the inferior court of common pleas of the county in which the lands intended to be divided do lie, shall be recorded in the county records of such county which shall fully authorize the said agents or any two of them or the survivor of them to proceed to a fair and equal partition and division of such lands tenements and hereditaments first appointing a surveyor or surveyors if necessary to enable them to perform the service hereby required of them. That previous to the making of such partition and division as aforesaid the said agents or any two of them shall thoroughly explore the premises to be divided and make or cause to be made an accurate survey of the same, and run out and divide the same into such different allotments as will be best calculated most equally to divide the same according to quantity and quality among and between the people of this State and the said other parties, so as to vest the people of the State and the said other parties severally and respectively, with their several and respective divided shares and parts of and in the same; and that the said allotments and divided shares which shall thereupon fall to the said other parties severally and respectively in severally in fee simple, shall vest in them severally and respectively and their several and respective heirs and assigns forever; and shall on the completion of the said partition and division make or cause to be made two accurate maps and field books thereof and subscribe the same with their several names and cause one of the said maps and field books to be filed in the office of the clerk of the county wherein the lands do lie, and the other map and field book in the office of the secretary of this State, which shall be and remain as full and conclusive evidence in all courts of law and equity within this State, of such partition and division as aforesaid as if the same had been made according to the due and ordinary course of common law, anything in any former law usage or custom to the contrary thereof notwithstanding.

Agents to explore and survey lands as to quality and quantity.

Two field books and maps to be made; where filed

XV. *And be it further enacted by the authority aforesaid* That in case the said other parties or any of them shall neglect to attend at such time and place of meeting as aforesaid or attending shall not agree with the said commissioner or commissioners in the appointment of such agents as aforesaid, that then and in such case it shall and may be lawful for the said commissioner or commissioners upon due proof thereof to be made before one of the judges of the inferior court of common pleas of the county wherein the lands intended to be divided do lie not interested in the said lands such judge shall without delay proceed to appoint such agents for the purpose aforesaid as he shall think proper by writing under his hand and seal, which appointment shall be recorded by the clerk of the county in the county records and the original thereof shall be also filed in the said clerk's office, which said record or original shall be full and conclusive evidence of such appointment in all courts of law and equity within this State; and the said agents so to be appointed by the said judge shall and are hereby authorized to do execute and perform all and singular the services and duties herein appointed and prescribed to be done by the agents above mentioned,

Agents to be appointed by judges of court of common pleas in certain cases.

as if they had been nominated and appointed by the consent of parties in manner aforesaid.

Lands to be set apart to defray expense of partition.

XVI. *And be it further enacted by the authority aforesaid* That the said agents whither appointed by the consent of the said commissioner or commissioners and the other parties, or by such judge as aforesaid, shall previous to any division to be made by them lay out and set apart a sufficient quantity in the undisputed parts of the said lands tenements and hereditaments, so to be divided, to defray the expence of such partition and division as aforesaid, which they shall sell and dispose off at public vendue in the county wherein the same shall lie upon giving six weeks previous notice thereof in at least two of the public news papers of this State, after the partition and division shall be completed and shall make and in due form of law execute good and sufficient conveyances in the law to vest the same to and in the purchaser and purchasers respectively and their heirs and assigns forever as of a good sure, perfect absolute and indefeasible estate of inheritance in the law in fee simple, and upon completion of the partition and division aforesaid and filing such maps and field books as above directed, give public notice at least six weeks successively, in two or more of the public news papers of this State, that at a certain day thereafter and at a certain place in the county where the lands lie to be therein mentioned they intend that the allotments shall be ballotted for, in the presence of such of the said commissioner or commissioners, and the said other parties interested as shall attend the same; and upon completing such balloting as aforesaid shall note and mark on the said maps and field books the result of such balloting as well as the lands laid out by them to be sold for the defraying the expences of the partition and division, as also to ascertain by name or names what allotments respectively fall to the right of the people of this State and the said other parties interested in the said lands tenements and hereditaments respectively.

Lands to be balloted for in presence of commissioners and other parties interested.

Proviso, as to disputed lands.

Provided always and be it further enacted That in order to make such partition and division more equable, in case of any disputes concerning the extent of the boundaries of the said lands tenements and hereditaments as aforesaid, the said agents shall in every such case make different allotments of disputed and undisputed lands, which shall be noted and marked in such maps and field books as aforesaid.

Compensation of agents, etc., for making partition.

XVII. *And be it further enacted by the authority aforesaid* That the said agents and their surveyor, chainbearers, and other necessary attendants, shall over and above their necessary expences be allowed to have and receive out of the sale of the lands tenements and hereditaments sett apart for defraying the expences of the partition and division, at and after the rates following, to wit, the agents twenty shillings each per day, the surveyor twenty shillings per day, each chain bearer and necessary attendant six shillings per day, for each day they shall severally be actually employed in such partition and division as aforesaid and the completion thereof. That upon the completion of the sales of the lands tenements and hereditaments so to be set apart for defraying the expences of such partition and division as aforesaid; the said agents shall make up and render in writing an account of the expences of such partition and division as aforesaid, on oath, before one of the judges of the inferior court of the county wherein the said divided lands tenements and hereditaments do lie, which account, together with the ballance, if any shall remain in their hands, shall be deposited in the office of the clerk of the said county and the clerk shall from time to time on application pay and distribute such surplus among the respective proprietors and in the respective proportions which shall be ascertained by a view

of the respective rights and allotments in such partition and division as aforesaid, the said clerk retaining in his hands at and after the rate of five per cent. Provided always nevertheless, that it shall and may be lawfull for the said commissioner or commissioners to sell the estate which is vested in the people of this State in any such undivided lands tenements or hereditaments, without causing a division thereof to be made as is above directed, in case he or they shall deem the sale of such undivided estate expedient.

Commissioners may sell lands in common without partition.

XVIII. *And be it further enacted by the authority aforesaid* That all and singular the powers and authorities vested in, and given to, the several and respective commissioners of sequestration by any former law or laws of this State shall be and hereby are absolutely repealed annulled and made void to all intents constructions and purposes whatsoever, any thing in any of the said laws to the contrary thereof in any wise notwithstanding.

Commissioners of sequestration, power and authority repealed.

Provided always and it is hereby enacted by the authority aforesaid That the said commissioners of sequestration respectively and their several and respective executors and administrators shall be accountable for the due execution of their respective offices in the manner directed and to be directed by any law or laws of this State prior or subsequent to the passing of this act, saving nevertheless to the tenants to whom the said commissioners of sequestration have demised any forfeited estates for terms not exceeding one year, the residue of their said respective terms.

Proviso, as to accounting for due execution of their offices.

Provided further and be it enacted by the authority aforesaid, That the monies which have arisen from the sales of sequestered property, made by the commissioners in the respective counties within this State by virtue of any former law or laws of this State shall be and hereby are declared to belong to the people of this State.

Proviso, as to monies arising from sales of sequestered property.

XIX. *And be it further enacted by the authority aforesaid* That all forfeitures and confiscations of the lands tenements hereditaments and real estate which heretofore have been by virtue of any former law or laws of this State, against any person or persons whomsoever on conviction for adhering to the late enemies of this State, or of this and the other United States of America is, and are hereby to all intents constructions and purposes in the law whatsoever, fully and absolutely ratified and confirmed notwithstanding any error or errors in the proceedings thereon or in any wise relating thereto, and all writs of error and errors on any judgment heretofore rendered relating thereto are hereby forever barred.

Forfeitures and confiscations confirmed.

XX. *And be it further enacted by the authority aforesaid* That all purchases made at vendue or otherwise by the said commissioner or commissioners of forfeitures to be appointed by virtue of this act, of any lands tenements or hereditaments forfeited to the people of this State or any or either of them or by any other person to or for the use of them or any or either of them, shall be null and void.

Purchases by commissioners declared null and void.

XXI. *And be it further enacted by the authority aforesaid* That each of the commissioners of forfeitures to be appointed by virtue of this act before he enters upon the execution of his office shall appear before one of the judges of the inferior court of any of the counties within the district for which such commissioner shall be appointed and take and subscribe the following oath which such judge is hereby authorised and required to administer (viz)

Oath of commissioners.

I appointed a commissioner of forfeitures for the district, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will faithfully and honestly execute the said office

in such manner as I shall conceive most for the benefit and advantage of the people of this State according to the true intent and meaning of an act, entitled an "act for the speedy sale of the confiscated and forfeited estates within this State and for other purposes therein mentioned.

Abstracts of sales to be made and filed every three months.

XXII. *And be it further enacted by the authority aforesaid,* That the said commissioner or commissioners of forfeitures to be appointed by virtue of this act, shall make an abstract of all the sales by them made within their respective districts to contain the names of the respective purchasers, the descriptions of the respective estates by them sold, the sums for which the same were respectively sold, the dates of the respective conveyances, and the names of the several persons to whom the several estates immediately before the forfeiture thereof were deemed to belong; and shall at the end of every three months file copies of such abstracts in the office of the clerk of the county wherein the lands tenements hereditaments and real estate by them sold respectively do lie, and the clerks of the respective counties within this State shall record such abstracts in a book or books, by him to be provided for that purpose, and for which recording, the several clerks shall be allowed at and after the rate of one shilling and six pence per folio of one hundred and twenty eight words, to be paid by the treasurer of this State out of any public monies which shall from time to time be in his hands unappropriated, on certificates to be granted for the same, by the said commissioner or commissioners.

Clerks to record abstracts.

Commissioners to report to the governor.

XXIII. *And be it further enacted by the authority aforesaid,* That the commissioner or commissioners of forfeitures to be appointed by virtue of this act shall from time to time make report to the person administering the government of this State, of the sales by them respectively made, and of the impediments and difficulties which may arise in the execution of their said office, to be communicated to the legislature.

To collect rents from tenants and prosecute for arrearages.

XXIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawfull for the commissioner or commissioners of forfeitures to be appointed by virtue of this act in the respective districts for which they shall be appointed, to collect and receive, all rents due from tenants on any of the forfeited estates until the time of sale thereof, and to commence and prosecute, in their own names, any action or actions in assumpsit for the recovery of such rents, with costs, against any person or persons from whom such rents are, were, or shall become due or owing or their respective executors or administrators, upon a *quantum valerint*, for the use and occupation of the lands tenements and hereditaments possessed by the said persons respectively; and upon the trial the jury shall find a verdict for the plaintiffs for such sum as shall be proved to them would have been a reasonable rent for such lands tenements and hereditaments during the time they were possessed by the defendant or defendants; so as the damages to be assessed shall not exceed the whole value of the rent which the defendant or defendants shall prove to have been reserved, and to have become due while such defendant or defendants was or were in possession of such lands tenements or hereditaments, and to be then unpaid.

To file bills in chancery for a discovery of rent.

Where leased lands subject to rav-

XXV. *And be it further enacted by the authority aforesaid,* That it shall be lawfull for the said commissioner or commissioners of forfeitures in their discretion, to file bills in chancery in their own name or names against any person or persons to compel a discovery of such rent. That whenever it shall appear to the commissioner or commissioners of forfeitures that any lands tenements or hereditaments, the arrearages of rents on which shall be due to the people of this State, have

been subject to the incursions and depredations of the enemy in the late war, and the possessors thereof have thereby been prevented from enjoying the profits of such lands tenements or hereditaments, and any dispute shall arise between the said commissioner or commissioners and the possessors of such lands tenements or hereditaments respecting the abatement which ought to be made in consequence of the premises aforesaid, it shall and may be lawful for the said commissioner or commissioners to refer such dispute to be determined by arbitrators. And the said commissioner or commissioners shall pay all such rents by them received into the treasury of this State.

ages of the enemy.

And whereas in many instances, persons have possessed themselves of lands tenements and hereditaments forfeited to the people of this State to the great injury of the public.

XXVI. *Be it further enacted by the authority aforesaid,* That where any person or persons shall have become possessed of lands tenements and hereditaments forfeited to the people of this State by the attainder and conviction of any person or persons whomsoever, it shall be lawful for the said commissioner or commissioners of forfeitures to be appointed by virtue of this act, for the district where such lands tenements and hereditaments do lie, in his or their own name or names to proceed against the person or persons so in possession as first abovementioned upon the statutes of forcible entry and detainer; and if it shall appear in evidence to the inquest that the said lands tenements or hereditaments on the ninth day of July in the year one thousand seven hundred and seventy six at any time since were possessed by the person or persons by the attainder or conviction of whom the said lands were deemed to become forfeited, or by the tenant of such person or persons who claims by demise from the person or persons so attainted or convicted, made after his her or their attainder or conviction, and if possessed by a tenant or tenants in virtue of a demise before such attainder or conviction that the term of such tenant is expired; and if the defendant or defendants shall not thereupon prove to the satisfaction of the inquest that the person or persons so attainted or convicted did since the said 9th day of July 1776, and before the time to which the attainder or conviction of the said person or persons shall relate, convey the said lands tenements and hereditaments to the said defendant or defendants or to the person or persons, under whom he she or they doth or do claim, that the inquest shall thereupon find the forcible entry and detainer against such defendant or defendants, and the seisin in fee of such commissioner or commissioners of forfeitures as aforesaid as on the day of such attainder or conviction as aforesaid. And if such inquisition shall be traversed and such matters as last aforesaid shall appear in evidence on the part of the people of this State, the jury shall find a verdict against the defendant. That where any person or persons shall so have entered upon lands tenements or hereditaments as aforesaid, and shall not deliver possession of the lands, tenements or hereditaments, so by him her or them possessed when thereunto required by the said commissioner or commissioners of forfeitures or any or either of them, and proceedings shall thereupon be had against such person or persons upon the statutes of forcible entry and detainer, and if the said commissioner or commissioners of forfeitures shall in consequence of such proceedings obtain possession of such lands tenements and hereditaments, the said commissioner or commissioners of forfeitures shall recover the costs and expense of such proceedings before any justice of the peace within this State; the jurisdiction of which justice is hereby extended to such suits notwithstanding the sum in demand may exceed

Proceedings to secure possession of forfeited lands.

When decision in favor of commissioners.

Traverse of Inquest

Costs may be recovered before justice of the peace.

Purchasers to have same right of action as commissioners.

the value of the sum to which the jurisdiction of a justice of the peace may be limited by any law of this State; and that in case the said commissioner or commissioners of forfeitures shall think proper to sell and dispose of any forfeited lands tenements or hereditaments so possessed as last mentioned, the purchaser or purchasers thereof shall, and are hereby intitled to have the same benefit in all things of the statutes of forcible entry and detainer as the said commissioner or commissioners of forfeitures are herein above intitled to; and no writ of certiorari shall lie in any of the cases aforesaid until after a trial of the traverse and the writ of certiorari shall not delay the writ of restitution.

Attorney-general to defend all actions against purchasers from commissioners

XXVII. *And be it further enacted by the authority aforesaid,* That in all cases where suits shall be commenced against purchasers under the commissioners of forfeitures as aforesaid, by any person or persons claiming the estate so sold by title opposed to the title, derived under either of the said commissioners of forfeitures, all such suits shall be defended at the expence of this State and by the attorney general of this State in behalf of the people of this State. That it shall be lawful for the said attorney general by warrant from the person administering the government of the State for the time being, to draw from the treasury of this State such sum and sums of money as the person administering the government shall deem necessary to be expended in and about the defence of such suits. That the attorney general shall once in every six months, account with the auditor of this State for the expenditure of such monies. And that the attorney general shall upon a warrant from the person administering the government for the time being, employ such council to assist in and about the defence of such suits as the said person administering the government shall from time to time deem necessary.

Commissioners may summon witnesses and take evidence.

XXVIII. And in order the better to answer the good purposes of this law, *Be it further enacted by the authority aforesaid,* That the said commissioner or commissioners of forfeitures shall have, and are hereby vested with full power and authority by summons under his or their hand or hands and seal or seals to require any person or persons to appear before him or them at such time and place in the said respective districts which he or they shall appoint for the purpose, to give evidence, as to such matters and things as the said commissioner or commissioners shall judge necessary for the full and compleat execution of their office, and in case of neglect or refusal of such person or persons to attend and give evidence as aforesaid, and produce such papers deeds and instruments in writing as may be required by the said commissioner or commissioners, and due proof thereof by any credible witness to be made before any justice of the peace in the county where the forfeited lands tenements or hereditaments in question do lie, such person or persons so neglecting or refusing shall forfeit ten pounds with costs of suit, to be recovered in a summary way before such justice in the name or names of such commissioner or commissioners, and when recovered and received by him or them, the same shall be paid into the treasury of this State. Provided always that no person or persons shall be obliged to give any verbal or written evidence to such commissioner or commissioners, which may affect his or their own private interest

Proviso, as to privilege of witnesses.

Commissioners may demand copies of public records; fees therefor.

XXIX. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for the commissioner or commissioners of forfeitures for each of the said districts to demand and receive, copies or extracts of any records, maps, or other papers from the keeper of any of the public or county records of this State, which he or they shall on inspection respectively deem necessary for the due execution of the

powers and authorities hereby vested in him or them, to be paid for by the treasurer of this State out of any public monies which shall from time to time be in his hands unappropriated, on certificates to be granted for the same by the said commissioners, respectively.

And whereas it may so happen, that certain of the forfeited lands tenements and hereditaments, may not be conveniently sold or disposed of until some time be elapsed, and in such cases it may be necessary for the commissioner or commissioners of forfeitures to be appointed by virtue of this act to demise the same for short terms reserving reasonable rents to arise therefrom for the benefit of the State.

XXX. *Be it therefore enacted by the authority aforesaid,* That the said commissioner or commissioners shall be and are hereby fully authorised and impowered to demise any forfeited lands tenements or hereditaments vested in the people of this State, as in the discretion of the said commissioner or commissioners of forfeitures shall appear reasonable so as that such demise shall not be for any longer term or terms respectively than one year.

Forfeited lands may be leased for short terms

XXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawfull to and for the said commissioners of forfeitures for the southern district, and he is hereby authorised and required, in consideration for the eminent services rendered to the United States in the progress of the late war by Thomas Paine Esquire, and as a testimony of the sense which the the people of this State entertain of his distinguished merit, to grant and release in due form of law unto the said Thomas Paine, and to his heirs and assigns forever in fee simple, all that certain farm or plantation situate in the township of New Rochelle in the county of Westchester formerly belonging to and usually called the farm of Captain Bailey deceased, and afterward called Devoe's lower farm, containing by estimation about three hundred acres, and which became forfeited to, and is now vested in the people of this State by the conviction of Frederick Devoe.

Thomas Paine, gratuity of lands to.

XXXII. *And be it further enacted by the authority aforesaid,* That the commissioners of forfeitures for the southern district, be and hereby are authorised required and directed to grant release and convey unto John McKesson of the city of New York, clerk of the supreme court and clerk of the courts of oyer and terminer and general gaol delivery of this State, and to his heirs and assigns for ever in fee simple, all that certain messuage or dwelling house with the hereditaments and appurtenances situated on the south side of Queens street in the east ward of the said city, now in the occupation of Elizabeth Holt, the widow of John Holt deceased, and which became forfeited to and vested in the people of this State by the attainder of James Jauncey late of the said city merchant, and to include the lot or toft of ground whereon the said house stands, as the same was formerly purchased by the said James Jauncey. That the said commissioners do previous to such conveyance cause the said dwelling house and lot or toft of ground to be appraised by two or more of three reputable freeholders to be by them nominated for that purpose, the amount of which appraisement shall be the consideration money to be inserted in such conveyance, and shall be charged by the treasurer of the State to have been received by the said John McKesson on account for monies due to him as clerk of the supreme court and of the said courts of oyer and terminer and general gaol delivery, for services in prosecutions on behalf of the people of this State against persons for having adhered to the enemies of this State, and in other prosecutions on behalf of the said people.

John McKesson, certain lands to be deeded to.

Lands to be appraised and amount charged to grantee.

Robert
Watts and
John
Watts, Jr.,
lands to be
appraised
and sold
to.

XXXIII. *And be it further enacted by the authority aforesaid,* That the commissioners of forfeitures for the southern district be, and they are hereby authorised to release and quit claim unto Robert Watts and to John Watts Junior of the city of New York, one certain lot of ground situate in Great Dock street in the south ward of the said city, whereon John Watts the elder formerly resided, and also the farm lately occupied by the said John Watts the elder in the out ward of the said city, which lot of ground and farm became forfeited to the people of this state by the attainder of the said John Watts the elder, at and for such prices as shall be determined to be the value thereof respectively, by three reputable freeholders upon oath, one of which appraisors to be chosen by the commissioners aforesaid, one other of the said appraisors to be chosen by the said Robert Watts and John Watts Junior, and the other of the said appraisors to be chosen chosen by the two appraisors to be chosen as aforesaid. Provided that application shall be made to the said commissioners in writing by the said Robert Watts and John Watts Junior, or either of them within ten days next after the passing of this act, and provided further that the appraisement in manner aforesaid, shall be made, and a certificate under the hands and seals of the said appraisors specifying the appraised value of the said lot and farm severally shall be delivered to the commissioners aforesaid, and the amount agreeable to such appraised value be paid by the said Roberts Watts and John Watts Junior, or either of them to the said commissioners on or before the first day of July next in gold or silver or in bills of credit emitted in this State pursuant to an act entitled an act approving of the act of Congress of the 18th of March 1780, relative to the finances of the United States, and making provision for redeeming the proportion of this State of the bills of credit to be emitted in pursuance of the said act of Congress or in bills of credit emitted pursuant to an act entitled an act for emitting monies upon the credit of this State passed the 27th March 1781, or in certificates issued by the auditors appointed in pursuance of the act entitled an act to liquidate and settle the accounts of the troops of this State in the service of the United States passed the 4th October 1780.

Anna
White,
lands to be
appraised
and sold
to.

XXXIV. *And be it further enacted by the authority aforesaid,* That the commissioners of forfeitures for the southern district be, and they are hereby authorised to release and quit claim unto Anna White, widow and relict of Thomas White late of the city of New York merchant deceased, the several lots of ground situate in the north ward of the said city, in the garden or place commonly called the vineyard, which became vested in the people of this State by the attainder of the said Thomas White, for such price or prices, as shall be determined to be the value thereof upon an appraisement to be made in the same manner as is directed in and by the next preceding clause of this act, respecting lands to be released to Robert Watts and John Watts Junior. Provided that application shall be made for the purchase thereof to the said commissioners by the said Anna White within the time limited, and the amount of the appraisement paid in manner and form, and within the time as is directed and required by the clause aforesaid.

Apprais-
ers to take
oath.

XXXV. *And be it further enacted by the authority aforesaid,* That every person who shall be chosen or appointed an appraisor by virtue of this act shall before he enters upon that duty, take an oath before one of the commissioners for the district, that he will truly, faithfully and impartially execute the trust reposed in him as such, anything in this act to the contrary notwithstanding.

And whereas Johannis Mutts late of the precinct of Haverstraw in the county of Orange in and by his last will and testament dated the ninth day of March, in the year one thousand seven hundred and fifty seven gave all his lands for the use of a free school in the precinct of Haverstraw aforesaid, which lands after the decease of the said Johannis Mutts, were seized by John Tabor Kemp attorney general for the late colony now State of New York, as an escheat to the crown of Great Britain, and have been lately sold by the commissioners of forfeitures for the middle district of this State as the estate of the said John Tabor Kemp, confiscated by his attainder.

Proviso, as to bequest of Johannis Mutts, late of Haverstraw.

XXXVI. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the commissioner of forfeitures for the middle district to be appointed in pursuance of this act to make seal and deliver to Andries Onderdonck one of the executors in the said will mentioned a good and sufficient deed and conveyance in the law, to vest in the said Andries Onderdonck his heirs and assigns so much of the lands tenements and hereditaments confiscated to the people of this State by the attainder of William Bayard, and now remaining unsold, as the judges of the court of common pleas of the county of Orange or any three of them shall certify to be equivalent in value to the said real estate of the said Johannis Mutts deceased, in trust, to the uses mentioned in the said last will and testament of the said Johannis Mutts, deceased.

Lands to be appraised and conveyed to Andries Onderdonck, trustee.

XXXVII. *And be it enacted by the authority aforesaid,* That the said commissioner or commissioners, shall out of any monies which may come in his or their hands for rents make suitable provision for the support and maintenance of any slave or slaves who may be found unable to support themselves, and who belonged to, and have not been disposed of, by any person or persons, whose respective estates have become confiscated or forfeited to the people of this State.

Slaves, support of, of persons whose estates are forfeited.

And whereas no provision hath yet been made for the settlement and discharge of debts, justly due from persons convicted and attainted, and whose estates are forfeited to, and directed to be sold for the use of the people of this State in manner aforesaid. For remedy whereof,

XXXVIII. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the court of chancery, and the supreme court of this State, and the mayors court, and court of common pleas in each respective city and county, wherein any of the said forfeited lands tenements and hereditaments shall be situated, or any one of the judges of the said supreme court, or any two of the judges of any other of the said courts respectively, in the vacation, on the petition of any person who was an inhabitant of any of the said cities or counties on the ninth day of July, one thousand seven hundred and seventy six, and who hath not been attainted or convicted or his or their legal representative to examine and hear, and according to equity and good conscience, to determine, any claim or demand which he she or they may have or make against any estate forfeited as aforesaid; for or by reason of any bond, specialty debt contract or dealing which subsisted between such petitioner, and the person by whose conviction or attainder the said estate become forfeited, prior to the said ninth day of July one thousand seven hundred and seventy six: and in cases where accounts may be intricate, or may require great examination it shall and may be lawful to and for such courts, or judge or judges respectively, to refer the same to be examined and adjusted by one or more auditors, according to the importance of the case, at their discretion, previously administering to such auditors respectively, an oath, that they will faithfully

Courts to examine and determine validity of claims against persons attainted and convicted.

Auditors may be appointed.

and impartially perform the said trust, according to the best of their skill and judgment: And every account claim or demand so to be adjusted by any auditor or auditors, shall be reported to, and unless fraud or error shall be discovered, confirmed by the court or judge or judges from whom the auditor or auditors derived his or their appointment; and the said court or judge or judges as well in cases determined in favor of the petitioner by their own immediate authority, as in those which shall be adjusted and reported to them in favour of a petitioner by an auditor or auditors, shall in due form certify in writing the sum which shall so appear or be found to be due to the petitioner, and shall deliver one copy of such certificate to the petitioner, and cause another copy to be transmitted as soon as conveniently may be to the treasurer of the state for the time being; and the said treasurer is hereby directed and required, from time to time to open accounts for the respective forfeited estates which shall be found subject and liable for any debt or demand duly adjusted and certified as aforesaid; and to credit such forfeited estates respectively with all sums of money which shall be paid to him by any commissioner or commissioners of the said respective districts, or shall otherwise arise and come into his hands for the use of the people of this State as, or for, or on account of the sales, produce or proceeds of such forfeited estates, whether real or personal: and the said treasurer shall charge such forfeited estates with the several debts and demands which shall be adjusted and certified to be due and owing therefrom in manner aforesaid. And it shall be and is hereby declared to be the duty of the commissioner and commissioners of forfeitures of each of the said respective districts, and he and they are respectively enjoined and required as soon as he or they shall have closed and completed the sale of any forfeited estate within his or their district, forthwith by writing under his or their hands to certify and make known to the treasurer, that the sale of such forfeited estate as far as the same hath come to his or their knowledge is closed and completed, and therewith to render to the said treasurer upon his or their corporal oath (to be administered by any justice of the peace) a just and true account of such sale; and thereupon the treasurer by advertisements to be published not less than thrice in two or more of the public news papers printed in this State shall notify and require all persons relievable by this act, with whose accounts or demands against such forfeited estate, audited and certified according to the true intent and meaning hereof he shall not then be furnished to exhibit to him their claims or accounts legally audited and certified as aforesaid against such forfeited estate the sale whereof shall then be closed and completed as aforesaid; and all creditors and claimants who shall not comply with the said notice and requisition within the space of four months next after the first publication of such advertisement, shall be and hereby is and are to all intents and purposes whatsoever absolutely debarred and forever precluded from all relief benefit and advantage, under, or by force and virtue of this act, or any provision, article, matter, or thing therein contained.

XXXIX. *And be it further enacted by the authority aforesaid,* That when all the debts and claims against any forfeited estates shall be audited and certified and exhibited to the said treasurer, or be debarred and precluded from the benefits and advantages of this act in the manner herein prescribed, and such forfeited estate shall be sold and disposed of and the accounts of the sale and produce thereof be rendered by the respective commissioners to the treasurer according to the true intent and meaning of this act, it shall and may be lawful to and for the treasurer for the time being, and he is hereby authorized and required to satisfy

Auditors to report to court; action on report.

Treasurer to open accounts with forfeited estates.

Commissioners to report to treasurer on closing sale of forfeited estate.

Treasurer to notify claimants by advertisement.

Claimants to file claims within four months.

Treasurer to settle with claimants by issuing certificates.

and discharge the amount of such claims and debts, taking a sufficient voucher for the same, by giving one or more certificate or certificates to such person or persons his or their legal representatives for the sum so to be found due to him or them respectively, which certificates shall bear an interest of six per cent. per annum and shall be receivable in payment for estates to be sold by virtue of this act, other than such estates, as are by virtue of this act continued under mortgage for the redemption of the bills of credit commonly called the New Emission, and in payment for the waste and unappropriated lands within this State, and in payment of all State taxes hereafter to be levied in this State at the same rate with gold and silver. Altho' the same may not be mentioned in a future law for the levying of taxes except in any rates or taxes, which by law may be directed to be raised, during the present meeting of the legislature, which said certificates are hereby declared to be negotiable,

Certificates, for what receivable.

XL. Provided always, and be it further enacted by the authority aforesaid, That if the produce or proceeds of any such forfeited estates, shall be insufficient to satisfy the whole of the claims and demands so to be audited and certified to be due thereon in pursuance of this act, then, in every such case, it shall and may be lawful to and for the said treasurer and he is hereby directed and required, to distribute the monies which shall have arisen from the said forfeited estate among all the claimants or creditors whose debts and demands shall be so ascertained and chargeable thereon by this act, in proportion to the sums certified to be due to each of them respectively by giving such certificates as aforesaid.

Where estate insufficient to pay all claims.

XLI. Provided also, and be it further enacted by the authority aforesaid, that the several creditors or claimants who shall become entitled to relief by virtue of this act, shall be chargeable with and pay reasonable fees to the judges auditors witnesses and others, for their services in auditing adjusting and certifying their respective accounts in the manner in this act directed: Provided also, that to entitle any claimant or creditor to the benefit of this act, he shall make oath before the said treasurer or one of the judges of the inferior court of the county where such claimant or claimants, respectively shall or may reside, (who are hereby respectively authorized and directed to administer the same) that he or she hath not received or secured nor expects to receive or secure any part of the debt or demand which shall be awarded and certified to be due to him or her in manner aforesaid, by any ways or means whatsoever, the provision made for him or her by this act only excepted.

Creditors to pay fees for auditing claims; also to make oath.

XLII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person or persons being citizens of this State who is or are indebted by mortgage bond speciality contract or on account to any person or persons, whose estates real and personal is or are by attainder or conviction forfeited to the people of this State within six months after the passing of this act, to pay the said debts dues and demands to the treasurer of this State, who is hereby required to receive all such debts dues and demands in specie or other monies and paper securities made receivable in payment upon the sale of forfeited estates by the fifth section of this act; and where such debts were due from any person or persons, who have not remained within the enemies power during the late war, to any person or persons who remained with or went into the enemies power or lines, and whose estates have been respectively forfeited to the people of this State by his or their attainder or conviction respectively, such person or persons being so indebted, may in discharge of such debts, in addi-

Debtors of attainted persons may settle with treasurer.

Commissioners to recover debts by suits after six months

tion to the securities above mentioned, pay unto the said treasurer the like certificates or notes, and be discharged from any interest which may have become due on such debts, as is directed by the act entitled An act relative to debts due to persons within the enemies lines passed the 12th day of July 1782, and upon the payments of such debts dues and demands as aforesaid, the said treasurer shall give his receipt, which receipt shall be a sufficient discharge for so much of the said debts dues and demands. That from and after the expiration of the said six months it shall and may be lawful to and for the said commissioner or commissioners of forfeitures within his or their respective districts to ask demand sue for and recover in his or their own name or names all debts, dues, and demands which are owing due and payable to any person or persons whose estate real and personal is or are by attainder or conviction forfeited to the people of this State by virtue of any law or laws heretofore passed, and all and singular the interest money due and to grow due thereon, and that in all prosecutions to be brought by the said commissioner or commissioners in virtue of this act in any court of record, no essoin protection or wager of law nor more than one imparlance shall be allowed. And if such suit or suits shall be commenced in any court of equity then and in every such case the defendant or defendants shall be compelled to make full answer to the bill, unless the same be dismissed on demurrer for want of equity; and the monies recovered by the said commissioner or commissioners in the said several and respective suits shall by him or them from time to time be paid into the treasury of this State.

Proviso, as to land in New Perth, Washington county

Whereas Oliver Delancey and Peter Dubois did release and convey certain lands in New Perth in Washington county (then called Charlotte county) in fee to the Thomas Clark, subject to the annual rent of one shilling per acre, and the said Thomas Clerk conveyed sundry lotts and parcels of the said lands to other tenants in fee subject to the said annual rent, and the right and estate of the said Oliver Delancey by his attainder having become vested in the people of this State, the said Thomas Clark hath by his petition prayed the legislature to be discharged from his covenants for the payment of the said annual rent; and the other tenants in fee of the said lands have by their petition prayed a remission of their rents in arrear or some part thereof.

Thomas Clerk to account for rents of lands.

XLIII. *Be it therefore enacted by the authority aforesaid* That the said commissioner of forfeitures for the eastern district shall and he is hereby authorized to require the said Thomas Clerk to account for the moiety of the rents which he hath received for the lands which he held from Oliver Delancey and Peter Dubois under a yearly rent, and that if the said Thomas Clark inclines to release his right to the said commissioner to the use of the people of this State, so far as it respects the estates conveyed by the said Oliver Delancey, that the said commissioner do accept of such release.

Collection of rent from tenants suspended.

XLIV. *And be it further enacted by the authority aforesaid* That the collection of the moiety of the rents still due from the tenants occupying the said lands, be stayed until the legislature shall direct otherwise.

Certain lands not to be sold or demised by commissioners.

XLV. *And be it further enacted by the authority aforesaid* That it shall not be lawful for the said commissioner or commissioners of forfeitures to be appointed by virtue of this act, to sell or dismiss the following estates, to wit, the farm or plantation scituate in the Eike Bosch, in the district of Kinderhook in the county of Albany, forfeited by the conviction of Andries Kettle, the estate late of William Zimmer in the district of Schohary in the county aforesaid, the lands in possession of Jacobus Mabie and Joseph Mabie, in the county of Montgomery, the

farm of Charles Heroy in the county of Dutchess; the farm in possession of Ruth Ferguson in the district of Hosick in the county of Albany; the parsonage and glebe near Continental village formerly in possession of Ebenezer Jones; the estate late of Lucas Vedder in the said county of Montgomery, the estate late of Henry Herring of Palatine district in said county, the estate late of Jonathan Fowler Esquire in the county of Westchester, the estate late of Bartholomew Crannell Esquire lying within the precinct of Poughkeepsie the estate late of James Lamb lying within the precinct of Haverstraw, the estate late of John Turner shopkeeper in the city of New York, the estate late of Samuel Striker, of Graves End, at Long Island, the estate late of James Hubbard of Gravesend in Kings county on Nassau Island the estate of Benjamin Close late of West Chester county, the house and lot of ground in the city of New York late the property of Waldron Blauw now in the possession of Edwd. Doughty the parsonage and glebe lands in Philipsborough in the county of Westchester, or any land heretofore belonging to Frederick Philipse in the said county on which any church or place of public worship is now erected, not reserving more than two acres adjoining to such church or place of worship, the estate late of Gilbert Purdy in Newburgh precinct in the county of Ulster, the parsonage and glebe lands in Johnstown in the county of Montgomery, or any land heretofore belonging to Sir John Johnson in the said county, on which any church or place of worship is now erected, not reserving more than two acres adjoining to such church or place of worship, or the present highway or any part thereof extending either way from the present bridge over Speyten Devil creek commonly called Kings Bridge as far as the same passes through or is laid over any lands belonging to the people of this State, which said bridge and highway extending from each end thereof as far as the same is laid over any lands belonging to the people of this State shall be and hereby is declared to be a public highway and shall forever hereafter be reserved and kept open as a public highway.

XLVI. *And be it further enacted by the authority aforesaid,* That the commissioners of forfeitures to be appointed by virtue of this act for the sale of forfeited estates in the southern district of this State, shall receive a commission of one and one fourth per cent on the amount of the sales to be made by them as a reward for their services and in payment of all expences in causing surveys to be made, and of all other charges and disbursements whatsoever in the execution of their office. **Fees of commissioners of southern district.** And that the commissioner or commissioners to be appointed in the other districts of this State, in manner aforesaid, shall each be allowed the sum of twenty four shillings per day for every day, he or they shall be actually employed in the service required of him or them by virtue of this act, for his or their time and personal expence and exclusive of all other necessary expences from time to time to accrue in the execution of the powers and authorities that shall be exercised by him or them in virtue of this law. **Id., of other districts.**

XLVII. *And be it further enacted by the authority aforesaid,* That the treasurer of this State is hereby required to advance to the commissioners of forfeitures to be appointed by virtue of this act of the several districts respectively, that is to say, to the commissioner of the middle district a sum not exceeding twenty pounds; to the commissioners of the western district a sum not exceeding one hundred and fifty pounds; and to the commissioner of the eastern district a sum not exceeding thirty pounds, to enable them to proceed on the business enjoined on them by this act. **Treasurer to advance money to commissioners.**

Deeds by commissioners to convey all the title of the State.

XLVIII. *And be it further enacted by the authority aforesaid,* That such deeds and conveyances shall be given by the said commissioner or commissioners of forfeitures for all forfeited lands tenements and hereditaments, to be sold by virtue of this act as will vest the purchasor or purchasers, his, her or their heirs and assigns, with all and singular the estates, rights and interests held by the people of this State in and to such lands tenements and hereditaments previous to such sale.

Majority of commissioners of western district may act.

XLIX. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities hereby vested in the said commissioners of forfeitures for the western district shall to all intents constructions and purposes in the law whatsoever be exercised and executed by the said commissioners or a major part of them.

Certain acts repealed so far as affects commissioners.

L. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities granted to any commissioner or commissioners of forfeitures by virtue of a law of this State, entitled, "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State and for declaring the sovereignty of the people of this State in respect to all property within the same" passed the 22d day of October 1779. And all other laws of this State, touching the powers given to the commissioners of forfeitures, passed prior to the first day of January last, shall be and the same and every of them are hereby repealed, annulled and made void any thing in the said laws or any or either of them contained to the contrary thereof in any wise notwithstanding.

Proviso. as to completion of business already entered upon.

Provided nevertheless, and it is hereby enacted and declared by the authority aforesaid, That in all and every case and cases wherein the commissioners of forfeitures appointed by virtue of the said laws, or any or either of them, have received any location or locations for the sale of any forfeited lands tenements or hereditaments made in conformity to any law or laws of this State, which was or were in force at and immediately before the time of the passing of this act, the said commissioners shall be and hereby are authorized to carry the sales upon such location and locations, and each and every of them into full and complete execution to all intents constructions and purposes whatsoever in the law, as if this law had not passed, any thing herein contained to the contrary in anywise notwithstanding.

Proviso as to a certain farm Rumbout precinct.

WHEREAS John H. Slegt of Rumbout precinct in Dutchess county in the year 1777 conveyed a certain message and farm in the precinct aforesaid, then in his possession to John Kane, since attainted of adhering to the enemies of this State, and the said John Kane at the time of the conveyance thereof promised to the said John H. Slegt, that he should retain the possession of the said farm during the war and at a reasonable rent, *And whereas* by an act of the legislature for the further amendment of the laws directing the sales of forfeited estates passed the 31st day of March 1781, it was in and by the 14th clause of the said act enacted, that the commissioners of forfeitures for the middle district, or the commissioners appointed to procure a sum in specie, should not sell, or in any otherwise dispose of the said message and farm, until the legislature should make further provision in the premises. *And whereas* John Morin Scott, did formerly make a location of the said farm, and deposit certificates given for the depreciation of the pay of some of the late troops of this State with some of the commissioners for the sale of forfeited estates in the middle district, but by reason of the said clause of the said act the sale and conveyance of the said farm to the said John Morin Scott has not been completed.

LI. *Be it therefore enacted by the authority aforesaid,* That the late commissioners of forfeitures for the middle district, each and every of them are hereby strictly enjoined and required, without delay to execute all and singular the powers and authorities vested in them by virtue of an act entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States" as far as respects and with relation to the said message and farm according to the true intent and meaning of the last mentioned act.

Late commissioners of middle district, to carry certain act into effect.

WHEREAS it has been represented to this legislature, that Isaac Low late of the city of New York, did by his attorney Beriah Palmer of Ballstown in the county of Albany, agree to convey to Epenetus White of Balls-town aforesaid, a certain tract of land lying in the patent of Kayadarosseras as appears by the said agreement.

Proviso, as to certain lands in Ballstown.

LII. *Be it therefore enacted by the authority aforesaid,* That the commissioners to be appointed for the western district by virtue of this act are hereby authorised and required to convey to the said Epenetus White the said tract of land, on his paying to them the sum agreed upon between him and the said Beriah Palmer, with the interest thereon till paid (except for such time as the interest is remitted in and by the act entitled an act relative to debts due to persons within the enemys lines passed the 12th day of July 1782) and also in his paying any lawful costs that may be due to the commissioners of forfeitures for the said western district, for any thing they have done or may do respecting the said lot or parcel of land.

Commissioners to convey to Epenetus White.

And whereas by an act entitled "An act to appropriate certain buildings to public uses," passed at this present meeting of the legislature, a certain house and lot of ground situate in the west ward of the city of New York and vested in the people of this State by attainder of William Axtell Esquire late a member of the council of the king of Great Britain for the late colony of New York was set apart for the use of the secretary of this State, and as a deposit for the public records thereof: and by virtue of the said act the dwelling house and lot or toft of ground with the appurtenances in the east ward of the said city, late in the occupation of Henry White Esquire late a member of the said council and vested in the people of this State by the attainder of the said Henry White has been set apart for the residence of his excellency the governor.

Proviso, as to houses in New York occupied by governor and secretary of State.

LIII. *Be it therefore further enacted by the authority aforesaid,* That the commissioners of forfeitures for the southern district of this State are hereby inhibited from receiving any location on either of the said two dwelling houses, or lotts of ground and from making any sale thereof or of either of them; but the same are hereby declared to be reserved for the uses aforesaid, until the further order of the legislature.

Commissioners inhibited from receiving any locations thereon.

CHAP. 65.

AN ACT for the payment of the salaries of the several officers of government, and of certain contingent expenses, and for other purposes therein mentioned.

PASSED the 12th of May, 1784.

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 the treasurer of this State shall out of the monies which now are or hereafter may be in the treasury and not otherwise specially appro-

Appropriations.

priated pay the following sums of money and to the following persons to wit,

- Governor, incidental charges.** To the person administering the government of this State for the time being, to defray the incidental charges which may arise in and about the administering the government of this State, such sum or sums as he shall from time to time by warrant under his hand and the privy seal of the State, draw from the treasury of the State for the purpose, not to exceed in the whole the sum of two hundred and fifty pounds.
- Governor, salary, house-rent, repairs.** To his excellency the governor for administering the government of this State from the first day of July last to the first day of July next, at and after the rate of one thousand and five hundred pounds per annum; and also the further sum of one hundred and forty pounds for house rent paid by him to John VanCortlandt, and such further sum as shall be necessary for repairing the house in which he now resides according to such account thereof as he shall produce, audited by the auditor of the State.
- Chancellor.** To the Honorable Robert R. Livingston Esquire chancellor of this State for his services in that station from the first day of July last, to the first day of July next at and after the rate of four hundred pounds per annum.
- Chief Justice.** To the Honorable Richard Morris Esquire chief justice of this State for his services in that station from the first day of July last, to the first day of July next at and after the rate of five hundred pounds per annum.
- Puisne justices of supreme court.** To the Honorable Robert Yates and John Slose Hobart Esquires puisne justices of the supreme court of this State, for their services in that station from and to the respective times aforesaid at and after the rate of five hundred pounds per annum.
- Delegates to Congress.** To each of the delegates of this State at and after the rate of five dollars per day for such time as they have attended or shall attend, or were going to or returning from Congress, to the respective places of their abode according to such accounts as they shall respectively produce, audited by the auditors of the State; provided that the monies from time to time advanced to the said delegates, shall be charged to their accounts respectively.
- Secretary of State, attendance.** To the secretary of this State for attending the legislature during the present sessions for the purpose of receiving the laws and for attending the council of appointment from the first day of July last to the first day of July next at and after the rate of thirty pounds per annum.
- Secretary of State, recording laws and making copies.** To the said secretary for his services in recording the laws, making copies thereof with marginal notes for the press, and making copies by the direction of the governor or of the senate or assembly and for engrossing the minutes of the council of appointment from time to time, after the rate of one shilling and six pence per folio, each folio to consist of one hundred and forty four words, agreeable to such accounts thereof as he shall produce audited as aforesaid.
- Members of the legislature.** To the several members of the senate and assembly for each and every day they shall have severally attended in senate or assembly during the present meeting of the legislature, and for each and every day they shall have been or may be travelling to and from their respective places of abode to the places of the said meeting of the legislature each the sum of sixteen shillings per day agreeable to such accounts thereof as they shall severally produce, certified by the president of the senate, or speaker of the assembly, as the case may be; the accounts of the president of the senate to be certified by the clerk of the senate, and the accounts of the speaker of the assembly to be certified by the clerk of the assembly.

To the former members of the council of appointment at and after the rate of eight shillings per day during their attendance on the council in the recess of the legislature and for the time of their travelling from and to their respective places of abode, according to such accounts as the clerk of the said council shall have certified.

Council of appointment, former members.

To the several members of the legislature the judges of the supreme court, the judges of the county courts and the attorney general who attended as members of the council for the temporary government of the southern district at and after the rate of sixteen shillings for each day they respectively attended the said council agreeable to such accounts as they shall severally produce certified by the clerk of the said council.

Members of council for temporary government of southern district.

To Robert Benson and Abraham B. Bancker Esquires for the time they have respectively served as clerk to the senate, and to John McKesson Esquire clerk of the assembly for their services in their respective stations, during the present meeting of the legislature each thirty shillings per day, and for several sums by them severally advanced for the use of the senate and assembly respectively the amount of such accounts thereof respectively as they shall severally produce, certified by the president of the senate or speaker of the assembly as the case may require. And to the said Robert Benson for his services as aid de camp to his excellency the governor to the time of his resignation the amount of his account audited by the auditor of this State agreeable to the several allowances from time to time made by the legislature.

Clerks of senate and assembly.

Robert Benson, as aid-de-camp to the governor.

To the treasurer of this State the sum of four hundred pounds which sum he is hereby authorized to retain out of any monies which may be in the treasury for his services in that station from the first day of July last to the first day of July next.

Treasurer, salary.

To the said treasurer the further sum of one hundred pounds for his incidental charges and services which said sum he is hereby authorized to retain out of any monies which may be in the treasury.

Treasurer, incidental charges.

To the auditor of this State the sum of three hundred and fifty pounds on account of his salary for the ensuing year, and also the sum of two hundred pounds for the payment of clerks and other contingent expences.

Auditor, salary and clerk hire

To the door-keepers of the senate and assembly during the present meeting of the legislature each sixteen shillings per day agreeable to such certificates thereof as they shall respectively produce certified by the president of the senate or speaker of the assembly.

Doorkeepers of senate and assembly.

To Alexander McDougal Esqr. for sundries in repairing the City Hall and furnishing necessaries for the senate and assembly the sum of two hundred and thirty three pounds sixteen shillings.

Alexander McDougal.

To Elizabeth Holt printer the sum of two hundred pounds on account, for printing laws of this State and the journals of the senate and assembly.

Elizabeth Holt.

And be it further enacted by the authority aforesaid, That the auditor of this State is hereby authorized and directed to liquidate and settle the accounts of the chancellor and treasurer of this State relative to their respective salaries and shall deliver or transmit to them a certificate under his hand of such ballance as he shall find due to them on account of their salaries which became due from and after the seventeenth day of April 1777 or on account of the depreciation of any sums in Continental bills of credit which they may have received on account of their salaries agreeable to the scale of depreciation for settling the accounts of the officers and soldiers belonging to this State in the service of the United States.

Auditor to settle accounts of chancellor and treasurer for salaries.

Col. William B. Whiting.

To Coll. William B. Whiting the sum of seven pounds sixteen shillings in full for nine days services in going to the District of Columbia on business of the State by the advice of his excellency the governor.

Ezra L' Hommidieu.

To Ezra L' Hommidieu the sum of fourteen pounds sixteen shillings for his services in attending the legislature as a member of assembly thirty seven days a certificate of which cannot be produced, the same having been left with Coll. Udny Hay and burnt in his house.

James Morgan.

To James Morgan the amount of such account as he shall produce audited by the auditor of this State for provisions and other supplies furnished to such of the poor of the city of New York as were sent from the said city to the county of West Chester and left in his care.

Benjamin Walker.

To Benjamin Walker Esquire aid de camp and private secretary to his excellency the governor to the first day of July next the usual allowance of pay as lieutenant colonel, for such time as his excellency the

Lewis R. Morris.

governor shall certify that he performed service; and to Lewis R. Morris Esquire for such time as he was employed in the governors family, the like allowance to be certified as aforesaid.

Certificates to be issued to Judah Burton.

And be it further enacted by the authority aforesaid That the treasurer of this State, shall be and he is hereby authorized and directed to issue similar certificates for the amount of three horses to Judah Burton upon his producing an account thereof audited by the auditor of the State, in like manner as has heretofore been issued by the treasurer for horses purchased in pursuance of an act entitled "An act to procure supplies for the use of the army and to prevent a monopoly of cattle within this State and more effectually to prevent supplies of cattle to the enemy" passed the 24th of June 1780.

Christopher Liffingwell's claim to be examined.

And be it further enacted by the authority aforesaid That the auditor of the State be and hereby is authorized and required to examine the claim of Christopher Liffingwell owner of a brigantine called the Nancy alleged by him to have been taken for the purpose of obstructing the passage of Hudsons river by order of the convention of this State and if upon enquiry and examination it shall appear that the said vessel was taken by order of the convention, the auditor shall ascertain the value thereof by such proof as he shall deem to be necessary for the purpose and the treasurer shall grant a certificate for the sum with the interest to the said Christopher Liffingwell and charge the amount thereof to the United States.

And whereas it is alleged that the cargo of the said vessel was taken out of the same, and stored and afterwards consumed together with the said store by fire. *Be it further enacted by the authority aforesaid* That if it shall be made to appear by the said Christopher Liffingwell that the said cargo was taken out of the said brigantine by order of the person executing the order of the said convention, and that the same was consumed by reason thereof, that then it shall be lawful for the auditor of this State and he is hereby required to audit the account of the said Christopher Liffingwell for the said cargo at what shall appear to have been the value thereof by such proof as he shall deem necessary, that the treasurer of this State shall thereupon grant a certificate for the same with interest to the said Christopher Liffingwell and charge the amount thereof to the United States.

Samuel Broome & Co., claim to be examined.

And be it further enacted by the authority aforesaid, That the auditor of the State be and he is hereby authorized and required to examine the claim of Samuel Broome and Company and others the owners of a brigantine called the Janet alleged by the said claimants to have been taken for public use by order of the convention of this State and if upon enquiry and examination it shall appear that the said vessel was

taken as alledged, the auditor shall ascertain the value thereof by such proof as he shall deem to be necessary for that purpose, and the treasurer shall thereupon grant a certificate for the same with the interest thereof to the owners as aforesaid, and charge the amount thereof to the United States.

And be it further enacted by the authority aforesaid That the auditor of the State, is hereby authorized and required to liquidate and settle the accounts of Lieutenant Colonel James Gordon and other officers non-commissioned officers and privates of the regiment of militia in the county of Albany then commanded by Colonel Jacobus Van Schoonhoven who were prisoners in Canada, for their pay and subsistence whilst prisoners according to such abstracts and pay rolls as the said James Gordon or any other of the said officers may produce to him attested to and certified by the said James Gordon; and the treasurer is hereby authorized and required to grant certificates to the said officers, non-commissioned officers and privates respectively for such sums as may appear due to them on such settlement in like manner as is directed in and by an act passed this present meeting of the legislature entitled "An act for the settlement of the pay of the levies and militia for their service in the late war.

Lt.-Col. James Gordon and others, auditor to settle with.

And be it further enacted by the authority aforesaid That the treasurer of this State be and he is hereby authorized and directed to pay out of any monies in his hands unappropriated, to Lieutenant Colonel Gordon the sum of two hundred pounds, to Captain John Wood the sum of one hundred and fifteen pounds, and to Lieutenant John Zielen the sum of fourteen pounds to enable them severally to discharge their debts contracted while they were prisoners in Canada, and for monies by them respectively advanced to their suffering fellow prisoners in Canada, and deduct the same from their accounts when audited by the auditor of the State, for services by them respectively performed as officers in the militia.

Lt.-Col. Gordon, Capt. John Wood and Lt. John Zielen.

Whereas It appears from the certificate of John H. Sleight Esquire, one of the commissioners appointed in pursuance of an act entitled "An act to procure a sum in specie for the purpose of redeeming one ninth part of the bills emitted on the credit of this State pursuant to the act of congress of the 10th day of March 1780 for discharging the interest of such bills and for other purposes therein mentioned" passed the 7th day of October 1780, that Titus Concklin on the 26th day of April 1781 paid into the hands of the said commissioner the sum of thirty nine pounds fifteen shillings in specie as a deposit for the location of a certain farm supposed to be forfeited to the State, which upon strict examination and enquiry appeared not to be forfeited: That the said sum of money was by the said commissioner paid into the treasury and cannot be reimbursed to the said Titus Concklin but by order of the legislature. *Be it therefore enacted by the authority aforesaid* That it shall and may be lawful for the treasurer of this State and he is hereby authorized and required to pay to the said Titus Concklin the sum of thirty nine pounds fifteen shillings out of any monies unappropriated in the treasury, upon his producing the certificate from the commissioner aforesaid.

Proviso, as to a certain deposit by Titus Concklin.

And be it further enacted by the authority aforesaid, That the auditor for this State be and he is hereby authorized and directed to examine liquidate and certify the account of Oliver Mildeberger claiming the payment of a reward offered by proclamation of his excellency the governor of this State for apprehending Johannis Rippenbergh pursuant to concurrent resolutions of the senate and assembly passed 27th, day of October 1778, and the treasurer of this State is hereby directed

Deposit to be refunded.

Oliver Mildeberger, claim to be examined.

to grant a certificate, in manner and form as certificates directed to be given to the levies and militia, for such sum as the auditor shall certify to be due.

Daniel Dunscomb, certificate to be granted to.

And be it further enacted by the authority aforesaid, That the treasurer of the State be and he is hereby authorized and directed to grant to Daniel Dunscomb a certificate for the sum of twenty pounds lawful money of this State in manner and form as certificates directed to be given to the levies and militia of this State; being a full compensation for the services of the said Daniel Dunscomb, while employed by the convention of this State to collect the lead out of the windows in the city of New York.

William Harper, services and expenses.

Whereas Williams Harper together with others were by a resolution of the convention of the 9th day of May 1777 appointed a commissioner to superintendent the manufacture of gun flints, sulphur, lead and salt, and received a certain sum of money from the treasury of this State to be expended upon such manufactures: *And whereas* the said William Harper hath, in pursuance of an act for the relief of John Cantine and others passed the 27th, day of March 1783, accounted with the treasurer for the monies by him received and expended, but he hath not received the sum of fifty pounds allowed him for his expences in the service aforesaid. *Be it further enacted by the authority aforesaid* That it shall and may be lawful for the treasurer to pay to the said William Harper the said sum of fifty pounds as an allowance for his service and expences in superintending the manufacture of gun flints, sulphur lead and salt in pursuance of the resolution abovementioned.

Members of legislature of previous years who have not been paid.

And be it further enacted by the authority aforesaid That the treasurer of the State be and he is hereby authorized and directed to pay unto all such persons, for their services as member of the legislature of this State, prior to the present sessions, and whose certificates for their services as such, have not hitherto been paid, at and after the rate of eight shillings per day, for every day which by certificates it shall appear they have respectively attended the legislature as aforesaid, which payment shall be made out of any unappropriated monies in the treasury of the State, any law to the contrary notwithstanding.

Peter Lyon, supplies to soldier's family.

And whereas it appears that Peter Lyon Esquire in pursuance of an act for supplying the families of the persons belonging to the five battalions of Continental troops raised under the direction of this State and who had engaged in the same for three years or during the war, with the necessaries of life, at moderate prices, furnished supplies to the family of Joseph Bouton a soldier in the line of this State, to the amount of twenty pounds. *Be it therefore further enacted by the authority aforesaid* That it shall and may be lawful for the treasurer to pay to the said Peter Lyon out of any unappropriated monies in his hands the sum of twenty pounds taking his receipt in full for necessaries furnished by him to the family of Joseph Bouton a soldier in the line of this State.

Christopher P. Yates, supplies to

And whereas Christopher P. Yates Esquire on application of Lieut. Colonel Clyde and other inhabitants of the county of Montgomery hath supplied the inhabitants of Cherry Valley with provisions at the time they were so distressed by the late enemy as to be destitute of the common necessaries of life; *and whereas* the said inhabitants by means of the general destruction of their property are represented as being utterly unable to pay for the said provisions. *Be it therefore further enacted by the authority aforesaid,* That the auditor of this State shall be and hereby is authorized and required to audit and liquidate the account of the said Christopher P. Yates agreeable to such vouchers as

he shall produce for the delivery of the said provisions according to the Continental scale of depreciation at the date of such vouchers: And the treasurer of this State is hereby authorized and required to pay the said Christopher P. Yates out of any money that may be in the treasury unappropriated such sum as shall appear to be due to him on such liquidation.

inhabitants of Cherry Valley.

And be it further enacted by the authority aforesaid, That the auditor of the State be and he is hereby directed to examine the demand of Thomas Randall claiming payment for a brigantine belonging to him, taken for the obstruction of the North river in the year 1776 and if it shall be fully made to appear to the said auditor that the said vessel was actually taken by order of the convention of this State and that the State is accountable for the payment thereof the said auditor is hereby directed to ascertain the value of the said brigantine and audit the account of the said claimant and charge the amount thereof to the United States.

Thomas Randall, claim to be examined.

And be it further enacted by the authority aforesaid That the treasurer of the State be and he is hereby authorized and directed to pay unto Robert Harpur Esquire deputy secretary the sum of thirty one pounds and eight pence being for so much advanced by the said Robert Harpur for removing the records of the State from Poughkeepsie to the city of New York.

Robert Harpur, monies advanced.

And be it further enacted by the authority aforesaid, That the commissioners appointed in pursuance of an act entitled "an act to procure a sum in specie for redeeming one sixth of the bills emitted on the credit of this State pursuant to the act of Congress of the 18th March 1780 and for discharging the interest of such bills" shall be allowed at and after the rate of twenty four shillings for each and every day they shall respectively have been actually employed in the business enjoined on them by the said act for their services and personal expenses, and that the treasurer shall pay the amount of such accounts when audited by the auditor of the State out of any monies which may be in his hands unappropriated.

Commissioners under act of 1780.

Whereas By an act of the governor the council and general assembly of the late colony of New York made and passed the 13th day of January 1768 entitled "An act for the payment of the salaries of the several officers of the government and of other services and for the better securing the public funds of this colony" it was among other things therein enacted, that the treasurer of the said colony for the time being should before he entered on the execution of his office, find two or more sufficient sureties to be approved of by the general assembly for the time being, who together with the said treasurer, should give a bond to the speaker of the general assembly for the time being, by which their heirs executors and administrators should be jointly and severally bound in the sum of thirty thousand pounds, to be paid to the speaker of the general assembly for the time being, on this condition, that if the said treasurer, his heirs executors or administrators should account to his excellency the governor or commander in chief, the council or the general assembly for the time being whenever thereunto required by either of them for such monies as should come into his hands by virtue of any law or laws of the said colony, then, or which thereafter should be in force, and should pay the same as directed by such law or laws; and should pay the balance of what might be due from him to the colony as treasurer either in law or equity, into the hands of such other treasurer as should thereafter be appointed and directed to receive the same. *And whereas* Abraham Lott late treasurer of the said colony in conformity to the

Proviso, as to Abraham Lott, late treasurer of the colony of New York.

said act, did become jointly and severally bound with divers other persons as his securities by their joint and several bond, given to the then speaker of the general assembly for the time being in the penal sum directed and required by the said act, and bearing date the 18th day of January in the year of our Lord 1768 with condition thereunder written as by the said act is directed and required. *And whereas* the said Abraham Lott still remains accountable to the people of this State for divers sums of money which came to his hands as treasurer as aforesaid.

Treasurer to cause Abraham Lott to account.

In case of refusal, attorney-general to prosecute the bond.

Be it therefore enacted by the authority aforesaid, That the treasurer of this State for the time being shall and is hereby authorized and required without delay, to call the said Abraham Lott to an account, of all his acts and transactions relating to the public treasury of the said colony while he was treasurer thereof, and to receive from him to the use of the people of this State all such sum and sums of money, as shall appear to have been due from him to the said colony; and upon his the said Abraham Lott's neglect or refusal so to account and pay the said sum and sums of money as aforesaid, to commence and prosecute to final judgment and recovery in his own name a suit for the penalty of the said bond, or in his own name to take such other effectual remedy either in law or equity to compel the said Abraham Lott to such account and payment as aforesaid, as by the attorney general of this State for the time being shall be advised who is hereby authorized and required effectually to prosecute any suit or suits either in law or equity for the same; and on recovery, in any such suit or suits either in law or equity, costs shall be awarded: And the said attorney general for the time being, upon judgment or decree in any such suit or suits, is hereby directed and required to issue the usual execution and upon receiving such sum and sums of money as aforesaid to pay the same, after retaining to himself such costs as aforesaid, to the treasurer of this State for the time being.

Col. James Livingston, and others, military claims.

And be it further enacted by the authority aforesaid, That the treasurer of this State is hereby authorized and required to pay to Colonel James Livingston and the officers of his regiment who received the depreciation of their pay in this State, and who remained in service until they were deranged by the reformation of the army in January 1781 upon a certificate signed by the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States, each two months pay for the year 1780, and also that the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States, are hereby required to grant certificates for three months pay for the year 1780 to the said James Livingston and to such officers of his regiment as before described in like manner as certificates were granted to the deranged officers of this State in and by the act of the legislature passed the 18th day of March 1783.

John Thomas, support of poor.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall out of any monies in the treasury which may be unappropriated pay unto John Thomas Esquire such sum as shall appear to be due to him for the support and maintenance of four poor children viz. Alexander McDonald, William Ricketts, Peter Gorbeth and Nancy Welch who by order of the convention in the year 1776 were removed from the city of New York to the county of Westchester on his producing an account thereof audited by the auditor for this State, who is hereby required to liquidate the said account.

Col. Udney Hay, State agent, auditor to settle with.

And be it further enacted by the authority aforesaid That the auditor of this State be and he is hereby authorized and directed to liquidate and certify the accounts of Col. Udney Hay late state agent and ascer-

tain the balance of the said accounts according to the affidavit of the said Udney Hay, or by such other evidence as can be obtained to prove such accounts as he shall produce, and also by advertizement to be published at least six weeks in one or more of the news papers in this State to notify such of the citizens of this State who have any claims against the said Udney Hay as state agent or any of his deputies to exhibit their respective accounts, attested before one or more of the magistrates of the county where such claimant resides, to the auditor within six months after the date of such advertizement, and the auditor is hereby authorized and required to liquidate and settle all such accounts, as shall be exhibited and sworn to in manner aforesaid.

Whereas it appears that the auditors appointed to liquidate and settle the accounts of the line of the troops of this State in the service of the United States, in settling the pay of the sergeants of the said line have only allowed them certificates for the depreciation of their pay at and after the rate of eight dollars per month, altho' by an act of Congress the same was increased to ten dollars per month. *Be it therefore enacted by the authority aforesaid,* That the auditors aforesaid be and hereby are authorized to grant unto all the sergeants of the line of this State in the service of the United States during the late war, to whom by former law or laws of this State they were directed to issue certificates for the depreciation of their pay, certificates for the depreciation of the ballance of their actual pay agreeable to the establishment of pay appointed by the Congress of the United States from the date of the resolution of Congress aforesaid.

Sergeants of the line, certificates for balance of pay.

Whereas the public faith of this State hath been pledged to the commissioners of forfeitures appointed by virtue of the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same," passed the 22nd day of October 1779 for such allowance and compensation to them for their services and expences, besides the expence of surveyors, clerks and other incidental charges, as should by the legislature be deemed just and reasonable. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful to and for the auditor of this State to audit the accounts of the respective commissioners of forfeitures appointed as aforesaid, allowing in the said accounts twenty-four shillings per day for their respective services and personal expences, for every day they shall have been actually employed in the execution of their office; that the said auditor shall charge the said commissioners with the monies advanced to them by the treasurer of this State ascertaining the value thereof if in Continental money, agreeable to what shall be deemed by the said auditor the actual value thereof at the time of such payments respectively, that upon producing such accounts to the said treasurer audited as aforesaid it shall and may be lawful to and for the said treasurer to pay unto the said commissioners respectively the balances of their accounts out of any monies unappropriated in the treasury.

Commissioners under act of 1770, services and expences.

And be it further enacted by the authority aforesaid That the auditor of the State, be and he is hereby directed to audit the account due to the estate of the late John Holt, which has arisen since the thirty-first day of March 1781, and the treasurer of the State is hereby authorized and directed to pay to the legal representatives of the said John Holt, out of any unappropriated monies, such sum as shall appear to be due by the certificate of the auditor as aforesaid.

John Holt, estate of.

Squire Fancher, surgical attendance.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall out of any unappropriated monies in the treasury pay to Squire Fancher (a private in the regiment of militia in the county of West Chester commanded by Lieutenant Colonel Crane) who was wounded in public service, the amount of such sum, as the auditor for the State shall allow for the expences of attendance and surgeons healing and curing his wounds, and the said auditor is hereby required to liquidate such accounts.

Auditors to settle with troops.

And be it further enacted by the authority aforesaid, That the treasurer of the State be and he is hereby authorized and directed to pay to the auditors appointed to liquidate and settle the accounts of the line of this State in the service of the United States by virtue of an act passed the 4th day of October 1780 the sum of four hundred pounds for which the said auditors are to be accountable to the State.

Proviso regarding provisions for support of poor and demising certain real estate.

Whereas By an ordinance of the council appointed for the temporary government of the southern parts of this State passed the first day of December 1783, commissioners were appointed to have the superintendance of the poor in the city of New York until the legislature should make further provision, or until the corporation of the said city should be organized, and that the said commissioners should on behalf of this State provide the said poor with provisions clothing bedding fuel and other necessaries, or to enter into such contracts or agreements for providing the said poor with the same, as the said commissioners or any two of them should from time to time deem most expedient: provided that it should not be lawful for the said commissioners to enter into any contracts or agreements to incur any expence in the whole to exceed the sum of twelve hundred pounds: *And whereas* by a resolution of the said council passed the 15th day of December 1783 the said commissioners were authorized to appropriate the monies arising from the rents of the estate late of James De Lancey towards the support of the poor in the alms house in the said city. *And whereas* by an other ordinance of the said council passed the 16th day of December 1783 it is ordained that the commissioners of forfeitures for the southern district, or any one them shall have the charge custody and possession of all and singular the lands and tenements within the said district, forfeited to the people of this State, and that it should be lawful for the said commissioners and each of them to demise the said lands and tenements of which they should become possessed, until the first day of May then next, and that each tenant should pay their respective rents to such person as the legislature should thereafter authorize, to receive the same. *And whereas* Isaac Stoutenburgh Esquire one of the said commissioners of forfeitures hath demised such of the said forfeited lands and tenements as he became possessed of, *and whereas* no person is yet authorized by law to receive the said rents. *Be it therefore enacted by the authority aforesaid* That Isaac Stoutenburgh Esquire shall be and he is hereby authorized to collect and receive the rents for the lands and tenements so demised and out of the monies arising from such rents to discharge the debts and contracts accrued and made by such commissioners for the purpose of supplying the poor as aforesaid provided that the aggregate amount of such debts and contracts shall not exceed the sum of twelve hundred pounds and that after having stated the account of the amount of all such rents by him received and of his disbursements and that the auditor of this State shall have audited the accounts and disbursements as aforesaid, he the said Isaac Stoutenburgh shall pay the balance, if any there be, into the treasury of this State, retaining in his hands at and after rate of two and one

Isaac Stoutenburgh to collect rents and discharge debts and contracts.

half per cent on the amount of the rents by him received as a compensation for his services in the premises.

And be it further enacted by the authority aforesaid That the auditor of this State be and he is hereby directed to audit the account of John Lasher commissary of military stores, that the said auditor shall charge the said John Lasher with the monies advanced to him by the treasurer of this State ascertaining the value thereof if in Continental money agreeable to what shall be deemed by the said auditor the actual value thereof at the time of such payments respectively — that upon producing such account to the said treasurer audited as aforesaid, it shall and may be lawful for and to the said treasurer, to pay unto the said John Lasher the ballance of his said account out of any monies unappropriated. *Provided nevertheless and it is hereby further enacted and declared* That the said office of commissary of military stores shall be deemed as abolished on the twenty fifth day of November last, and is hereby abolished; that the accounts of the said John Lasher shall be audited only to the day last mentioned; and that the said treasurer shall not pay the ballance to the said John Lasher until he do produce a certificate that he has rendered an account of the disposition of the said stores to his excellency the governor and have delivered the stores which remain in his custody (if any) to the order of his excellency the governor.

And be it further enacted by the authority aforesaid That James Black late clothier to this State be and he is hereby authorized and directed to cause to be sold by public vendue such articles of clothing as may remain in his possession belonging to the State and to account to the auditor for the amount thereof in his account with the State.

And be it further enacted by the authority aforesaid; That the treasurer of this State is hereby authorized and directed to pay to Philip Schuyler Esquire out of any monies unappropriated the sum of two hundred and fifty pounds being in full for so much engaged to be paid him by the commissioners appointed by the act hereinafter mentioned for wood cut off the island commonly called Bohannas' Island; the said Philip Schuyler entering into such articles covenants and agreements with the said treasurer as is directed by an act of the general assembly of the late colony of New York passed the third day of April 1775.

And be it further enacted by the authority aforesaid, That the loan officers appointed by virtue of a law of this State while the same was a colony entitled "An act for emitting the sum of £120,000 in bills of credit to be put out on loan and to appropriate the interest arising thereon to the payment of the debts of this colony and to such public exigencies as the circumstances of this colony may from time to time render necessary" be and the said loan offices are hereby respectively directed and required to suspend all prosecutions by virtue of the said law for the recovery of any monies loaned in consequence thereof until the legislature shall make further order in the premises, and the said loan officers are further directed and required to lay a state of their accounts and proceedings before the legislature within ten days after a quorum of both houses shall be convened at their next meeting.

Whereas Jonathan Preston a sergeant in the regiment lately commanded by Colo. Goose Van Schaick had the misfortune to break both his legs whilst on furlough, one of which was amputated whereby he is rendered incapable of procuring subsistence. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of this State annually to pay unto the said Jonathan Preston the like allowance as is given to a sergeant maimed whilst in actual service, and to charge the same to the United States.

John Lasher, commissary of military stores, auditor to settle with; office abolished.

James Black, late clothier, to sell property in his possession.

Philip Schuyler, for wood cut on Bohannas' Island.

Loan officers to suspend prosecutions for recovery of moneys.

Jonathan Preston, pension granted to.

Squire Fancher, surgical attend-ance.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall out of any unappropriated monies in the treasury pay to Squire Fancher (a private in the regiment of militia in the county of West Chester commanded by Lieutenant Colonel Crane) who was wounded in public service, the amount of such sum, as the auditor for the State shall allow for the expences of attendance and surgeons healing and curing his wounds, and the said auditor is hereby required to liquidate such accounts.

Auditors to settle with troops.

And be it further enacted by the authority aforesaid, That the treasurer of the State be and he is hereby authorized and directed to pay to the auditors appointed to liquidate and settle the accounts of the line of this State in the service of the United States by virtue of an act passed the 4th day of October 1780 the sum of four hundred pounds for which the said auditors are to be accountable to the State.

Proviso regarding provisions for support of poor and demising certain real estate.

Whereas By an ordinance of the council appointed for the temporary government of the southern parts of this State passed the first day of December 1783, commissioners were appointed to have the superintendance of the poor in the city of New York until the legislature should make further provision, or until the corporation of the said city should be organized, and that the said commissioners should on behalf of this State provide the said poor with provisions clothing bedding fuel and other necessaries, or to enter into such contracts or agreements for providing the said poor with the same, as the said commissioners or any two of them should from time to time deem most expedient: provided that it should not be lawful for the said commissioners to enter into any contracts or agreements to incur any expence in the whole to exceed the sum of twelve hundred pounds: *And whereas* by a resolution of the said council passed the 15th day of December 1783 the said commissioners were authorized to appropriate the monies arising from the rents of the estate late of James De Lancey towards the support of the poor in the alms house in the said city. *And whereas* by an other ordinance of the said council passed the 16th day of December 1783 it is ordained that the commissioners of forfeitures for the southern district, or any one them shall have the charge custody and possession of all and singular the lands and tenements within the said district, forfeited to the people of this State, and that it should be lawful for the said commissioners and each of them to demise the said lands and tenements of which they should become possessed, until the first day of May then next, and that each tenant should pay their respective rents to such person as the legislature should thereafter authorize, to receive the same. *And whereas* Isaac Stoutenburgh Esquire one of the said commissioners of forfeitures hath demised such of the said forfeited lands and tenements as he became possessed of, *and whereas* no person is yet authorized by law to receive the said rents. *Be it therefore enacted by the authority aforesaid* That Isaac Stoutenburgh Esquire shall be and he is hereby authorized to collect and receive the rents for the lands and tenements so demised and out of the monies arising from such rents to discharge the debts and contracts accrued and made by such commissioners for the purpose of supplying the poor as aforesaid provided that the aggregate amount of such debts and contracts shall not exceed the sum of twelve hundred pounds and that after having stated the account of the amount of all such rents by him received and of his disbursements and that the auditor of this State shall have audited the accounts and disbursements as aforesaid, he the said Isaac Stoutenburgh shall pay the balance, if any there be, into the treasury of this State, retaining in his hands at and after rate of two and one

Isaac Stoutenburgh to collect rents and discharge debts and contracts.

half per cent on the amount of the rents by him received as a compensation for his services in the premises.

And be it further enacted by the authority aforesaid That the auditor of this State be and he is hereby directed to audit the account of John Lasher commissary of military stores, that the said auditor shall charge the said John Lasher with the monies advanced to him by the treasurer of this State ascertaining the value thereof if in Continental money agreeable to what shall be deemed by the said auditor the actual value thereof at the time of such payments respectively — that upon producing such account to the said treasurer audited as aforesaid, it shall and may be lawful for and to the said treasurer, to pay unto the said John Lasher the ballance of his said account out of any monies unappropriated. *Provided nevertheless and it is hereby further enacted and declared* That the said office of commissary of military stores shall be deemed as abolished on the twenty fifth day of November last, and is hereby abolished; that the accounts of the said John Lasher shall be audited only to the day last mentioned; and that the said treasurer shall not pay the ballance to the said John Lasher until he do produce a certificate that he has rendered an account of the disposition of the said stores to his excellency the governor and have delivered the stores which remain in his custody (if any) to the order of his excellency the governor.

John Lasher, commissary of military stores, auditor to settle with; office abolished.

And be it further enacted by the authority aforesaid That James Black late clothier to this State be and he is hereby authorized and directed to cause to be sold by public vendue such articles of clothing as may remain in his possession belonging to the State and to account to the auditor for the amount thereof in his account with the State.

James Black, late clothier, to sell property in his possession.

And be it further enacted by the authority aforesaid; That the treasurer of this State is hereby authorized and directed to pay to Philip Schuyler Esquire out of any monies unappropriated the sum of two hundred and fifty pounds being in full for so much engaged to be paid him by the commissioners appointed by the act hereinafter mentioned for wood cut off the island commonly called Bohannas' Island; the said Philip Schuyler entering into such articles covenants and agreements with the said treasurer as is directed by an act of the general assembly of the late colony of New York passed the third day of April 1775.

Philip Schuyler, for wood cut on Bohanna's Island.

And be it further enacted by the authority aforesaid, That the loan officers appointed by virtue of a law of this State while the same was a colony entitled "An act for emitting the sum of £120,000 in bills of credit to be put out on loan and to appropriate the interest arising thereon to the payment of the debts of this colony and to such public exigencies as the circumstances of this colony may from time to time render necessary" be and the said loan offices are hereby respectively directed and required to suspend all prosecutions by virtue of the said law for the recovery of any monies loaned in consequence thereof until the legislature shall make further order in the premises, and the said loan officers are further directed and required to lay a state of their accounts and proceedings before the legislature within ten days after a quorum of both houses shall be convened at their next meeting.

Loan officers to suspend prosecutions for recovery of moneys.

Whereas Jonathan Preston a sergeant in the regiment lately commanded by Colo. Goose Van Schaick had the misfortune to break both his legs whilst on furlough, one of which was amputated whereby he is rendered incapable of procuring subsistence. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of this State annually to pay unto the said Jonathan Preston the like allowance as is given to a sergeant maimed whilst in actual service, and to charge the same to the United States.

Jonathan Preston, pension granted to.

John Daniel Gros, certificate to be granted to.

And be it further enacted

may be lawful for John Daniel three pound supplies fur 25th day o

Auditors not to grant certificates to troops without the paymaster-general's certificate.

And be be lawful of the t certific day of subs the cor pe

Isaac Roosevelt.

Secr of S ma pl' or t

Persons falling within classes named and judged guilty of misapplication of treason.

... assistance to the safety of a free government... principles inimical to the Constitution... offices or places of trust, whereby they... influence in the direction of its councils... citizens of this State, entertaining sentiments... have taken an active part in the late war in... government, and it would be improper and... persons should be suffered to hold or enjoy any... trust within this State. And whereas it is the... to pursue every reasonable and proper measure... government from being disturbed and endangered... enacted by the People of the State of New York, repre-... and it is hereby enacted by the authority of... That all and every person or persons, natives or others, who... being resident in this State, or any other of the United States, on the... ninth day of July in the year of our Lord one thousand seven hundred and seventy six, and who have at any time since the said ninth day of July in the year of our Lord one thousand seven hundred and seventy six, accepted, received, held or exercised, any military commission or commissions whatsoever, by or under any authority derived from the king of Great Britain; and every person or persons who being resident within this State, or any other of the United States as aforesaid, on the ninth day of July one thousand seven hundred and seventy six aforesaid, who have armed or fitted out, or who have been concerned in fitting out, any privateer or privateers, or vessels of war, to cruise against or commit hostilities upon the vessels, property and persons of any of the citizens of the United States, or against their allies; and every person or persons whatsoever, who being resident in this State, or any other of the said United States, on the ninth day of July in the year of our Lord one thousand seven hundred and seventy six aforesaid, and who have served on board such privateers or vessels of war, in the condition or capacity of captain lieutenant or master; and also every person or persons who being resident in this State, or any other of the United States, on the ninth day of July one thousand seven hundred and seventy six aforesaid, and who since that time have accepted, held or exercised any official commission or appointment, in the board or boards of police instituted and established in the southern district of this State, during the late war, by virtue of, and under authority derived from the king of Great Britain; and also every person or persons whatsoever who being resident in this State, or any other of the United States, on the ninth day of July one thousand seven hundred and seventy six aforesaid, and who since that time have accepted, received, held or exercised any office commission or appointment whatsoever, in the court of admiralty instituted and established in the southern district of this State, during the late war, by virtue of authority derived from the king of Great Britain as aforesaid; and also all and every person or persons whatsoever, who being resident in any of the United States,

LAW OF NEW YORK
CHAP. 60

PASSED the 12th of May, 1784.

cept this State, on the ninth day of July one thousand seven hundred and seventy six aforesaid; and who at any time since that day and during the late war, have fled or removed from such of the said states of which such person or persons were respectively resident, on the 9th day of July aforesaid, and who have gone over to, joined or put himself or themselves under the power and protection of the fleets or armies of the king of Great Britain aforesaid; and all and every person and persons who being resident in this State on the ninth day of July one thousand seven hundred and seventy six aforesaid, and who since that day, have voluntarily gone over to, remained with, or joined the fleets and armies of the king of Great Britain aforesaid at any time during the late war; who has or have left this State on or before the tenth day of December in the year of our Lord one thousand seven hundred and eighty three, and who have not returned and who shall hereafter be found within this State, such person or persons so found, shall be, on conviction thereof, adjudged guilty of misprision of treason. Provided always, that nothing in this act contained, shall be taken or deemed to affect any person who, at the time of committing any of the offences aforesaid, was a minor under sixteen years of age or a person insane. And provided also, that it shall and may be lawful for any such person or persons, whose estates respectively may be attached by any law of this State and advertisement made thereof agreeable to such law, to come and remain within this State for so long a time as may be absolutely necessary to defend his her or their suit; anything in this act to the contrary thereof in any wise notwithstanding.

Proviso, as to minors and insane

Proviso, as to where property attached.

And be it further enacted by the authority aforesaid, That all and every person or persons falling under any of the descriptions herein before mentioned and the descriptions mentioned in the twelfth section of the act entitled "An act to regulate elections within this State," passed the twenty seventh day of March one thousand seven hundred and seventy eight, and who has or have not left this State, are hereby for ever disqualified and rendered incapable of holding, exercising or enjoying any legislative, judicial or executive office or place, whatsoever within this State; and shall and hereby is and are, for ever disqualified and incapacitated to elect or vote either by ballot or *viva voce* at any election to fill any office or place whatsoever within this State, and if any person shall offer himself as an elector, at any election hereafter to be holden for an office or place within this State, and shall be suspected of, or charged to be within any of the descriptions aforesaid, it shall be lawful for the inspectors or superintendants (as the case may be) to inquire into and determine the fact whereof such person shall be suspected or wherewith he shall be charged as the cause of disqualification aforesaid on the oath of one or more witness or witnesses, or on the oath of the party so suspected or charged, at their discretion; and if such fact shall in the judgment of the inspectors or superintendants, be established, it shall be lawful for them and they are hereby required to reject the vote of such persons at such election. Provided always, that if it shall appear to the satisfaction of the inspectors or superintendants at any election, that any person offering himself as an elector, has, during the late war, within the southern district, by fear or compulsion accepted held or exercised any such office commission or appointment, or may have involuntarily done any act or acts which by the said section would have disqualified him from holding any office or from being an elector had the same been voluntarily done, and that such person otherwise has uniformly behaved as a friend to the freedom and independence of the United States, the inspectors shall admit such persons to give his note

Persons above described, as well as certain others, forever disqualified, from voting or holding office.

Proviso, as to fear and compulsion, and involuntary acts.

CHAP. 66.

AN ACT to preserve the freedom and independence of this State, and for other purposes therein mentioned.

PASSED the 12th of May, 1784.

Preamble.

Whereas It is of great importance to the safety of a free government, that persons holding principles inimical to the Constitution, should not be admitted into offices or places of trust, whereby they might acquire an immediate influence in the direction of its councils. And whereas some of the citizens of this State, entertaining sentiments hostile to its independence have taken an active part in the late war in opposition to the present government, and it would be improper and dangerous that such persons should be suffered to hold or enjoy any such office or place of trust within this State. *And whereas* it is the duty of the legislature to pursue every reasonable and proper measure to secure the government from being disturbed and endangered.

Persons falling within classes named adjudged guilty of misprision of treason.

Be it therefore 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 all and every person or persons, natives or others, who being resident in this State, or any other of the United States, on the ninth day of July in the year of our Lord one thousand seven hundred and seventy six, and who have at any time since the said ninth day of July in the year of our Lord one thousand seven hundred and seventy six, accepted, received, held or exercised, any military commission or commissions whatsoever, by or under any authority derived from the king of Great Britain; and every person or persons who being resident within this State, or any other of the United States as aforesaid, on the ninth day of July one thousand seven hundred and seventy six aforesaid, who have armed or fitted out, or who have been concerned in fitting out, any privateer or privateers, or vessels of war, to cruise against or commit hostilities upon the vessels, property and persons of any of the citizens of the United States, or against their allies; and every person or persons whatsoever, who being resident in this State, or any other of the said United States, on the ninth day of July in the year of our Lord one thousand seven hundred and seventy six aforesaid, and who have served on board such privateers or vessels of war, in the condition or capacity of captain lieutenant or master; and also every person or persons who being resident in this State, or any other of the United States, on the ninth day of July one thousand seven hundred and seventy six aforesaid, and who since that time have accepted, held or exercised any official commission or appointment, in the board or boards of police instituted and established in the southern district of this State, during the late war, by virtue of, and under authority derived from the king of Great Britain; and also every person or persons whatsoever who being resident in this State, or any other of the United States, on the ninth day of July one thousand seven hundred and seventy six aforesaid, and who since that time have accepted, received, held or exercised any office commission or appointment whatsoever, in the court of admiralty instituted and established in the southern district of this State, during the late war, by virtue of authority derived from the king of Great Britain as aforesaid; and also all and every person or persons whatsoever, who being resident in any of the United States,

except this State, on the ninth day of July one thousand seven hundred and seventy six aforesaid ; and who at any time since that day and during the late war, have fled or removed from such of the said states of which such person or persons were respectively resident, on the 9th day of July aforesaid, and who have gone over to, joined or put himself or themselves under the power and protection of the fleets and armies of the king of Great Britain aforesaid ; and all and every person and persons who being resident in this State on the ninth day of July one thousand seven hundred and seventy six aforesaid, and who since that day, have voluntarily gone over to, remained with, or joined the fleets and armies of the king of Great Britain aforesaid at any time during the late war ; who has or have left this State on or before the tenth day of December in the year of our Lord one thousand seven hundred and eighty three, and who have not returned and who shall hereafter be found within this State, such person or persons so found, shall be, on conviction thereof, adjudged guilty of misprision of treason. Provided always, that nothing in this act contained, shall be taken or deemed to affect any person who, at the time of committing any of the offences aforesaid, was a minor under sixteen years of age or a person insane. And provided also, that it shall and may be lawful for any such person or persons, whose estates respectively may be attached by any law of this State and advertisement made thereof agreeable to such law, to come and remain within this State for so long a time as may be absolutely necessary to defend his her or their suit ; anything in this act to the contrary thereof in any wise notwithstanding.

Proviso, as to minors and insane

Proviso, as to where property attached.

And be it further enacted by the authority aforesaid, That all and every person or persons falling under any of the descriptions herein before mentioned and the descriptions mentioned in the twelfth section of the act entitled "An act to regulate elections within this State," passed the twenty seventh day of March one thousand seven hundred and seventy eight, and who has or have not left this State, are hereby for ever disqualified and rendered incapable of holding, exercising or enjoying any legislative, judicial or executive office or place, whatsoever within this State ; and shall and hereby is and are, for ever disqualified and incapacitated to elect or vote either by ballot or *viva voce* at any election to fill any office or place whatsoever within this State, and if any person shall offer himself as an elector, at any election hereafter to be holden for an office or place within this State, and shall be suspected of, or charged to be within any of the descriptions aforesaid, it shall be lawful for the inspectors or superintendants (as the case may be) to inquire into and determine the fact whereof such person shall be suspected or wherewith he shall be charged as the cause of disqualification aforesaid on the oath of one or more witness or witnesses, or on the oath of the party so suspected or charged, at their discretion ; and if such fact shall in the judgment of the inspectors or superintendants, be established, it shall be lawful for them and they are hereby required to reject the vote of such persons at such election. Provided always, that if it shall appear to the satisfaction of the inspectors or superintendants at any election, that any person offering himself as an elector, has, during the late war, within the southern district, by fear or compulsion accepted held or exercised any such office commission or appointment, or may have involuntarily done any act or acts which by the said section would have disqualified him from holding any office or from being an elector had the same been voluntarily done, and that such person otherwise has uniformly behaved as a friend to the freedom and independence of the United States, the inspectors shall admit such persons to give his note

Persons above described, as well as certain others, forever disqualified, from voting or holding office.

Proviso, as to fear and compulsion, and involuntary acts.

at any such election, any thing in this act to the contrary notwithstanding.

Whereas a very respectable number of citizens of this State, well attached to the freedom and independence thereof, have entreated the legislature to extend mercy to persons herein after mentioned, and to restore them to their country.

Persons
named
may re-
main
within the
State with-
out mole-
station.

Be it therefore enacted by the authority aforesaid, That Gysbert Merselius, Henry Staats, John Stevenson, Henry Van Dyck, John Van Allen, Henry Van Schaack, David Van Schaack, Harman Pruyn, William Rea, Myndert Viele, William Lupton, Cadwallader Colden, Walter Dubois, Cornelius Luyster, Andrew Graham, John Thurman, Samuel Fowler, Joseph Mabbet, John Green, Dirck Van Vlect, Jost Garrison, John Booth, Rolef Elting, Solomon Elting, Richard Harrison, James Smith and Benjamin Lapham, shall be and every of them are hereby permitted to return to and reside within this State without any molestation, and therein to remain until the end of the next meeting of the legislature, or until further legislative provision shall be made in the premises, anything in the act entitled "An act more effectually to prevent the mischiefs arising from the influence and example of persons of equivocal and suspected characters in this State," passed the 30th day of June 1778, to the contrary thereof in anywise notwithstanding.

INDEX.

A.

ACCESSORIES.

See COURTS.

ACCOUNTS.

Enemy, with persons within lines of — chap. 1, 6th sess.....	499
Personal, actions on — chap. 25, 4th sess.....	341
Public, settlement of — chap. 21, 5th sess. 430; chap. 4, 6th sess.....	503
Settlement of, mode prescribed — chap. 50, 4th sess.....	374
United States, to facilitate settlement of — chap. 44, 7th sess.....	670

ACTS AMENDATORY AND SUPPLEMENTARY.

Colonial:

highways in Albany and Tryon counties — chap. 24, 2d sess.....	119
--	-----

First session:

chapter one — chap. 30, 3d sess.....	195
chapter three — chap. 11, 1st sess. 60; chap. 7, 3d sess.....	152
chapter four — chap. 30, 1st sess.....	60
chapter ten — chap. 21, 1st sess.....	165
chapter twenty-nine — chap. 32, 2d sess. 134; chap. 4, 3d sess. 148; chap. 41, 3d sess. 208; chap. 8, 4th sess.....	304
chapter thirty-three — chap. 46, 1st sess. 86; chap. 13, 3d sess.....	157
chapter forty-seven — chap. 10, 2d sess.....	99

Second session:

chapter six — chap. 16, 3d sess. 161; chap. 12, 4th sess. 311; chap. 1, 5th sess.....	405
chapter nineteen — chap. 17, 3d sess.....	162

Third session:

chapter one — chap. 15, 3d sess.....	150
chapter twelve, chap. 13, 5th sess.....	420
chapter nineteen — chap. 77, 3d sess.....	283
chapter twenty-eight — chap. 54, 6th sess.....	583
chapter forty-four — chap. 9, 4th sess. 305; chap. 21, 4th sess.....	334
chapter fifty-one — chap. 13, 4th sess. 311; chap. 51, 4th sess.....	378
chapter fifty-four — chap. 66, 3d sess.....	264
chapter fifty-six — chap. 1, 4th sess.....	291
chapter sixty-four — chap. 72, 3d sess.....	278

Fourth session:

chapter four — chap. 42, 5th sess.....	485
chapter five — chap. 38, 4th sess.....	358
chapter seven — chap. 24, 6th sess.....	541
chapter fourteen — chap. 18, 4th sess.....	325
chapter twenty-two — chap. 41, 4th sess.....	361
chapter twenty-seven — chap. 22, 6th sess.....	537
chapter thirty-five — chap. 34, 5th sess.....	461
chapter thirty-nine — chap. 18, 6th sess.....	533

Sixth session:

chapter one — chap. 54, 7th sess.....	700
---------------------------------------	-----

ACTS CONFIRMED.

Albany, city of, charter — chap. 4, 1st sess.	10
Chamber of Commerce, charter — chap. 30, 7th sess.	630
Council of Appointment, acts of — chap. 18, 3d sess.	162
Council of Safety, acts of — chap. 37, 1st sess.	79

ACTS CONTINUED AND EXTENDED.

Auditor, relating to — chap. 14, 7th sess.	611
Conspiracies, detection of — chap. 3, 2d sess. 90; chap. 10, 2d sess.	99
Fees of sheriffs and constables — chap. 7, 3d sess.	162
Flour for the army — chap. 1, 3d sess.	145
Highways in certain counties — chap. 34, 4th sess.	352
Impress of forage — chap. 8, 4th sess.	304
Impress, warrants of, etc. — chap. 6, 4th sess.	298
Supreme court, terms of — chap. 42, 3d sess.	210

ACTS REPEALED.

Colonial :	
assessors, number of — chap. 8, 1st sess.	17
courts, jurisdiction of inferior — chap. 36, 5th sess.	471
highways in certain counties — chap. 31, 2d sess.	134
settling ministry and relief of poor — chap. 38, 7th sess.	661
First session :	
chapter ten — chap. 2, 4th sess.	294
chapter fifteen — chap. 26, 2d sess.	120
chapter thirty-four — chap. 2, 2d sess.	90
Second session :	
chapter five — chap. 2, 4th sess.	294
chapter eighteen — chap. 54, 4th sess.	383
Third session :	
chapter seven — chap. 51, 6th sess.	580
chapter twenty-five — part chap. 50, 3d sess.	229
chapter forty-four — chap. 36, 5th sess.	471
chapter seventy-two — part chap. 58, 4th sess.	392
chapter seventy-seven — chap. 27, 7th sess.	627
Fourth session :	
chapter twelve — chap. 1, 5th sess.	405
chapter sixteen — chap. 37, 5th sess.	476
chapter twenty-two — chap. 55, 4th sess.	385
chapter twenty-four — chap. 52, 4th sess.	383
chapter thirty-one — chap. 27, 6th sess.	544
Fifth session :	
chapter thirty-six, section fourteen — chap. 7, 7th sess.	596

ACTS REVIVED.

Conspiracies, detection of — chap. 7, 3d sess.	152
Felonies, trial of, chap. 1, 4th sess.	291
Forage, impress of, etc. — chap. 4, 3d sess. 148; chap. 41, 3d sess.	208
Hawkers and pedlars, restraint of — chap. 18, 6th sess.	533
Robberies, to prevent — chap. 77, 3d sess.	283
Staying executions against public officers — chap. 48, 7th sess.	683
Stores to troops, issuance of — chap. 13, 2d sess.	101
Southern district, temporary government, ordinances — chap. 3, 7th sess.	589
Supreme court, terms appointed — chap. 8, 6th sess.	513

ACTS SUSPENDED.

Courts of inferior jurisdiction (Colonial) — chap. 44, 3d sess.	219
Finance, national, relative to — chap. 62, 4th sess.	397
Tax levy of \$150,000 — chap. 43, 4th sess. 362; chap. 62, 4th sess. 397; chap. 5, 5th sess.	408
Wages, prices, etc., regulated — chap. 42, 1st sess.	83

AFFIDAVITS.

Testimony for use in other States — chap. 26, 7th sess. 626

ALBANY, CITY OF.

Charter of, concerning — chap. 4, 1st sess. 10; chap. 30, 1st sess. 60
 Night watch, tax for — chap. 1, 2d sess. 89
 Public roads in — chap. 24, 2d sess. 119

ALBANY COUNTY.

Collectors, number of — chap. 45, 3d sess. 221
 Forfeited estates, sale of — chap. 51, 3d sess. 230
 Highways in — chap. 24, 2d sess. 119; chap. 60, 3d sess. 253; chap. 34, 4th sess.
 352; chap. 52, 7th sess. 690
 Hillsdale, district of, erected — chap. 23, 5th sess. 438
 New Hampshire grants, concerning — chap. 24, 3d sess. 169
 Night watch established in — chap. 6, 2d sess. 94
 Rensselaerwyck, manor divided — chap. 23, 2d sess. 118
 Halfmoon, boundary — chap. 50, 3d sess. 226
 east district, tax levy — chap. 57, 3d sess. 250
 divided — chap. 13, 7th sess. 610
 Schenectady, lands annexed — chap. 36, 3d sess. 204
 fortress at — chap. 65, 3d sess. 263

ALDERMANIC COURTS.

See COURTS.

APPROPRIATIONS.

Advances to public officers — chap. 44, 1st sess. 84
 Annual — chap. 35, 1st sess. 75; chap. 7, 2d sess. 96; chap. 34, 2d sess. 138;
 chap. 31, 3d sess. 196; chap. 61, 3d sess. 255; chap. 79, 3d sess. 285; chap. 17,
 4th sess. 322; chap. 64, 4th sess. 398; chap. 17, 5th sess. 425; chap. 46, 5th
 sess. 491; chap. 50, 6th sess. 573; chap. 65, 7th sess. 759
 Continental battalions — chap. 41, 1st sess. 82
 Continental troops, for families of — chap. 22, 2d sess. 167
 Militia, expenses of — chap. 5, 1st sess. 11
 Soldiers, disabled, provision for — chap. 30, 2d sess. 127
 United States, loan to — chap. 23, 1st sess. 47

ARMS OF THE STATE.

Established — chap. 12, 1st sess. 21

ARMY.

See MILITARY AFFAIRS.

ARTICLES OF CONFEDERATION.

Acceded to by this State — chap. 1, 1st sess. 1
 Act supplementary to — chap. 30, 3d sess. 195
 Completion of, to facilitate — chap. 38, 3d sess. 205

ASHES.

Quality of pot and pearl — chap. 40, 7th sess. 665

ASSESSMENT AND TAXATION.

Act of Congress, to carry into effect — chap. 42, 6th sess. 560
 Albany, city of, night watch — chap. 1, 2d sess. 89
 Annual tax levies — chap. 17, 1st sess. 37; chap. 16, 2d sess. 102; chap. 27, 3d
 sess. 185; chap. 47, 3d sess. 222; chap. 57, 4th sess. 388; chap. 10, 5th sess.
 412; chap. 37, 5th sess. 472; chap. 6, 6th sess. 505; chap. 49, 6th sess. 565
 Arrearages, collection of — chap. 9, 6th sess. 513
 Charlotte county, bounty — chap. 29, 2d sess. 123
 Cortlandt, poor tax — chap. 15, 6th sess. 527
 County treasurers, returns of — chap. 11, 5th sess. 419

Flour for the army — chap. 34, 3d sess.....	200
Goshen, Orange county, drainage — chap. 39, 7th sess.....	663
Haverstraw, Orange county, gaol — chap. 47, 7th sess.	682
Kings county, court house — chap. 23, 7th sess.	623
Levy of \$150,000 in specie — chap. 16, 4th sess. 319; chap. 43, 4th sess. 362; chap. 62, 4th sess. 397; chap. 5, 5th sess. 408; chap. 37, 5th sess.....	476
Loans, levy to pay — chap. 20, 4th sess.....	329
New York city, special purposes — chap. 43, 7th sess.....	669
Persons exempted from militia — chap. 22, 1st sess. 45; chap. 33, 1st sess.....	136
Rensselaerwyck, east district, rangers — chap. 57, 3d sess.....	250
Rochester, town of, exemptions — chap. 12, 5th sess.....	419
Shoes and stockings, for the troops — chap. 13, 1st sess. 124; chap. 27, 2d sess.....	121
Southern district, £100,000 for use of State — chap. 58, 7th sess.....	707
Supplies for the army — chap. 35, 3d sess. 202; chap. 24, 4th sess. 339; chap. 45, 4th sess.....	363
Taxes, payment of, to expedite — chap. 10, 3d sess.....	306
Ulster county, tax levies — chap. 37, 4th sess. 356; chap. 7, 5th sess. 408; chap. 29, 5th sess.....	458
Writs of replevin, not allowed — chap. 47, 4th sess.....	369

ASSESSORS.

Increasing number of — chap. 8, 1st sess.....	15
---	----

ATTORNIES.

See COURTS.

AUCTION.

Regulating sales by — chap. 4, 7th sess.....	590
--	-----

AUDITOR.

Office of, created, and duties — chap. 21, 5th sess.....	430
Salary of, established — chap. 14, 7th sess.....	611

AUGUR, AMY.

Pardoned, for a felony — chap. 9, 2d sess.....	98
--	----

AXTELL, WILLIAM.

Estates forfeited — chap. 25, 3d sess.....	173
House set apart to Secretary of State — chap. 12, 7th sess.....	609
Not to be sold — chap. 64, 7th sess.....	759

B.

BANCKER, GERARD.

State Treasurer — chap. 26, 1st sess. 49; chap. 9, 3d sess. 154; chap. 2, 5th sess. 406; chap. 3, 6th sess.....	503
--	-----

BANK OF NORTH AMERICA.

Incorporation of, etc. — chap. 35, 5th sess.....	462
--	-----

BANKS.

Establishment of, prohibited — chap. 35, 5th sess.....	462
--	-----

BARCLAY, THOMAS H.

Estates forfeited — chap. 25, 3d sess.....	174
--	-----

BARNES, STEPHEN.

Relief of — chap. 24, 7th sess.....	624
-------------------------------------	-----

BAYARD, ROBERT.

Estates forfeited — chap. 25, 3d sess.....	173
--	-----

BAYARD, WILLIAM.

Estates forfeited — chap. 25, 3d sess	173
Estates pledged for public loan — chap. 64, 3d sess.....	262
Estates granted to Andries Onderdonck — chap. 64, 7th sess.....	753

BEND, ELIZABETH AND GROVE.

Relief of, and creditors — chap. 61, 7th sess.....	726
--	-----

BILLOP, CHRISTOPHER.

Estates forfeited — chap. 25, 3d sess.....	173
--	-----

BILLS OF CREDIT.

Cancel certain — chap. 15, 2d sess. 102; chap. 46, 3d sess.....	221
Counterfeiting, a felony — chap. 25, 2d sess.....	120
Depreciation, scale of — chap. 51, 4th sess.....	378
Exchange on, rate of — chap. 19, 4th sess.....	326
Legal tender, acts repealed — chap. 58, 4th sess.....	392
Making of, interest paid — chap. 56, 4th sess.....	387
New emission — chap. 46, 4th sess.....	366
Receivable for forfeited estates, and waste and unappropriated lands — chap. 60, 7th sess. 720; chap. 64, 7th sess.....	739
Redemption of — chap. 64, 3d sess. 258; chap. 72, 3d sess.....	278
Sale of lands to redeem — chap. 11, 4th sess. 307; chap. 64, 7th sess.....	741
See, also, CERTIFICATES; PUBLIC LOANS AND PUBLIC MONEYS.	

BOUNDARIES, INTERIOR.

Haverstraw and Cornwall — chap. 30, 5th sess.....	459
Rensselaerwyck and Halfmoon — chap. 50, 3d sess.....	229
Wawayanda and Cheescocks — chap. 29, 6th sess.....	547

BOUNDARIES OF THE STATE.

Congress to settle New Hampshire grants — chap. 24, 3d sess.....	169
Massachusetts, to establish — chap. 28, 6th sess.....	545
Original papers used on hearings — chap. 32, 3d sess.....	199
Western, to be limited — chap. 38, 3d sess.....	205

BOUNTY LANDS.

Grant of — chap. 63, 7th sess.....	731
------------------------------------	-----

BRITISH TRADE.

Congress may restrict — chap. 53, 7th sess	699
--	-----

BUTLER, JOHN.

Estates forfeited — chap. 25, 3d sess.....	173
Estates pledged for public loss — chap. 64, 3d sess.....	262

C.

CANTINE, JOHN.

Relief of, and others — chap. 52, 6th sess.....	581
---	-----

CAPITAL OF THE STATE.

Where legislature to meet — chap. 24, 1st sess.....	48
---	----

CAUGHNAWAGA, DISTRICT OF.

Erected from district of Mohawk — chap. 50, 3d sess	229
---	-----

CENSUS.

White inhabitants, sheriffs to take — chap. 18, 5th sess.....	428
---	-----

CERTIFICATES.

Depreciation of pay of troops — chap. 28, 5th sess.....	456
Pay of troops in national service — chap. 19, 7th sess.....	619
Public loan subscription — chap. 73, 3d sess.....	280
Troops, for pay of — chap. 7, 4th sess.....	298

See, also, BILLS OF CREDIT ; PUBLIC LOANS AND PUBLIC MONEYS.

CHAMBER OF COMMERCE.

Incorporation of, confirmed — chap. 30, 7th sess.....	630
---	-----

CHARITABLE DONATIONS.

Commissioners to distribute on the frontiers — chap. 6, 1st sess..	12
Three pounds for inhabitants of frontiers — chap. 34, 2d sess.....	138

CHARLOTTE COUNTY.

Assessments for bounty — chap. 29, 2d sess.....	122
Courts in — chap. 12, 1st sess. 23; chap. 12, 2d sess. 100; chap. 26, 4th sess...	343
Estates pledged for public loans — chap. 64, 3d sess.	262
Highways, laying out, etc. — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151; chap. 6, 3d sess. 253; chap. 34, 4th sess.....	352
Levy of troops, persons relieved — chap. 44, 4th sess.....	363
New Hampshire grants controversy — chap. 24, 3d sess.....	169
Night watch established in — chap. 6, 2d sess.....	94
Poor, maintenance of — chap. 68, 3d sess.....	265
Quota under tax levy of 1779 — chap. 47, 3d sess....	227
Washington, name changed to — chap. 17, 7th sess.....	613

See, also, WASHINGTON COUNTY.

CHEESCOCKS.

Wawayanda boundary line — chap. 29, 6th sess.....	547
---	-----

CHURCHES.

Reformed Protestant Dutch, of Tappan — chap. 17, 6th sess.....	532
Reformed Protestant Dutch, of New York city — chap. 9, 7th sess.....	597
Trinity, New York city — chap. 33, 7th sess.....	646
Trustees, for care of property — chap. 18, 7th sess.....	613

CITIES.

Albany, to confirm the charter of — chap. 4, 1st sess. 10; chap. 30, 1st sess....	60
---	----

CLARK, THOMAS.

Relative to lands of, Washington county — chap. 64, 7th sess.....	756
---	-----

CLAUS, DANIEL.

Estates forfeited — chap. 25, 3d sess.....	173
--	-----

CLAVERACK, DISTRICT OF

Hillsdale district elected from — chap. 23, 5th sess.....	438
---	-----

CLINTON, SIR HENRY.

Estates forfeited — chap. 25, 3d sess.....	174
--	-----

CLOTHING.

See MILITARY SUPPLIES.

COCHRAN, JOHN.

May locate lands — chap. 26, 6th sess.....	543
--	-----

COLDEN, DAVID.

Estates forfeited — chap. 25, 3d sess.....	173
--	-----

COLLECTORS.

Number of, increased in certain counties — chap. 45, 3d sess.....	221
---	-----

COLLEGES.

Columbia, formerly Kings — chap. 51, 7th sess 686

COLUMBIA COLLEGE.

Charter amended — chap. 51, 7th sess. 686

COMMERCE.

See TRADE AND COMMERCE.

COMMISSIONERS OF FORFEITURES.

Office created — chap. 25, 3d sess. 173
See, also, FORFEITED ESTATES.

COMMISSIONERS OF HIGHWAYS.

Certain counties, election of — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151
Rensselaerwyck, manor of — chap. 24, 2d sess. 119

COMMISSIONERS OF THE LAND OFFICE.

Board created — chap. 60, 7th sess. 720

COMMISSIONERS OF THE LOAN OFFICE.

Appointment of, providing for — chap. 8, 3d sess. 153
Indemnification and direction of — chap. 33, 5th sess. 461

COMMISSIONER OF PRISONERS.

Office created — chap. 26, 3d sess. 185
Office abolished — chap. 47, 6th sess. 564

COMMISSIONERS OF SEQUESTRATION.

Investigation of — chap. 23, 3d sess. 168
Ulster county, suits against — chap. 31, 5th sess. 460
Vacancies, filling of — chap. 52, 3d sess. 231
See, also, FORFEITED ESTATES.

COMMON PLEAS.

See COURTS.

CONGRESS OF THE UNITED STATES.

Adjust proportions of States — chap. 5, 6th sess. 504
British trade, may restrict — chap. 53, 7th sess. 699
Disabled soldiers, relative to — chap. 30, 2d sess. 124
Levy duty on importations — chap. 31, 4th sess. 347; chap. 27, 6th sess. 544
New Hampshire grants — chap. 24, 3d sess. 169
State courts, may sue in — chap. 22, 2d sess. 117
See, also, UNITED STATES OF AMERICA.

CONSPIRACIES.

Commissioners to detect, powers and duties — chap. 3, 1st sess. 8; chap. 31, 1st sess. 60; chap. 3, 2d sess. 90; chap. 7, 3d sess. 152; chap. 58, 3d sess. 251; chap. 62, 3d sess. 257; chap. 51, 6th sess. 580

CONSTABLES.

Fees, increase of — chap. 19, 2d sess. 112; chap. 16, 3d sess. 162
Rochester and Marble town, election of — chap. 5, 3d sess. 150

CONTINENTAL MONEY.

See PUBLIC LOANS AND PUBLIC MONEYS.

CONTINENTAL TROOPS.

See MILITARY AFFAIRS.

CONVEYANCES.

Lands, relative to — chap. 2, 6th sess. 501

CORNWALL, PRECINCT OF.

Haverstraw boundary line — chap. 30, 5th sess. 459

CORPORATIONS.

Bank of North America — chap. 35, 5th sess. 462
 Chamber of Commerce — chap. 30, 7th sess. 630
 Churches, trustees of — chap. 18, 7th sess. 613
 Columbia college — chap. 51, 7th sess. 686
 Reformed Protestant Dutch Church of Tappan — chap. 17, 6th sess. 532
 Reformed Protestant Dutch Church of New York City — chap. 9, 7th sess. 597
 Trinity church — chap. 33, 7th sess. 646

CORTLANDT, MANOR OF.

Poor tax, arrears of — chap. 15, 6th sess. 527
 Salem, Upper and Lower, erected — chap. 11, 7th sess. 608

CORY'S BROOK.

Annexed to district of Schenectady — chap. 36, 3d sess. 204

COUNCIL OF APPOINTMENT.

Acts of, confirmed, etc. — chap. 18, 3d sess. 162
 Duties of — chap. 12, 1st sess. 23

COUNCIL OF REVISION.

Duties of — chap. 12, 1st sess. 21

COUNCIL OF SAFETY.

Acts of, confirmed — chap. 37, 1st sess. 79

COUNSELLORS AT LAW.

See COURTS.

COUNTERFEITING.

Bills of credit — chap. 25, 2d sess. 120
 French silver coins — chap. 9, 5th sess. 412

COUNTIES.

Apportionment of shoes and stockings — chap. 13, 1st sess. 24
 Charlotte and Tryon, names changed — chap. 17, 7th sess. 613
 Highways in certain — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151; chap. 60,
 3d sess. 253; chap. 34, 4th sess. 352; chap. 52, 7th sess. 690
 New Hampshire grants — chap. 24, 3d sess. 169
 Night watch — chap. 6, 2d sess. 94; chap. 16, 3d sess. 161; chap. 12, 4th sess.
 311; chap. 1, 5th sess. 405
 Sheriffs, mileage fees — chap. 14, 1st sess. 25

COUNTY CLERKS.

County officers to file oaths of office — chap. 7, 1st sess. 13

COUNTY OFFICERS.

To file oaths with clerks — chap. 7, 1st sess. 13

COUNTY TREASURERS.

State tax, to make return of — chap. 11, 5th sess. 419

COURT-HOUSES.

See the various counties.

COURTS.

Accounts, personal actions — chap. 25, 4th sess.	341
Affidavits for use in other States — chap. 26, 7th sess.	626
Attorneys, solicitors and counsellors — chap. 12, 3d sess. 155; chap. 13, 5th sess. 420; chap. 14, 6th sess.	526
Charlotte county — chap. 12, 2d sess. 100; chap. 26, 4th sess.	343
Circuits, concerning — chap. 41, 7th sess.	668
Common pleas in southern district — chap. 6, 7th sess.	596
Conspiracies, powers of magistrates — chap. 51, 6th sess.	580
Dutchess county — chap. 37, 3d sess.	204
Executions against public officers — chap. 41, 6th sess. 559; chap. 48, 7th sess.	683
Fees, justices' courts — chap. 6, 5th sess.	408
Felonies, trial of — chap. 19, 1st sess. 43; chap. 18, 3d sess. 228; chap. 56, 3d sess. 248; chap. 1, 4th sess. 291; chap. 21, 4th sess. 334; chap. 14, 5th sess.	421
Inferior, jurisdiction of — chap. 44, 3d sess. 214; chap. 9, 4th sess. 305; chap. 36, 5th sess. 465; chap. 7, 7th sess. 596; chap. 29, 7th sess.	629
Jurisdiction and terms of various circuits — chap. 12, 1st sess.	22
Military, witnesses — chap. 39, 3d sess.	206
New York city — chap. 15, 7th sess.	611
Supreme, April term, 1783, prolonged — chap. 53, 6th sess.	583
term of — chap. 14, 2d sess. 101; chap. 20, 3d sess. 165; chap. 42, 3d sess. 210; chap. 48, 3d sess. 228; chap. 8, 6th sess.	513
Tryon county — chap. 49, 3d sess.	228
Writs of replevin in tax cases — chap. 47, 4th sess.	369

COURTS MARTIAL.

See MILITARY AFFAIRS.

CRANAGE.

See SHIPPING.

CRIMINAL LAW.

See COURTS; POLICE LAWS.

CRUGER, JOHN HARRIS.

Estates forfeited — chap. 25, 3d sess.	173
---	-----

CUMBERLAND COUNTY.

New Hampshire grants, controversy over — chap. 24, 3d sess.	169
--	-----

CUMMINGS, THOMAS.

Convicted of treason, pardoned — chap. 10, 3d sess.	154
--	-----

CUSTOM DUTIES.

See TRADE AND COMMERCE.

CUYLER, ABRAHAM C.

Estates forfeited — chap. 25, 3d sess.	173
---	-----

D.

DEBTS AND DEBTORS.

Absconding debtors, relief against — chap. 54, 7th sess.	700
Due enemy, relative to — chap. 1, 6th sess.	499
Due State, payment of — chap. 40, 1st sess.	82
Insolvent debtors, relief of — chap. 34, 7th sess.	649
Private, mode of recovery — chap. 50, 4th sess.	374

DE LANCEY, JAMES, OF NEW YORK CITY.

Estates forfeited — chap. 25, 3d sess.	173
Estates pledged for public loan — chap. 64, 3d sess.	262

DELANCY, JAMES, OF WESTCHESTER COUNTY.

Estates forfeited — chap. 25, 3d sess. 173

DELANCEY, OLIVER.

Estates forfeited — chap. 25, 3d sess. 173

Estates pledged for public loan — chap. 64, 3d sess. 262

DELEGATES TO CONGRESS.

Commissions issued to — chap. 12, 1st sess. 23

To limit western boundary of State — chap. 38, 3d sess. 205

To ratify articles of Confederation — chap. 1, 1st sess. 7

See, also, CONGRESS OF THE UNITED STATES.

DESERTERS.

Disqualified from military service — chap. 43, 1st sess. 84

From the enemy, to be enlarged — chap. 58, 3d sess. 251

From troops of the State, apprehension of — chap. 63, 4th sess. 397

DEWISEES.

Relief of — chap. 59, 7th sess. 717

DEVOE, FREDERICK.

Estates granted to Thomas Paine, Westchester county — chap. 64, 7th sess. .. 751

DISTEMPERS.

To prevent — chap. 57, 7th sess. 706

DRAFTS.

See ENROLLMENT AND DRAFTS.

DUBOIS, PETER.

Estates forfeited — chap. 25, 3d sess. 174

DUNMORE, EARL OF.

Estates forfeited — chap. 25, 3d sess. 173

DUTCHESS COUNTY.

Courts, relating to — chap. 37, 3d sess. 204

Highways in — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151; chap. 6, 3d sess. 253; chap. 34, 4th sess. 352; chap. 52, 7th sess.

Forfeited estates immediate sale — chap. 51, 3d sess.

Night watch in — chap. 6, 2d sess.

Poor removed from New York city — chap. 38, 1st sess.

E.

EASTERN, DISTRICT.

Election of senator and other officers — chap. 39, 1st sess. 80

ELECTONS.

Assessors — chap. 8, 1st sess. 15

Commissioners of highways in certain counties — chap. 31, 2d sess. 127

Constables in Rochester and Marble town — chap. 5, 3d sess. 150

General, held on last Tuesday in April — chap. 16, 1st sess. 28

Mohawk, Tryon county, place of — chap. 30, 4th sess. 347

Regulating — chap. 16, 1st sess. 28

Special, in eastern and southern districts — chap. 39, 1st sess. 80

ELECTORS.

Certain persons disqualified — chap. 66, 7th sess. 772

Oath of allegiance — chap. 36, 4th sess. 355

Qualifications of — chap. 16, 1st sess. 28

EMBARGO.

See TRADE AND COMMERCE.

ENABLING ACTS.

Certain persons may cut timber— chap. 21, 6th sess.	536
Cochran, John, lands— chap. 26, 6th sess.	543
Election in eastern and southern districts— chap. 59, 1st sess.	80
Impress of forage, etc.— chap. 11, 3d sess.	155
Recovery of Continental demands— chap. 22, 2d sess.	117

ENROLLMENT AND DRAFT.

Armies of the United States— chap. 70, 3d sess. 275; chap. 14, 4th sess. 315; chap. 18, 4th sess. 325; chap. 22, 5th sess.	432
Continental battalions, to complete— chap. 28, 1st sess. 51; chap. 78, 3d sess.	284
Exemptions from— chap. 15, 1st sess. 26; chap. 26, 2d sess.	120
Frontiers, for protection of— chap. 33, 2d sess. 136; chap. 50, 3d sess. 232; chap. 4, 4th sess. 295; chap. 8, 5th sess. 410; chap. 22, 5th sess. 432; chap. 16, 6th sess.	529
Militia, regulation of— chap. 33, 1st sess. 62; chap. 46, 1st sess. 86; chap. 13, 3d sess. 157; chap. 55, 3d sess. 237; chap. 27, 5th sess.	440
State, defense of— chap. 22, 1st sess. 45; chap. 23, 4th sess. 336; chap. 32, 4th sess. 349; chap. 60, 4th sess.	393

ENTAILS.

Abolished— chap. 2, 6th sess.	501
------------------------------------	-----

ESTATES FORFEITED.

See FORFEITED ESTATES.

EVERITT, RICHARD.

Pardoned for treason— chap. 59, 4th sess.	392
--	-----

EXCISE.

Liquors, etc., duty of— chap. 17, 2d sess. 109; chap. 40, 3d sess. 207; chap. 27, 4th sess. 344; chap. 22, 6th sess.	537
New York city, commissioners of— chap. 37, 7th sess.	660

EXECUTORS.

Relief of— chap. 59, 7th sess.	717
-------------------------------------	-----

EXEMPTIONS.

Affirmations by certain persons— chap. 25, 1st sess.	49
Enrollment and drafts— chap. 15, 1st sess. 26; chap. 28, 1st sess. 54; chap. 33, 1st sess. 62; chap. 26, 2d sess.	120
Night watch, service as— chap. 6, 2d sess.	94
Rochester, town of, certain persons, taxes— chap. 12, 5th sess.	419

EXPORTATION.

Embargo laid, flour, meal and grain— chap. 10, 1st sess. 18; chap. 21, 3d sess. 165; chap. 2, 4th sess. 294; chap. 24, 4th sess. 339; chap. 29, 4th sess. 346; chap. 52, 4th sess.	383
---	-----

F.

FEES.

Justices' courts— chap. 6, 5th sess.	408
Mileage, of sheriffs— chap. 14, 1st sess.	25
Sheriffs and constables, increase of— chap. 19, 2d sess. 112; chap. 17, 3d sess.	162

GOVERNMENT.

Act to further organize — chap. 12, 1st sess.....	21
Temporary, southern part of State — chap. 28, 3d sess. 192; chap. 54, 6th sess. 583; chap. 3, 7th sess.....	589

GOVERNOR.

Commissioner of Indian Affairs — chap. 22, 7th sess.....	623
Election of, how conducted — chap. 16, 1st sess.....	28
Impress, may grant warrants — chap. 67, 3d sess. 264; chap. 6, 4th sess. 298; chap. 42, 4th sess.....	361
Laws, to transmit copies to Congress — chap. 11, 2d sess.....	100
Residence of, and Governor's Island — chap. 12, 7th sess.....	609
White, Henry, residence of, set apart for — chap. 64, 7th sess.....	759

GOSHEN, PRECINCT OF.

Black Meadow creek improved — chap. 39, 7th sess.....	663
---	-----

GRAIN.

Exportation, embargo on — chap. 10, 1st sess. 18; chap. 21, 3d sess. 165; chap. 2, 4th sess. 294; chap. 24, 4th sess. 339; chap. 29, 4th sess. 346; chap. 52, 4th sess.....	383
Frontiers, destruction of — chap. 14, 3d sess.....	160
Liquors distilled from — chap. 18, 2d sess. 112; chap. 52, 4th sess.....	383

GRATUITIES.

Families of Continental troops — chap. 22, 3d sess.....	167
---	-----

GUEST, HENRY.

Certain exclusive rights granted to -- chap. 71, 3d sess.....	277
---	-----

GUN POWDER.

Storing of, regulated — chap. 28, 7th sess.....	627
---	-----

H.

HALF MOON, DISTRICT OF.

Cory's Brook annexed to Schenectady — chap. 36, 3d sess.....	204
Division line, west district of Rensselaerwyck — chap. 50, 3d sess.....	229

HANOVER, PRECINCT OF.

Name changed to Montgomery — chap. 25, 5th sess.....	439
--	-----

HARDENBERGH, JOHN L.

For the relief of — chap. 26, 5th sess.....	440
---	-----

HAVERSTRAW, PRECINCT OF.

Bridge in, and Cornwall boundary — chap. 30, 5th sess..	459
Gaol at, repairing — chap. 47, 7th sess.....	682
Mults, Johannis, lands for schools — chap. 64, 7th sess.....	753

HAWKERS.

Act for restraint of — chap. 39, 4th sess. 358; chap. 18, 6th sess.....	533
---	-----

HEALTH LAWS.

See PUBLIC HEALTH.

HEIRS.

Relief of — chap. 59, 7th sess..	717
--	-----

HEMPSTEAD, TOWN OF.

Divided — chap. 21, 7th sess.	622
---------------------------------------	-----

HERKEMER, JOHN JOOST.

Estates forfeited — chap. 25, 3d sess. 173

HIGHWAYS.

Albany and Tryon counties — chap. 24, 2d sess. 119

Laying out, etc., in certain counties — chap. 31, 2d sess. 127; chap. 6, 3d sess.

151; chap. 60, 3d sess. 253; chap. 34, 4th sess. 352

Regulating the laying out, etc. — chap. 52, 7th sess. 690

HILLSDALE, DISTRICT OF.

Erected from Claverack — chap. 23, 5th sess. 438

HUBBART, JOHN.

Relief of — chap. 62, 7th sess. 730

HUNTINGTON, TOWN OF.

Town meetings in — chap. 8, 7th sess. 597

HURLEY, TOWNSHIP OF.

Woodstock and Shandeken annexed to — chap. 8, 1st sess. 17

I.

IMPORTATIONS.

Duty on — chap. 31, 4th sess. 347. chap. 27, 6th sess. 544; chap. 10, 7th sess.

599; chap. 65, 7th sess. 771

INDIANS.

Commissioner to treat with — chap. 29, 3d sess. 193; chap. 22, 7th sess. 623

Relative to — chap. 48, 6th sess. 565

INGLIS, CHARLES.

Estates forfeited — chap. 25, 3d sess. 173

INGLIS, MARGARET.

Estates forfeited — chap. 25, 3d sess. 173

INNHOLDERS.

Regulating charges of — chap. 34, 1st sess. 71

INNS.

Regulation of — chap. 17, 2d sess. 109; chap. 40, 3d sess. 207; chap. 27, 4th

sess. 344; chap. 22, 6th sess. 537

INSOLVENT DEBTORS.

Relief of — chap. 34, 7th sess. 649

J.

JANSEN, DIRCK.

Relief of, and creditors — chap. 23, 6th sess. 539; chap. 2, 7th sess. 588

JAUNCEY, JAMES.

Estates forfeited — chap. 25, 3d sess. 173

Estates granted to John McKesson — chap. 64, 7th sess.

JESSUP, EBENEZER.

Estates forfeited — chap. 25, 3d sess.

JESSUP, EDWARD.

Estates forfeited — chap. 25, 3d sess. 173

JOHNSON, GUY.

Estates forfeited -- chap. 25, 3d sess. 173

JOHNSON, SIR JOHN.

Estates forfeited -- chap. 25, 3d sess. 173

Estates pledged for public loan -- chap. 64, 3d sess. 262

JONES, THOMAS.

Estates forfeited -- chap. 25, 3d sess. 173

JUSTICES OF THE PEACE.

Deserters, may bail out -- chap. 58, 3d sess. 251

Fees of, on trials -- chap. 6, 5th sess. 408

See, also, COURTS.

K.

KANE, JOHN.

Estates forfeited -- chap. 25, 3d sess. 173

Estates granted to John Morin Scott -- chap. 64, 7th sess. 758

KEMPE, JOHN TABOR.

Estates forfeited -- chap. 25, 3d sess. 173

KINGS COLLEGE.

Name changed to Columbia -- chap. 51, 7th sess. 686

KINGS COUNTY.

Common pleas, relative to -- chap. 5, 7th sess. 596

Court house and gaol, tax levy -- chap. 23, 7th sess. 623

Gaol in, relative to -- chap. 5, 7th sess. 594

Tax of £100,000 in southern district -- chap. 58, 7th sess. 707

Temporary government in -- chap. 28, 3d sess. 192; chap. 54, 6th sess. 583; chap. 3, 7th sess. 589

KISSAM, DAVID, THE ELDER.

Estates forfeited -- chap. 25, 3d sess. 173

L.

LANDS.

Bounty, grant of -- chap. 63, 7th sess. 731

Cochran, John, may locate -- chap. 26, 6th sess. 543

Forfeiture of estates -- chap. 25, 3d sess. 173

New Hampshire grants -- chap. 24, 3d sess. 169

Unappropriated and waste, bounty of -- chap. 32, 4th sess. 349

location and sale of -- chap. 60, 7th sess. 720

See, also, FORFEITED ESTATES.

LAWS.

Copies of, to be sent to Congress -- chap. 11, 2d sess. 100

LEAKE, ROBERT.

Estates forfeited -- chap. 25, 3d sess. 173

LEATHER.

Sole, inspection of -- chap. 46, 7th sess. 680

LEGATEES.

Relief of -- chap. 59, 7th sess. 717

LEGHAWEGH.

Annexed to township of Rochester — chap. 8, 1st sess. 17

LEGISLATURE.

Commissioners of Sequestration, investigated — chap. 23, 3d sess. 168
 Election of members, how conducted — chap. 16, 1st sess. 28
 Governor to appoint place of meeting — chap. 24, 1st sess. 48
 Members from eastern and southern districts in 1778 — chap. 39, 1st sess. 80

LIMITATIONS.

Statute of, relief against — chap. 39, 6th sess. 558

LIQUORS.

Distillation of, from grain -- chap. 18, 2d sess. 112
 See, also, EXCISE.

LLOYD, HENRY, THE ELDER.

Estates forfeited -- chap. 25, 3d sess. 174

LOANS.

See PUBLIC LOANS AND PUBLIC MONEYS.

LOTT, ABRAHAM.

Late State Treasurer, relative to — chap. 65, 7th sess. 765

LOTTERIES.

Private, to prevent — chap. 12, 6th sess. 523
 Ulster county, for court house and goal — chap. 32, 1st sess. 61

LOW, ISAAC.

Estates forfeited — chap. 25, 3d sess. 173

LOWER SALEM.

Erected from Cortlandt -- chap. 11, 7th sess. 608

LUDLOW, GABRIEL.

Estates forfeited — chap. 25, 3d sess. 173

LUDLOW, GEORGE DUNCAN.

Estate forfeited — chap. 25, 3d sess. 173

M.

MATTHEWS, DAVID.

Estates forfeited — chap. 25, 3d sess. 173

MAYORS' COURTS.

See COURTS.

MARBLE TOWN.

Constables, election of — chap. 5, 3d sess. 150

McADAM, WILLIAM.

Estates forfeited — chap. 25, 3d sess. 173

McCRACKEN, JOSEPH.

Relief of — chap. 20, 5th sess.

McKESSON, JOHN.

Lands in New York City granted to — chap. 64, 7th sess.

MEASURES.

See WEIGHTS AND MEASURES.

MILEAGE FEES.

Places from which sheriffs allowed — chap. 14, 1st sess. 25

MILITARY AFFAIRS.

Accounts of troops, settlement of — chap. 7, 4th sess. 298; chap. 22, 4th sess. 335; chap. 41, 4th sess. 361; chap. 55, 4th sess. 385; chap. 19, 5th sess. 430; chap. 28, 5th sess. 456; chap. 24, 6th sess. 541; chap. 19, 7th sess.	619
Billeting of troops, regulating — chap. 29, 1st sess. 55; chap. 32, 2d sess. 134; chap. 4, 3d sess. 148; chap. 11, 3d sess. 155; chap. 41, 3d sess. 208; chap. 8, 4th sess.	304
Certain classes furnishing troops, relief of — chap. 30, 6th sess.	551
Continental battalions, completion of — chap. 28, 1st sess. 51; chap. 78, 3d sess.	284
gratuities to families — chap. 22, 3d sess.	167
Officers of — chap. 8, 2d sess.	98
Courts martial — chap. 39, 3d sess. 206; chap. 75, 3d sess.	282
Defense of State, levies for — chap. 22, 1st sess. 45; chap. 23, 4th sess. 336; chap. 32, 4th sess. 349; chap. 60, 4th sess.	393
Deranged officers, relief of — chap. 33, 6th sess.	553
Deserters, apprehension of — chap. 63, 4th sess.	397
disqualified for military service — chap. 43, 1st sess.	84
Disabled soldiers, provision for — chap. 30, 2d sess. 124; chap. 36, 6th sess.	556
Exemption from drafts — chap. 15, 1st sess. 26; chap. 26, 2d sess.	120
Families of soldiers, provision for — chap. 45, 1st sess.	85
Frontiers, levies for — chap. 33, 2d sess. 136; chap. 53, 3d sess. 232; chap. 4, 4th sess. 295; chap. 8, 5th sess. 410; chap. 22, 5th sess. 432; chap. 42, 5th sess. 485; chap. 16, 6th sess.	529
Militia, appropriations for — chap. 5, 1st sess. 11; chap. 20, 1st sess. 44; chap. 7, 2d sess. 96; chap. 34, 2d sess.	138
Militia, regulating — chap. 33, 1st sess. 62; chap. 46, 1st sess. 86; chap. 13, 3d sess. 157; chap. 55, 3d sess. 237; chap. 27, 5th sess.	440
settlement of pay of — chap. 45, 7th sess.	678
Prisoners, commissary of — chap. 26, 3d sess. 185; chap. 47, 6th sess.	564
Prisoners of war, exchange of — chap. 33, 4th sess.	352
Public property, sales by soldiers — chap. 43, 6th sess.	562
Schenectady, fortress at — chap. 65, 3d sess.	263
United States Army, levies for — chap. 70, 3d sess. 275; chap. 14, 4th sess. 315; chap. 18, 4th sess. 325; chap. 22, 5th sess.	432
Widows and orphans of troops, relief of — chap. 36, 7th sess.	659

See, also, MILITARY SUPPLIES.

MILITARY SUPPLIES.

Accountments for Continental Battalions — chap. 41, 1st sess.	82
Army of the United States — chap. 35, 3d sess.	202
Cattle, to prevent monopoly — chap. 69, 3d sess.	266
Clothing for the troops — chap. 4, 2d sess. 91; chap. 2, 3d sess. 147; chap. 54, 3d sess. 235; chap. 66, 3d sess. 264; chap. 20, 4th sess.	328
Contracts for, certain persons to make — chap. 15, 4th sess.	318
Families of soldiers, supplies for — chap. 45, 1st sess.	85
Flour and other necessaries — chap. 5, 2d sess. 92; chap. 21, 2d sess. 114; chap. 1, 3d sess. 145; chap. 15, 3d sess. 160; chap. 34, 3d sess. 200; chap. 54, 4th sess.	384
Forage, impress of etc — chap. 29, 1st sess. 55; chap. 32, 2d sess. 134; chap. 4, 3d sess. 148; chap. 11, 3d sess. 155; chap. 41, 3d sess. 208; chap. 67, 3d sess. 264; chap. 6, 4th sess. 298; chap. 8, 4th sess. 304; chap. 42, 4th sess. 361; chap. 10, 6th sess.	520
Military supplies, issuance of — chap. 2, 1st sess. 8; chap. 13, 2d sess.	101
More effectually to procure — chap. 2, 4th sess.	292
Pasturage for use of army — chap. 74, 3d sess.	281

Purchasing agent, direction of — chap. 40, 4th sess	359
Shoes and stockings — chap. 13, 1st sess. 24; chap. 27, 2d sess.....	121
State agent, relative to — chap. 69, 3d sess. 270; chap. 61 4th sess. 394; chap. 161, 5th sess. 422; chap. 40, 5th sess. 482; chap. 47, 6th sess ..	564
Wheat, deficiency in tax of — chap. 24, 4th sess.	339
Wheat, raised by tax or equal in kind — chap. 45, 4th sess.....	394

MINES.

Morris, Richard, exempted from State tax — chap. 44, 7th sess.....	684
Oothoudt, Henry, exempted from State tax — chap. 50, 7th sess ..	685

MINISTRY.

Settling of, Colonial laws repealed — chap. 38, 7th sess.....	661
---	-----

MOHAWK, DISTRICT OF.

Caughnawaga, erected from — chap. 50, 3d sess.	229
Elections, place of — chap. 30, 4th sess.	347

MONOPOLIES.

Cattle, to prevent — chap. 69, 3d sess.....	266
Guest, Henry, certain exclusive rights — chap. 71, 2d sess.....	277
See, also, TRADE AND COMMERCE.	

MONTGOMERY COUNTY.

Highways in — chap. 52, 7th sess.	690
Name changed from Tryon — chap. 17, 7th sess.	613
See, also, TRYON COUNTY.	

MONTGOMERY, PRECINCT OF.

Hanover precinct, name changed to — chap. 25, 5th sess....	439
--	-----

MORRIS, MARY.

Estates forfeited — chap. 25, 3d sess.....	174
--	-----

MORRIS, RICHARD.

Mine discovered by — chap. 49, 7th sess	684
---	-----

MORRIS, ROGER.

Estates forfeited — chap. 25, 3d sess.....	173
--	-----

MORRISON, MALCOM.

Estates forfeited — chap. 25, 3d sess.....	173
--	-----

MUIRSON, GEORGE.

Estates forfeited — chap. 25, 3d sess.....	174
--	-----

MURRAY, JOHN.

Estates forfeited -- chap. 25, 3d sess.....	173
---	-----

MUTTS, JOHANNIS.

Lands of, at Haverstraw — chap. 64, 7th sess.....	753
---	-----

N.

NAME CHANGED.

Charlotte county to Washington — chap. 17, 7th sess.....	613
Hanover precinct to Montgomery — chap. 25, 5th sess.....	439
Kings college to Columbia college — chap. 51, 7th sess.....	686
Tryon county to Montgomery — chap. 17, 7th sess	613

NATURALIZATION.

Certain persons therein named -- chap. 37, 6th sess. 556; chap. 55, 7th sess... ..	703
Frederick, Johan Christian, and George Klinck -- chap. 32, 5th sess.....	460

NEW HAMPSHIRE GRANTS.

Congress to settle controversy — chap. 24, 3d sess	169
Offences pardoned — chap. 43, 5th sess	485
Relating to — chap. 44, 5th sess	486

NEW PERTH.

Courts to be held at — chap. 12, 1st sess	23
---	----

NEW YORK CITY.

Alteration of streets in — chap. 56, 7th sess	704
Chamber of Commerce — chap. 30, 7th sess	630
Collector of port of — chap. 10, 7th sess	599
Columbia college, formerly Kings — chap. 51, 7th sess	686
Commissioner of excise in — chap. 37, 7th sess	660
Common pleas, relative to — chap. 6, 7th sess	596
Courts in, relative to — chap. 15, 7th sess	611
Estates pledged for public loan — chap. 64, 3d sess	262
Gun powder, storing of — chap. 28, 7th sess	627
Leather, sole, inspection of — chap. 46, 7th sess	680
Pilots and pilotage — chap. 31, 7th sess	638
Poor, removed to other counties — chap. 38, 1st sess	79
Port of entry — chap. 10, 7th sess	599
Port wardens, appointment of — chap. 31, 7th sess	638
Reformed Protestant Dutch church — chap. 9, 7th sess	597
Tax, special, for certain purposes — chap. 43, 7th sess	669
Tax of £100,000 in southern district — chap. 58, 7th sess	707
Temporary government of — chap. 28, 3d sess. 192; chap. 54, 6th sess. 583; chap. 3, 7th sess	589
Trinity church — chap. 53, 7th sess	646
Wharfage and cranage, rate of — chap. 32, 7th sess	643

NEW YORK STATE.

Account of United States in — chap. 44, 7th sess	670
Articles of Confederation acceded to — chap. 1, 1st sess	1
Freedom and independence of — chap. 36, 4th sess. 355; chap. 66, 7th sess	772
Government, further organization — chap. 12, 1st sess	21
Loan of \$200,000 to United States — chap. 23, 1st sess	47
Massachusetts boundary — chap. 28, 6th sess	545
New Hampshire grants — chap. 24, 3d sess	169
Sovereignty of people declared — chap. 25, 3d sess	173
Temporary government of southern district — chap. 28, 3d sess, 192; chap. 54, 6th sess. 583; chap. 3, 7th sess	589
Western boundary — chap. 38, 3d sess	205

NIGHT WATCH.

Albany city — chap. 1, 2d sess	89
Certain counties — chap. 6, 2d sess. 94; chap. 16, 3d sess. 161; chap. 12, 4th sess. 311; chap. 1, 5th sess	405

NORTH HEMPSTEAD.

Town of, erected — chap. 21, 7th sess	622
---------------------------------------	-----

O.

OATH OF ALLEGIANCE.

Attorneys, etc. — chap. 12, 3d sess. 155; chap. 13, 5th sess. 420; chap. 14, 6th sess	526
Officeholders to take — chap. 7, 1st sess	13
Persons of equivocal character — chap. 47, 1st sess	87
Required of officers and electors — chap. 36, 4th sess	355
Westchester county, certain persons — chap. 59, 3d sess	252

OATHS.

Persons holding office must take — chap. 7th, 1st sess.....	13
Certain persons may affirm — chap. 25, 1st sess.....	26
Oath on reshipment of dutiable goods, amended — chap. 65, 7th sess.....	771

OFFENSES.

Against act to prevent tumults, etc., pardoned — chap. 11, 1st sess.....	20
New Hampshire grants — chap. 43, 5th sess.....	485
Treason and felony — chap. 19, 1st sess.....	43

ORANGE COUNTY.

Collectors, number of — chap. 45, 3d sess.....	221
Estates forfeited, immediate sale of — chap. 51, 3d sess.....	230
pledged for public loan — chap. 64, 3d sess.....	262
Goshen, drainage of Black Meadow swamp — chap. 39, 7th sess.....	663
Grain on deserted farms — chap. 14, 3d sess.....	160
Haverstraw and Cornwall boundary — chap. 30, 5th sess.....	459
Haverstraw, gaol in — chap. 47, 7th sess.....	682
Mutts lands for schools — chap. 64, 7th sess.....	753
Highways in — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151; chap. 60, 3d sess. 253; chap. 34, 4th sess. 352; chap. 52, 7th sess.....	690
Night watch established — chap. 16, 3d sess.....	161
Poor, maintenance of — chap. 68, 3d sess.....	265
Reformed Protestant Dutch Church of Tappan — chap. 17, 6th sess.....	532
Wawayanda and Cheescocks, boundary — chap. 29, 6th sess.....	547

ORANGETOWN.

Reformed Protestant Dutch Church of Tappan — chap. 17, 6th sess.....	532
--	-----

OOTHOUTD, HENRY.

Mine, discovered by — chap. 50, 7th sess.....	685
---	-----

OYER AND TERMINER.

See SUPREME COURT.

P.

PAINE, THOMAS.

Grant of lands in Westchester county — chap. 64, 7th sess.....	751
--	-----

PANTHERS.

Destruction of — chap. 19, 6th sess.....	534
--	-----

PARDON AND RESTORATION.

Auger, Amy, of a felony — chap. 9, 2d sess.....	98
Certain offenses in south-east part of State — chap. 43, 5th sess.....	485
Certain persons granted immunities — chap. 66, 7th sess.....	772
Cummings, Thomas, of treason — chap. 10, 3d sess.....	154
Everitt, Richard, of treason — chap. 59, 4th sess.....	392
Offenders against act preventing riotous assemblies — chap. 11, 1st sess.....	20
Wood, Jonah, of a murder — chap. 3, 4th sess.....	295

PEARL ASHES.

See ASHES.

PEDLARS.

See HAWKERS.

PENALTIES AND FORFEITURES.

Brown, Jonathan, relieved — chap. 53, 4th sess.....	384
Discharged and remitted under act to prevent tumultuous assemblies — chap. 11, 1st sess.....	20

Exporting flour, meal or grain — chap. 10, 1st sess.	19
Westchester county, oath of allegiance — chap. 59, 3d sess.	252
See, also, FINES, POLICE-LAWS.	

PERSONS.

Conspiracies, detection of — chap. 3, 1st sess. 8; chap. 31, 1st sess. 60; chap. 3, 2d sess. 90; chap. 7, 3d sess. 152; chap. 58, 3d sess. 251; chap. 62, 3d sess. 257; chap. 51, 6th sess.	580
Disaffected and dangerous — chap. 27, 1st sess.	50
Enemy, families of those joining — chap. 76, 3d sess.	282
Equivocal and suspected — chap. 47, 1st sess. 87; chap. 10, 2d sess.	99
Relief of, sons joining enemy — chap. 28, 4th sess.	345
Riotous and tumultuous — chap. 11, 1st sess.	20
Secretly lurking, deemed spies — chap. 75, 3d sess.	282
Westchester and Ulster, persons committed — chap. 21, 1st sess.	44

PHILIPSE, FREDERICK, THE ELDER.

Estates forfeited — chap. 25, 3d sess.	173
Estates pledged for public loan — chap. 64, 3d sess.	262

PHILIPSE, FREDERICK, THE YOUNGER.

Estates forfeited — chap. 25, 3d sess.	173
Estates pledged for public loan — chap. 64, 3d sess.	262

PIERSON, JOSEPH.

Relief of — chap. 45, 6th sess.	562
---	-----

PILOTS AND PILOTAGE.

Regulation of — chap. 31, 7th sess.	638
---	-----

PLATT, JOHN.

Relief of — chap. 15, 5th sess.	421
---	-----

POLICE LAWS.

Adherence to king of Great Britain — chap. 48, 4th sess.	370
Ashes, pot and pearl, inspection of — chap. 40, 7th sess.	665
Auction, regulating sales at — chap. 4, 7th sess.	590
Conspiracies, detection of — chap. 3, 1st sess. 8, chap. 31, 1st sess. 60; chap. 3, 2d sess. 90; chap. 7, 3d sess. 152; chap. 58, 3d sess. 251; chap. 62, 3d sess. 257; chap. 51, 6th sess.	580
Counterfeiting, bills of credit — chap. 25, 2d sess.	120
Counterfeiting, French silver coins — chap. 9, 5th sess.	412
Families of persons joining enemy — chap. 76, 3d sess.	282
Flags of truce, abuses under — chap. 28, 2d sess.	122
Gunpowder, storing, in New York city — chap. 28, 7th sess.	627
Hawkers and pedlars, restraint of — chap. 39, 4th sess. 358; chap. 18, 6th sess.	533
Illicit trade with enemy — chap. 39, 5th sess. 379; chap. 7, 6th sess. 509; chap. 44, 6th sess.	562
Lotteries, private, forbidden — chap. 12, 6th sess.	523
Night watch in certain counties — chap. 6, 2d sess. 94; chap. 16, 3d sess. 161; chap. 1, 5th sess.	405
Persons, equivocal and suspected — chap. 47, 1st sess. 87; chap. 10, 2d sess.	99
Persons, secretly lurking, deemed spies — chap. 75, 3d sess.	282
Prosecutions, suspending certain — chap. 40, 6th sess.	558
Regulation of inns and taverns, etc. — chap. 17, 2d sess. 109; chap. 40, 3d sess. 207; chap. 27, 4th sess.	344
Removal of disaffected persons — chap. 27, 1st sess.	50
Riotous and tumultuous assemblies — chap. 11, 1st sess.	20
Robberies, to prevent — chap. 19, 3d sess. 162; chap. 77, 3d sess. 283; chap. 27, 7th sess.	627
Trespasses on certain lands — chap. 42, 7th sess.	668
Westchester county, persons and property — chap. 38, 6th sess.	557

POOR LAWS.

Colonial act repealed — chap. 38, 7th sess.	661
Cortlandt, arrears of taxes — chap. 15, 6th sess.	527
Maintenance in certain counties — chap. 68, 3d sess.	265
Persons removed from New York city — chap. 38, 1st sess.	79
Settlement and relief of the poor — chap. 35, 7th sess.	651

PORT OF NEW YORK.

See NEW YORK CITY.

PORT WARDENS.

Appointment of — chap. 31, 7th sess.	638
---	-----

POT ASHES.

See ASHES.

PRESTON, JONATHAN.

Annual pension granted to — chap. 65, 7th sess.	769
--	-----

PRICES.

See TRADE AND COMMERCE.

PRISONERS.

Commissary of — chap. 26, 3d sess. 185; chap. 47, 5th sess.	564
Exchange of — chap. 33, 4th sess.	352
Governor to assist Continental Commissary — chap. 9, 1st sess.	17
Persons committed in Westchester and Ulster — chap. 21, 1st sess.	44
Release of certain — chap. 58, 3d sess.	251

PRIVATE ACTS.

Augur, Amy, pardoned — chap. 9, 2d sess.	98
Barnes, Stephen, relief of — chap. 24, 7th sess.	624
Bend, Elizabeth and Grove, relief of — chap. 61, 7th sess.	726
Brown, Jonathan, relief of — chap. 53, 4th sess.	384
Cantine, John and others, relief of — chap. 52, 6th sess.	581
Cochran, John, may locate lands — chap. 26, 6th sess.	543
Cummings, Thomas, pardoned — chap. 10, 3d sess.	154
Everitt, Richard, pardoned — chap. 59, 4th sess.	395
Hardenbergh, John L., relief of — chap. 26, 5th sess.	440
Hubbart, John, relief of — chap. 62, 7th sess.	730
Jansen, Dirck, and creditors — chap. 23, 6th sess. 539; chap. 2, 7th sess.	588
McCracken, Joseph, relief of — chap. 20, 5th sess.	430
Morris, Richard, mine discovered by — chap. 49, 7th sess.	684
Naturalization, various persons — chap. 32, 5th sess. 460; chap. 37, 6th sess.	556
Othoutdt, Henry, mine discovered — chap. 50, 7th sess.	685
Pierson, Joseph, relief of — chap. 45, 6th sess.	562
Platt, John, and others, relief of — chap. 15, 5th sess.	421
Swart, Abraham, relief of — chap. 25, 6th sess.	542
Varick, Richard, relief of — chap. 62, 7th sess.	730
Wood, Jonah, reprieves and pardon — chap. 3, 3d sess. 148; chap. 33, 3d sess.	295
154: chap. 63, 3d sess. 257; chap. 3, 4th sess.	295
Wynkoop, Jacobus, relief of — chap. 13, 6th sess.	526

PRIVATE ROADS.

See HIGHWAYS.

PROBATES, COURT OF.

Papers belonging to — chap. 24, 5th sess.	439
--	-----

PROMISSORY NOTES.

Statute of Limitations, relief against — chap. 39, 6th sess.	558
---	-----

PUBLIC HEALTH.

To prevent spreading of small pox — chap. 36, 1st sess. 78
 infectious distempers — chap. 57, 7th sess. 706

PUBLIC LOANS AND PUBLIC MONIES.

Congress may adjust proportions of States — chap. 5, 6th sess. 504
 Commissioner of Accounts, relative to — chap. 4, 6th sess. 503
 continental loans — chap. 7, 3d sess. 153
 Commissions to procure monies — chap. 20, 4th sess. 328
 to take subscriptions — chap. 18, 1st sess. 42
 Continental money, exchange of — chap. 3, 5th sess. 406
 Estates forfeited, mortgaged for loan — chap. 64, 4th sess. 262
 Loan officers indemnified — chap. 33, 5th sess. 461
 Payment of debts, due the State — chap. 40, 1st sess. 82
 of public loan — chap. 73, 3d sess. 280
 United States, loan of \$200,000 to — chap. 23, 1st sess. 47
 See, also, APPROPRIATIONS; ASSESSMENT AND TAXATION; BILLS OF CREDIT;
 CERTIFICATES; MILITARY AFFAIRS; MILITARY SUPPLIES.

PUBLIC OFFICERS.

Advances to certain — chap. 44, 1st sess. 84
 Auditor of State — chap. 21, 5th sess. 430
 Commissary of prisoners — chap. 26, 3d sess. 185; chap. 47, 6th sess. 564
 Commissioner of Continental loan office — chap. 8, 3d sess. 153
 Commissioners of Forfeitures — chap. 25, 3d sess. 173
 Executions against — chap. 41, 6th sess. 559; chap. 48, 7th sess. 683
 Oaths to be taken — chap. 7, 1st sess. 13; chap. 36, 4th sess. 355
 Regents of the University — chap. 51, 7th sess. 686
 State agent — chap. 69, 3d sess. 270; chap. 61, 4th sess. 394; chap. 16, 5th
 sess. 422; chap. 47, 6th sess. 564
 State clothier — chap. 2, 3d sess. 147
 State Treasurer — chap. 26, 1st sess. 49; chap. 9, 3d sess. 154; chap. 2, 5th sess.
 406; chap. 3, 6th sess. 503

PUBLIC ROADS.

See HIGHWAYS.

Q.

QUAKERS.

Affirmation by — chap. 25, 1st sess. 49
 Exempted from draft — chap. 28, 1st sess. 54; chap. 33, 1st sess. 62

QUARANTINE.

To prevent distempers — chap. 57, 7th sess. 706

QUEENS COUNTY.

Court of common pleas — chap. 6, 7th sess. 596; chap. 29, 7th sess. 629
 Gaol in, relative to — chap. 5, 7th sess. 594
 Hempstead, town of, divided — chap. 21, 7th sess. 622
 Tax of £100,000 in southern district — chap. 58, 7th sess. 707
 Temporary government of — chap. 28, 3d sess. 192; chap. 54, 6th sess. 583;
 chap. 3, 7th sess. 589

R.

RANGERS.

Rensselaerwyck, east district of, tax levy to pay — chap. 57, 3d sess. 250

RAPALJE, JOHN.

Estates forfeited — chap. 25, 3d sess. 174

REAL ESTATE.

Relative to title and conveyances — chap. 2, 1st sess. 501

RECORDER.

See COURTS.

REGULATION OF PRICES.

See TRADE AND COMMERCE.

REFORMED PROTESTANT DUTCH CHURCH.

New York city, charter of — chap. 9, 7th sess. 597
Tappan, charter of — chap. 17, 6th sess. 532

RELIEF ACTS.

Absconding debtors, against — chap. 54, 7th sess. 700
Barnes, Stephen — chap. 24, 7th sess. 624
Bend, Elizabeth and Grove — chap. 61, 7th sess. 726
Brown, Jonathan, of certain penalties — chap. 53, 4th sess. 384
Cantine, John, and others — chap. 52, 6th sess. 581
Certain classes furnishing troops — chap. 30, 6th sess. 551
Certain persons joining enemy — chap. 28, 4th sess. 345
Charlotte county, levy of troops — chap. 44, 4th sess. 363
Deranged officers, etc. — chap. 33, 6th sess. 553
Hardenbergh, John L. — chap. 26, 5th sess. 440
Heirs, executors, devisees and legatees — chap. 59, 7th sess. 717
Hubbart, John — chap. 62, 7th sess. 730
Insolvent debtors — chap. 34, 7th sess. 649
Jansen, Dirck, and creditors — chap. 23, 6th sess. 539; chap. 2, 7th sess. 588
McCracken, Joseph — chap. 20, 5th sess. 430
Pierson, Joseph — chap. 45, 6th sess. 562
Platt, John, and others — chap. 15, 5th sess. 421
Statute of Limitations — chap. 39, 6th sess. 558
Swart, Abraham — chap. 25, 6th sess. 542
Tenants of forfeited estates — chap. 15, 5th sess. 421; chap. 45, 5th sess. 489
Trespasses, in case of — chap. 31, 6th sess. 552
Tumultuous assemblies — chap. 11, 1st sess. 20
Varick, Richard — chap. 62, 7th sess. 730
Westchester county, oath of allegiance — chap. 59, 3d sess. 252
Widows and orphans of troops — chap. 36, 7th sess. 659
Wynkoop, Jacobus — chap. 13, 6th sess. 526

RENSELAERWYCK, MANOR OF.

Divided into two districts — chap. 23, 2d sess. 118
East district, divided — chap. 13, 7th sess. 610
tax levy for rangers, chap. 57, 3d sess. 250
Halfmoon, district of, division line — chap. 50, 3d sess. 229

REPEALING ACTS.

See ACTS REPEALED.

REPRIEVES.

Wood, Josiah, execution suspended — chap. 3, 3d sess. 148; chap. 33, 3d sess. 200; chap. 63, 3d sess. 257

RICHMOND COUNTY.

Common pleas, terms of — chap. 6, 7th sess. 596; chap. 29, 7th sess. 629
Gaul in, relative to — chap. 5, 7th sess. 594
Tax of £100,000 in southern district — chap. 58, 7th sess. 707
Temporary government of — chap. 28, 3d sess. 192; chap. 54, 6th sess. 583; chap. 3, 7th sess. 589

ROADS.

See HIGHWAYS.

ROBINSON, BEVERLY.

Estates forfeited — chap. 25, 3d sess. 173

ROBINSON, BEVERLY, THE YOUNGER.

Estates forfeited — chap. 25, 3d sess. 173

ROBINSON, SUSANNAH.

Estates forfeited — chap. 25, 3d sess. 174

ROBBERIES.

More effectually to prevent — chap. 19, 3 sess. 162; chap. 77, 3d sess. 283;
chap. 27, 7th sess. 627

ROCHESTER, TOWNSHIP OF.

Certain persons exempted from tax — chap. 12, 5th sess. 419

Constables, election of — chap. 5, 3d sess. 150

Leghawegh, annexed to — chap. 8, 1st sess. 17

S.

SAG HARBOR.

Port of entry — chap. 10, 7th sess. 599

SANDY HOOK.

Lighthouse at, expenses of — chap. 1, 7th sess. 585

SCHENECTADY.

Cory's Brook and certain lands, annexed — chap. 36, 3d sess. 204

Fortress, to be erected at — chap. 65, 3d sess. 263

SCHOHARY AND DUANESBURGH, UNITED DISTRICTS.

Certain lands annexed to Schenectady — chap. 3, 3d sess. 204

SCOTT, JOHN MORIN.

Lands in Dutchess county, granted to — chap. 64, 7th sess. 758

SEALS.

Great and privy, of the State — chap. 12, 1st sess. 21

Courts of the State — chap. 12, 1st sess. 22

SEAMAN, BENJAMIN.

Estates forfeited — chap. 25, 3d sess. 173

SECRETARY OF STATE.

Certain oaths of office to be filed — chap. 7, 1st sess. 15

Clerk of the council of appointment — chap. 12, 1st sess. 23

Commissioners to delegates to congress — chap. 12, 1st sess. 23

Description of seals and arms to be filed — chap. 12, 1st sess. 22

Original papers used on hearing respecting boundaries — chap. 32, 3d sess. 199

Probates, records of — chap. 24, 5th sess. 439

Residence set apart — chap. 12, 7th sess. 609; chap. 64, 7th sess. 759

SHANDAKEN.

Great and Little, annexed to township of Hurly — chap. 9, 1st sess. 17

SHERBROOKE, MILES.

Estates forfeited — chap. 25, 3d sess. 173

SHERIFFS.

Census, to take — chap. 18, 5th sess. 428

Fees, increase of — chap. 19, 2d sess. 112; chap. 17, 3d sess. 162

Place, from which mileage allowed — chap. 14, 1st sess. 25

SHIPPING.

Pilots and pilotage—chap. 31, 7th sess.	638
Tonnage, duty of, for Sandy Hook light—chap. 1, 7th sess.	585
Wharfage and crannage, rate of—chap. 32, 7th sess.	643
See, also, TRADE AND COMMERCE.	

SKEENE, ANDREW P.

Estates forfeited—chap. 25, 3d sess.	173
pledged for public loan—chap. 64, 3d sess.	262

SKEENE, PHILIP.

Estates forfeited—chap. 25, 3d sess.	173
pledged for public loan—chap. 64, 3d sess.	262

SMALL POX.

To prevent spreading of—chap. 36, 1st sess.	78
--	----

SOLDIERS.

See MILITARY AFFAIRS.

SOLICITORS.

See COURTS.

SOUTH HEMPSTEAD.

Town of, erected—chap. 21, 7th sess.	622
---	-----

SOUTHERN DISTRICT.

Court of common pleas in—chap. 6, 7th sess.	596
Gaols in—chap. 5, 7th sess.	594
Tax of £100,000 for use of the State—chap. 58, 7th sess.	707
Temporary government of—chap. 28, 3d sess. 192; chap. 54, 6th sess. 583; chap. 3, 7th sess.	589
Temporary representation provided—chap. 39, 1st sess.	80

STATE AGENT.

Appointment of—chap. 69, 3d sess.	270
Direction of—chap. 61, 4th sess. 394; chap. 16, 5th sess. 422; chap. 40, 5th sess.	482
Office abolished—chap. 47, 6th sess.	564

STATE OFFICERS.

To file oaths with Secretary—chap. 7, 1st sess.	13
--	----

STATE TREASURER.

Banker, Gerard, appointed—chap. 26, 1st sess. 49; chap. 9, 3d sess. 154; chap. 2, 5th sess. 406; chap. 3, 6th sess.	503
Continental money, exchange of—chap. 3, 5th sess.	406
Pay \$200,000 to United States—chap. 23, 1st sess.	47

STEPHENTOWN.

Erected from Rensselaerwyck—chap. 13, 7th sess.	610
--	-----

SUFFOLK COUNTY.

Common pleas, relative to—chap. 6, 7th sess.	596
Gaol in, relative to—chap. 5, 7th sess.	594
Huntington, town meetings—chap. 8, 7th sess.	597
Sag Harbor, port of entry—chap. 10, 7th sess.	599
Supervisors, special meetings of—chap. 5, 7th sess. 594; chap. 2, 1st sess.	630
Tax of £100,000 in further district—chap. 58, 7th sess.	707
Temporary government of—chap. 28, 3d sess. 192; chap. 54, 6th sess.	589
ch. 3, 7th sess.	668
Trespasses on certain beaches and islands—chap. 42, 7th sess.	668

SUPREME COURT.

See COURTS.

SURVEYOR GENERAL.

To collect colonial maps — chap. 16, 7th sess. 612

SWART, ABRAHAM.

Relief of — chap. 25, 6th sess. 542

T.

TAPPAN.

Reformed Protestant Dutch Church — chap. 17, 6th sess. 532

TARIFF.

See TRADES AND COMMERCE.

TAX.

See ASSESSMENT AND TAXATION.

TESTIMONY.

Other States, for use in — chap. 26, 7th sess. 626

TONNAGE.

See SHIPPING.

TRADE AND COMMERCE.

Auction, regulating sales at — chap. 4, 7th sess. 590

British trade, Congress may restrict — chap. 53, 7th sess. 699

Chamber of Commerce — chap. 30, 7th sess. 630

Exchange, rate of, on bills of credit — chap. 19, 4th sess. 326

Flags of truce, under — chap. 28, 2d sess. 122

Flour, etc., exportation of — chap. 10, 1st sess. 18; chap. 21, 3d sess. 165;
chap. 2, 4th sess. 294; chap. 24, 4th sess. 339; chap. 29, 4th sess. 346; chap.
52, 4th sess. 383

Goods, wares and merchandise, duty on importations — chap. 10, 7th sess. 599

Guest, Henry, exclusive rights — chap. 71, 3d sess. 277

Hawkers and pedlars, restraint of — chap. 18, 6th sess. 533

Illicit trade with enemy — chap. 39, 5th sess. 479; chap. 7, 6th sess. 509; chap.
44, 6th sess. 562Importations, duty on — chap. 31, 4th sess. 347; chap. 27, 6th sess. 544; chap.
10, 7th sess. 599

Monopoly of cattle, to prevent — chap. 69, 3d sess. 266

Pilots and pilotage — chap. 31, 7th sess. 638

Prices of goods, regulating — chap. 34, 1st sess. 71; chap. 42, 1st sess. 83;
chap. 45, 1st sess. 85; chap. 2, 2d sess. 90; chap. 43, 3d sess. 210

Weights and measures — chap. 25, 7th sess. 625

Wharfage and crantage, rate of — chap. 32, 7th sess. 643

TREASON.

Adherence to King of Great Britain — chap. 48, 4th sess. 370

Certain persons attainted and estates forfeited — chap. 25, 3d sess. 173

Certain persons deemed guilty of — chap. 47, 1st sess. 88; chap. 66, 7th sess. 772

Certain persons granted immunities — chap. 66, 7th sess. 772

Cummings, Thomas, pardoned — chap. 10, 3d sess. 154

Defects in proceedings remedied — chap. 4, 5th sess. 407

Everitt, Richard, pardoned — chap. 59, 4th sess. 395

Judgments against, concerning — chap. 19, 1st sess. 43

TREATIES.

Commissioner to treat with Indians — chap. 29, 3d sess. 193

TREASURER, STATE.

See STATE TREASURER.

TRESPASSER.

Beaches and islands in Suffolk county	chap. 42, 7th sess.	668
Relief in cases of certain — chap. 31, 6th sess.		552

TRINITY CHURCH.

Charter of — chap. 33, 7th sess.		646
----------------------------------	--	-----

TROOPS.

See MILITARY AFFAIRS.

TRUCE.

Preventing abuses under flags of — chap. 28, 2d sess		122
--	--	-----

TRYON COUNTY.

Common pleas, court of — chap. 49, 3d sess.		228
Distressed persons, relief of — chap. 5, 4th sess. 297; chap. 17, 4th sess. 324;		
chap. 38, 4th sess. 358; chap. 32, 6th sess.		552
Estates pledged for public loans — chap. 64, 3d sess.		229
Highways in — chap. 24, 2d sess. 119; chap. 60, 3d sess. 253; chap. 34, 4th sess.		
352; chap. 52, 7th sess.		690
Mohawk, district of, divided — chap. 50, 3d sess.		229
elections in — chap. 30, 4th sess.		347
Montgomery county, name changed to — chap. 17, 7th sess.		613
Night watch in — chap. 6, 2d sess.		94
Poor, maintenance of — chap. 68, 3d sess.		265
Prosecutions in, stayed — chap. 38, 5th sess. 477; chap. 46, 6th sess.		563
See, also, MONTGOMERY COUNTY.		

TRYON, WILLIAM.

Estates forfeited — chap. 25, 3d sess.		173
--	--	-----

ULSTER COUNTY.

Collectors, number of — chap. 45, 3d sess.		221
Commission of registration, suits against — chap. 31, 5th sess.		460
Courthouse and jail — chap. 32, 1st sess. 61; chap. 37, 4th sess. 356; chap. 29,		
5th sess.		458
Estates forfeited, immediate sale of — chap. 51, 3d sess.		230
Grain on deserted farms — chap. 14, 3d sess.		160
Hanover precinct, name changed to Montgomery — chap. 25, 5th sess.		439
Highways in — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151; chap. 60, 3d sess.		
253; chap. 34, 4th sess. 352; chap. 52, 7th sess.		690
Hurley and Rochester, settlements annexed — chap. 8, 1st sess.		17
Night watch in — chap. 6, 2d sess.		94
Poor, maintenance of — chap. 68, 3d sess.		265
Poor, removed from New York city — chap. 38, 1st sess.		80
Prisoners, where confined — chap. 21, 1st sess.		44
Rochester and Marble town, constables — chap. 5, 3d sess.		150
Rochester, certain persons exempt from tax — chap. 12, 5th sess.		419
Tex levy in grain or specie — chap. 7, 5th sess.		408

UNIVERSITY, REGENTS OF THE.

Board of, established — chap. 51, 7th sess.		686
---	--	-----

UNITED STATES OF AMERICA.

Account of, to facilitate the settlement of — chap. 44, 7th sess.		670
Armies of. See MILITARY AFFAIRS.		
Articles of Confederation — chap. 1, 1st sess. 1; chap. 30, 3d sess.		195

Bills of credit, marking of — chap. 56, 4th sess.	387
Continental demands, suits in State courts — chap. 22, 2d sess.	117
Copies of State laws sent to Congress — chap. 11, 2d sess.	100
Duty on importations — chap. 27, 6th sess.	544
Finances of, act approved — chap. 64, 3d sess. 258; chap. 72, 3d sess.	278
General tax, to carry into effect — chap. 42, 6th sees.	560
Loan of \$200,000 to — chap. 23, 1st sess.	47
Perpetual union, to facilitate — chap. 38, 3d sess.	205
State courts, may sue in — chap. 22, 2d sess.	117
Supplies for the army — chap. 35, 3d sess.	202

See, also, CONGRESS.

UPPER SALEM, TOWN OF.

Erected from Cortlandt — chap. 11, 7th sess.	608
---	-----

V.

VACANCIES.

Commissioners of sequestration — chap. 52, 3d sess.	231
--	-----

VARICK, RICHARD.

Relief of — chap. 62, 7th sess.	730
--------------------------------------	-----

VERMONT, STATE.

Relative to lands now in — chap. 44, 5th sess.	486
---	-----

VESSELS.

See SHIPPING.

W.

WALLACE, ALEXANDER.

Estates forfeited — chap. 25, 3d sess.	173
---	-----

WALLACE, HUGH.

Estates forfeited — chap. 25, 3d sess.	173
---	-----

WARDENS OF THE PORT.

Appointment of — chap. 31, 7th sess.	638
---	-----

WASHINGTON COUNTY.

Charlotte, name changed from — chap. 17, 7th sess.	613
---	-----

Highways in — chap. 52, 7th sess.	690
--	-----

See, also, CHARLOTTE COUNTY.

WATTS, JOHN.

Estates forfeited — chap. 25, 3d sess.	173
---	-----

Estates granted to his sons — chap. 64, 7th sess.	752
--	-----

WAWAYANDA.

Cheesecock's boundary line — chap. 29, 6th sess.	547
---	-----

WEIGHTS AND MEASURES.

Established — chap. 25, 7th sess.	625
--	-----

WESTCHESTER COUNTY.

Common pleas, terms of court — chap. 29, 7th sess.	629
---	-----

Estates pledged for public loan — chap. 64, 3d sess.	262
---	-----

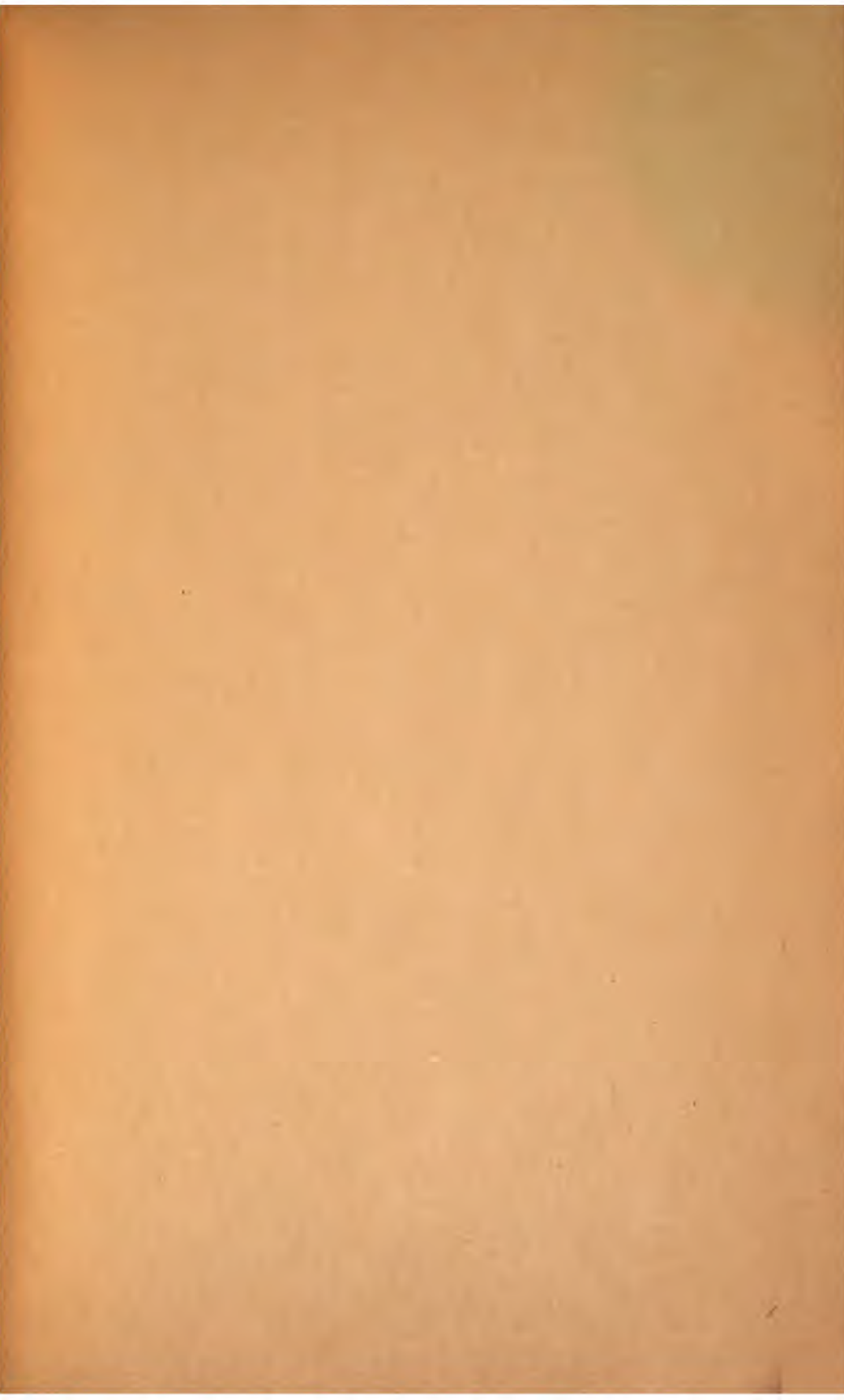
Gaol in, relative to — chap. 5, 7th sess.	594
--	-----

Highways in — chap. 31, 2d sess. 127; chap. 6, 3d sess. 151; chap. 60, 3d sess.	
---	--

253; chap. 34, 4th sess. 352; chap. 52, 7th sess.	690
--	-----

Night watch in — chap. 16, 3d sess.	161
--	-----

Oath of allegiance, certain persons — chap. 59, 3d sess.....	252
Poor, maintenance of — chap. 68, 3d sess.....	265
removed from New York city — chap. 38, 1st sess.....	80
Prisoners, where confined — chap. 21, 1st sess.....	44
Protection of persons and property — chap. 38, 6th sess.....	557
Relief of certain persons — chap. 38, 4th sess.....	358
Salem, Upper and Lower, erected — chap. 11, 7th sess.....	608
Tax of £100,000 in southern district — chap. 58, 7th sess.....	707
WETHERHEAD, JOHN.	
Estates forfeited — chap. 25, 3d sess.....	173
WHARFAGE.	
See SHIPPING.	
WHITE, EOPENETUS.	
Lands at Ballston, granted to — chap. 64, 7th sess.....	759
WHITE, HENRY.	
Estates forfeited — chap. 25, 3d sess.....	173
House set apart for Governor — chap. 64, 7th sess.....	759
WHITE, THOMAS.	
Estates forfeited — chap. 25, 3d sess.....	173
Estates granted to his widow — chap. 64, 7th sess.....	752
WICKHAM, PARKER.	
Estates forfeited — chap. 25, 3d sess.....	174
WITNESSES.	
Courts martial, etc., attendance of — chap. 39, 3d sess....	206
WOLVES.	
Destruction of — chap. 19, 6th sess.....	534
WOOD, JONAH.	
Pardoned — chap. 3, 4th sess.....	295
Reprieved — chap. 3, 3d sess. 148; chap. 33, 3d sess. 200; chap. 63, 3d sess....	257
WOODSTOCK.	
Annexed to township of Hurley — chap. 8, 1st sess.....	17
WYNKOOP, JACOBUS.	
Relief of — chap. 13, 6th sess.....	526







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