

contain the amount and date of every such certificate, and the number and value thereof; and the said signers having examined and compared the said certificates with such lists, shall destroy the said certificates, and shall certify, that they have destroyed the certificates mentioned and designated in such list; which list so certified, shall be delivered to the said treasurer, and a copy thereof so signed, shall be kept by the said signers or one of them, to be by him or them delivered to the legislature when thereunto required.

Compensation for cancelling.

And be it further enacted by the authority aforesaid, That the said signers shall be entitled to receive for each day they shall be so employed in examining and destroying the said bills of credit and securities the sum of sixteen shillings; which the treasurer is hereby directed to pay out of any unappropriated money in the treasury.

Moneys paid on loans not to be re-loaned.

And be it further enacted by the authority aforesaid, That in case the whole or any part of the principal borrowed by any person from any loan office in this State, shall at any time be paid or come into any such loan office, no part thereof shall be reloaned, but the same shall be paid to the treasurer of this State, together with the money received in such loan office for interest, and shall be disposed of in the same manner as the said interest.

CHAP. 30.

AN ACT for the relief of Henry Fraats, the elder.

PASSED the 24th of February, 1789.

Preamble.

WHEREAS Henry Fraats, in the term of July one thousand seven hundred and eighty two, was convicted of adhering to the enemies of the people of this State; and it appears that the conviction aforesaid, was intended to be against Henry Fraats the younger, the son of the said Henry Fraats. Therefore

Henry Fraats, release of.

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 and singular the real and personal estate of the said Henry Fraats the elder, shall be and the same are hereby declared, to vest in, and shall remain to him in like manner, as if no such conviction had ever been had.

CHAP. 31.

AN ACT relative to highways and bridges in the towns therein mentioned.

PASSED the 24th of February, 1789.

Preamble.

WHEREAS the town of Clermont is bounded for a considerable extent upon the river, commonly called Roeloff Jansens kill, which requires many and expensive bridges: *And whereas* no provision is made for building and keeping in repair, such bridges, where the town of Clermont joins the town of Livingston. Therefore

Section of act recited extended; Clermont

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 twenty fourth section of the act entitled "An act for the better

regulating and keeping in repair, all common and public highways, and private roads, in the counties of Ulster, Orange, Dutchess, Washington, West Chester, Albany and Montgomery," be extended to bridges now built; and also to one other bridge and causeway to be built, at the most convenient place, near where the said Roeloff Jansens kill or creek empties into Hudsons river; which bridges shall be erected and maintained at the expence of the towns of Livingston and Clermont, in the manner, that certain bridges therein mentioned, are by the said section directed to be maintained, by the towns of Goshen and Cornwall.

And be it further enacted by the authority aforesaid, That the twenty fourth section of the said above recited act, be extended to all cases of bridges, hereafter to be laid out through the said towns.

And be it further enacted by the authority aforesaid, That the commissioners of the highways for the time being, for the towns of Warwick and Minisink, in the county of Orange, shall be empowered, and are hereby directed and required, to cause the two following bridges and causeways to be well and sufficiently made, and kept in repair, to wit, one bridge and causeway across Warwick creek, near Shoemakers mill; and other bridge and causeway across Rutgers kill or creek, near John Janssens mill, and below the same, or where the old bridge below the mill formerly stood, as shall appear to the said commissioners to be most convenient, for the accommodation of the inhabitants and travellers; and the account and expences attending the said two bridges and causeways, shall be raised and paid in like manner, by the towns of Cornwall, Goshen, Warwick and Minisink, as the public bridges and causeways particularly mentioned in the twenty fourth section of the act aforesaid, are by law directed to be raised and paid, in the precincts of Cornwall and Goshen; any law to the contrary notwithstanding.

Warwick and Minisink, bridges in.

And be it further enacted by the authority aforesaid, That if any person or persons in the township of White Hall or Westfield, in the county of Washington, shall hereafter cut down any tree or trees, by which the road commonly called and known by the name of Wood creek, shall be in any manner obstructed, in any part thereof between Fort Ann, and the town of White Hall, such person or persons shall forfeit and pay for every such tree so cut down as aforesaid, the sum of forty shillings, the one half for the use of the complainant, and the other half for the use of the poor of the town where the offence shall be committed, to be recovered before any one or more of the justices of the peace in the said county of Washington, by any person or persons who shall sue for the same.

Obstruction of Wood creek, in Washington county.

CHAP. 32.

AN ACT for the sale and disposition of lands, belonging to the people of this State.

PASSED the 25th of February, 1789.

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 surveyor general of this State for the time being, shall and may, as soon as conveniently may be, after the passing of this act, cause twenty townships to be laid out and actually surveyed, upon the eastern

Surveyor-general to lay out twenty townships.

side of the lands purchased from the Indians, at the late treaty held with them, on the part of this State, between the lands reserved at the said treaty by the Oneida nation, and the lands purchased from the Indians at the treaty, held in the year one thousand seven hundred and eighty five; each of which townships shall be five hundred chains square, or as nearly so, as circumstances will admit; and upon running the out lines thereof, the surveyor general shall cause a mark or monument to be made or erected at the ends of the said out lines, and at the termination of every fifty chains between the same, where local circumstances will admit the said outlines to be streight; and after the out lines of the said townships respectively, have been so surveyed as aforesaid, the surveyor general, shall cause a line to be run parallel to any of the streight lines of each township, the whole extent thereof, and another line at right angles to such parallel line, the whole extent of such township, so as to divide each township into four equal parts as nearly as may be, and as nearly square as may be; which lines shall be likewise marked in manner aforesaid; and shall forthwith make a map or maps of the said townships, and upon such map or maps, shall divide each of the said townships into lots containing two hundred and fifty acres of land, or as nearly so as circumstances will admit, by lines to be drawn thro' the said marks or monuments, parallel and at right angles to the streight sides of the said townships; and shall number the lots in each township successively, with the numbers from one to one hundred, including both numbers; a copy of which map or maps, together with a copy of his field book, containing a description of the quality of the soil, timber, and creeks, along such lines as shall be run as aforesaid, shall be by him filed without delay, in the office of the secretary of this State, and another copy of the same preserved in the office of the said surveyor general, for public inspection.

Gospel and school lots.

And be it further enacted by the authority aforesaid, That in every township so laid out, or to be laid out as aforesaid, the surveyor general shall mark one lot on the map, Gospel, and one other lot, Schools, which lots shall be as nearly central in every township as may be; and the lots so marked shall not be sold, but the lots so marked Gospel, shall be reserved for, and applied to supporting the gospel in such township, and the lot marked Schools for the use of schools in such township.

Townships to be sold.

And be it further enacted by the authority aforesaid, That upon the filing of the said maps as aforesaid, the commissioners of the land office, and the said surveyor general, shall select and designate five of the said townships to be sold only for gold, silver, or bills of credit emitted by virtue of the act, entitled "An act to take out of circulation the bills of credit emitted by law, and to emit others as a substitute," passed the eighth day of February, one thousand seven hundred and eighty eight; and the said commissioners shall thereupon affix to each of the said townships, to be laid out by virtue of this act, such and so great a price per acre, as they shall judge reasonable. *Provided,* that the same shall not be less than three shillings for each acre of land in the said townships.

Advertisement of sale of townships.

And be it further enacted by the authority aforesaid, That as soon as the commissioners of the land office, shall have so as aforesaid determined the price of the land in each of the townships to be laid out by virtue of this act, they shall cause such townships respectively, with the price of the land in the same, to be advertised by the surveyor general, in at least three of the public newspapers in this State, one whereof to be printed by the printer to the State (if any such there be,) one to be printed in the city of New York, and one in the city of Albany; and in

and by the said advertisements, shall cause public notice to be given, that applications for the said lands respectively, will be received at the office of the said surveyor general, at any time previous to a certain day therein to be mentioned, and to be prescribed by the said commissioners; which day shall not be less than two, nor more than three calendar months from the time of the first publication of the said advertisements respectively; and the said advertisements shall respectively be continued in the said papers, at least once a week, until the said days therein to be mentioned, shall respectively be passed.

And be it further enacted by the authority aforesaid, That the surveyor general shall, and it is hereby made his duty, to receive and register in a book to be by him for that purpose kept, and without fee or reward, all applications, that shall be made in writing, in consequence of this act, for the said townships, or any of the lots therein contained, in such manner, that the names of all applicants for each respective lot in the said townships, shall be respectively placed together in the said book, and may, (if the number of applicants will admit thereof), be seen at one view.

Applications for purchase, register of.

And be it further enacted by the authority aforesaid, That if at the day, to be appointed in such advertisements respectively, there shall appear to have been only one applicant for any of the lots contained in the said townships respectively, then and in such case, such applicant shall be entitled to a grant of the lot or lots for which he applied as aforesaid; but if more than one application shall have been made, for any of the said lots, then and in every such case, the surveyor general shall and may, on the day next after the day mentioned in such advertisements respectively, and within so many days thereafter, as may be necessary for that purpose, set up such lots, and every of them separately at vendue or auction to the applicants for the same respectively; and such of the said applicants as shall bid the highest for the said lots respectively, above the price affixed as aforesaid by the commissioners of the land office, shall be entitled to a grant of the said respective lots, at the price which they shall respectively bid for the same; and if it should so happen, that at such vendue, none of the said applicants will bid more than the said affixed price, then and in such case, the surveyor general shall determine by drawing of lots, to which of them the lot they applied for shall belong at the affixed price. And in case all the lots in any of the said townships shall not be applied for in the manner herein before directed, then, and as soon as all the lots which shall have been so applied for shall be disposed of in manner aforesaid, the surveyor general shall, for the space of two days thereafter, receive applications for any lot or lots remaining unsold, and proceed in the disposal thereof in like manner as if the same had been applied for previous to the day so to be prescribed as aforesaid.

Sale of township, how made.

And be it further enacted by the authority aforesaid, That if it shall so happen, that any of the lots in the said townships respectively shall remain without any application having been made for them in manner aforesaid, or if any of the persons entitled to grants of lots as aforesaid shall neglect or refuse to pay for the same in the manner herein after directed, then, and in every such case, the commissioners of the land office are hereby authorised, to cause the said lots respectively to be again advertised in the manner herein before prescribed; and thereupon applications for the same shall be received, and the like proceedings had for the disposal and sale thereof, as are herein before directed; and the same may be from time to time repeated, until the whole of the said lots are disposed of as aforesaid.

Reduction
of price of
lots, where
all not sold

And be it further enacted by the authority aforesaid, That if it shall appear to the commissioners of the land office, at any time or times hereafter, that the prices fixed by them for the said townships respectively, cannot be gotten for all the lots contained in any township; then and in every such case, and whenever part of the lots contained in any such township shall have been previously sold as aforesaid, the said commissioners may affix a lower price for the same lots remaining unsold respectively; *provided*, the same be not less than three shillings per acre; and shall and may thereupon cause the same lots so remaining unsold, to be advertised of anew, and such other proceedings to be had for the sale and disposal thereof, as are particularly mentioned and prescribed, in and by the fifth section of this act.

Payments
by pur-
chasers of
lots.

And be it further enacted by the authority aforesaid, That every person becoming entitled to a grant of land in the manner prescribed by this act, shall immediately thereafter pay unto the surveyor general such sum of money, as will defray the proportion chargeable upon the same, of the expence accrued by surveying the lines of the township or townships in which such land is situated, which are herein before directed to be run, (each lot being hereby declared to be equally chargeable with such expence;) and shall also at the same time pay unto the said surveyor general, not less than one fourth part of the purchase money; and if such person shall neglect or refuse to make the said payments, or either of them, within forty eight hours after he or she shall appear entitled to such grant, he or she, shall forfeit to the people of this State, the sum of five pounds, for each lot to which he or she shall become entitled as aforesaid, to be recovered with costs of suit, by the surveyor general for the time being, in his own name, by action of debt, in any court having cognizance thereof. But if such person shall pay the same as aforesaid, then the surveyor general, shall give unto such purchaser a description of the lot or lots, to which such purchaser is entitled; and shall endorse on the said certificate, the sum by him received on account of the purchase money, and the sum still due, if any, on such purchase, including in one certificate, all the lands which one person becomes entitled to in one township, and no more. And if the person becoming entitled to any grant of land as aforesaid, by virtue of this act, shall not within six months after the date of the said certificate, pay the sum certified to be still due, into the treasury of this State, or unto the surveyor general, the money so as aforesaid paid, by every such delinquent, to the surveyor general, shall be forfeited to the people of this State, and such delinquent shall lose all right to the land specified in such certificate; but if the sum so remaining due, shall be paid to the treasurer, or to the surveyor general, within the time above limited, the treasurer, or the surveyor general, as the case may be, shall endorse a receipt for the same upon the said certificate, and thereupon the said purchaser, shall be entitled to letters patent for the land described in such certificate. *Provided*, that such forfeiture shall not exceed one quarter part of the purchase money.

Moneys
and secur-
ities re-
ceivable.

And be it further enacted by the authority aforesaid, That for all expences of survey, chargeable as aforesaid, and for the five townships which shall be so as aforesaid selected and designated pursuant to the second section of this act, only gold and silver, and the bills of credit in the said section mentioned, shall be receivable in payment; and that for the land contained in the fifteen other townships to be surveyed and sold in pursuance of this act, gold and silver, the bills of credit aforesaid, and any public securities issued by the treasurer or auditor of this State, or by the auditors appointed to liquidate and settle the

accounts of the troops of this State, in the service of the United States, shall be received in payment, both at the treasury, and by the surveyor general: *Provided always*, that no interest shall be computed upon any of the said public securities, after the times of the said purchases respectively.

And be it further enacted by the authority aforesaid, That the commissioners of the land office, shall and may from time to time, upon the production to them, of such certificate as aforesaid, from the surveyor general, with the treasurers receipt thereon direct letters patent to be issued for granting the lands described in such certificate to the purchaser thereof, or the heirs of such purchaser, or any person or persons whom such purchaser, or the heirs of such purchaser may appoint; which letters patent shall respectively be in such form and words as the said commissioners shall direct; and shall contain an exception and reservation of all gold and silver mines, and shall convey the lands specified in such certificates respectively, to the grantee, his heirs and assigns.

Letters
patent,
granting of

And be it further enacted by the authority aforesaid, That all the lands purchased in one township, shall be included in one patent, or any greater number of patents, as the purchaser or purchasers may think proper; and that upon every patent, to be issued by virtue of this act, the following fees, and no more, shall be due from, and payable by the persons, in whose favor the same shall issue, that is to say, to the commissioners of the land office jointly, exclusive of the secretary, to be divided among them, as to the majority shall seem proper, for a township the sum of three pounds; for half a township, or any quantity of land more than half a township, and less than a whole township, the sum of two pounds, and the sum of one pound for every quantity less than half a township, except where only a single lot is granted, when they shall receive eight shillings, and no more. And to the secretary for preparing the letters patent, recording the same, and keeping the minutes of the said commissioners, the like fees as are herein before allowed to the commissioners of the land office.

Fees for
patents.

And be it further enacted by the authority aforesaid, That the same number of persons, may be employed by the surveyor general, and the like allowances made to them, for completing the surveys directed by this act to be made, as are mentioned and prescribed in and by the thirtieth enacting clause, of the act entitled "An act for the speedy sale of the unappropriated lands within this State, and for other purposes therein mentioned; *and further*, that the lands to be granted by virtue of this act, shall be exempt from taxes for the like term, and in the like manner, as they would have been, if granted by virtue of the act last mentioned.

Surveyor
of lands.

Exemption
from tax.

And be it further enacted by the authority aforesaid, That the commissioners of the land office shall be, and they are hereby inhibited, from selling any lands by virtue of the said last mentioned act, until the legislature shall make provision for the same, except as to the unappropriated land, which shall remain of the purchase made by the people of this State from the Oneida Indians, in the year one thousand seven hundred and eighty five, after making up any deficiencies which purchasers may have sustained, by the lines of the towns interfering, if any such there be.

Sales of
lands
stayed un-
til further
legislative
action.

And be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners of the land office for the time being, and they are hereby required, to direct letters patent under the great seal of this State, to be made, granting to Peter Penet, John Francis Perachè, and

Letters
patent to
issue to
persons
named.

John I. Bleecker respectively, and their respective heirs the lands reserved for, or agreed to be given to them respectively, by the last treaty made with the Oneida Indians, by the commissioners appointed for holding treaties with the Indians within this State. And as a further compensation on the part of this State for the faithful services of the said John I. Bleecker, the said commissioners are hereby empowered to direct letters patent to be granted to the said John I. Bleecker, and his heirs, for a tract of land contained within the bounds following, to wit, beginning at the northeast corner of the tract of land granted to James Deane, thence westerly along the north bounds thereof one mile, thence with a line perpendicular to the said north bounds one mile, thence easterly with a line parallel to the said north bounds one mile, thence to the place of beginning.

Id. And be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners of the land office, for the time being, and they are hereby required, to direct letters patent under the great seal of this State to be made granting to John T. Kirkland, and his heirs, a tract of land of one mile square; and to George W. Kirkland and his heirs, a tract of land of one mile square; and to Samuel Kirkland and his heirs, a tract of land of two square miles; the whole to be contiguous, and laid out by the surveyor general, so as to form a square of two miles, and to be bounded on the line of property and adjoining the southern bounds of the land heretofore granted to Abraham Wemple: And further, to direct a grant to the said Samuel Kirkland for all that tract of land, bounded as follows, to wit; beginning at the south west corner of the land granted to James Deane, and running thence southerly to the south west corner of the tract stipulated to be granted to the said John George and Samuel Kirkland, thence with a line perpendicular to the west bounds thereof, to the line of the Oneida reservation, thence northerly along the same to the place of beginning.

New Eng-
land
Indians;
Brother
town.

Stock-
bridge In-
dians.

Lands set
apart for
public
roads.

And be it further enacted by the authority aforesaid, That the surveyor general, shall lay out for the New England Indians, all that part of the tract of land, formerly given to them by the Oneida Indians, which is included in the cession lately made by the Oneida Indians, to the people of this State, and laying southward of the lands herein before directed to be granted to Samuel Kirkland John T. Kirkland and George W. Kirkland which tract of land, so laid out, shall be called Brother Town, and shall remain for the cultivation, improvement and use of the said New England Indians and their brethren, consisting of the tribes called the Mohegan, Montauge, Stonington and Narraganset Indians, and the Pequots of Groton, and Nehanticks of Farmington, and their posterity; but without any power of alienation or right of leasing the same lands, or any part thereof, for any longer term than ten years; and without any power, of granting such leases, where there shall be any subsisting lease, including the same lands. And that the tract of land, confirmed by the Oneida Indians to the Stockbridge Indians at the said treaty, shall be and remain to the said Stockbridge Indians and their posterity, under the restrictions and limitations aforesaid.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the commissioners of the land office, in their discretion, to direct the surveyor general to survey and lay out, at the expence of the people of this State, one or more tracts of land, in the tract lately ceded by the Oneida Indians, to the people of this State, not to contain in the whole more than twenty five thousand acres, and further, that the said lands shall be granted to such person or persons,

any road or roads, or any part of any road or roads in or towards any part make as the said commissioners shall contract with, well and sufficiently to of the lands now belonging to the people of this State, or to make and erect any bridge or bridges, upon any road or roads, in or towards such land, as the said commissioners in their discretion, may direct to be laid out or erected; which lands shall be granted in such proportions, as the said commissioners shall for that purpose contract for, and direct; and that the said commissioners, before letters patent shall be issued for such lands, shall direct the surveyor general to examine the said roads and bridges, and if the said surveyor general shall report, that such roads and bridges are well and sufficiently made, then letters patent shall issue to the persons who shall have made the same, for such part thereof, and in such proportions, as the said commissioners shall have agreed to grant the same, for making the said roads or bridges.

And be it further enacted by the authority aforesaid, That it shall and *Id.* may be lawful to and for the commissioners of the land office in their discretion, to direct the surveyor general to survey and lay out one or more tracts of land, between the river St. Lawrence and Lake Champlain, to contain in the whole not more than twenty five thousand acres, and to divide the same at the expence of the State; such lands to be granted, in the manner, and under the like provisions contained in the last preceding clause, to such persons who shall well and sufficiently make such roads, in that part of the State, lying between the river St. Lawrence, Lake George and Lake Champlain, as the said commissioners may think proper to direct.

CHAP. 33.

AN ACT securing to James Rumsey the sole right and advantage of making and employing for a limited time, the several mechanical improvements by him lately invented.

PASSED the 26th of February, 1789.

WHEREAS James Rumsey of Berkley county in Virginia hath represented to the legislature of this State that he hath invented or improved divers engines and machines upon principles and constructions not heretofore known or used that is to say, a new and easy method of generating steam in large quantities for the purpose of working engines by forcing a small quantity of water through one or more incurvated tubes placed in a furnace which tube or tubes is distinguished by the name of a pipe boiler; a new and easy method of raising water in great quantities to any height that may be necessary for any mechanical or other useful purpose by means of steam acting upon and moving two pistons at the same time whereby the weight of one or more atmospheres may be applied for raising water in one trunk or tube, which improvement the said James Rumsey hath distinguished by the name of a pump piston machine; a new improvement upon Doctor Barkers mill, a mode by which millstones and other machinery requiring a circular motion may be turned by or worked with a smaller quantity of water than by any plan yet exhibited to the public, and entirely free from the difficulties which prevented Doctor Barkers invention from coming into use. A new and easy mode of working mill saws or any other machinery requiring alternately an opposite motion by applying the whole weight

Preamble.