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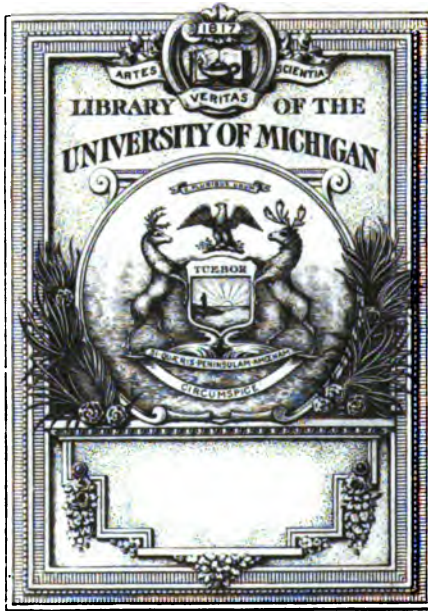
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DOCUMENTS,
OF THE
ASSEMBLY
OF THE
STATE OF NEW-YORK,
FIFTY-EIGHTH SESSION,
1835.

VOLUME I.
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(CORRECTED)

OF THE

MEMBERS OF ASSEMBLY,

ELECTED IN NOVEMBER, 1834.

Albany—Edward Livingston, Henry G. Wheaton, Tobias T. E. Waldron.

Allegany—Alvin Burr.

Broome—Neri Blatchly.

Cattaraugus—Albert G. Burke.

Cayuga—Cornelius Cuykendall, Andrew Groom, Noyes Palmer, Andrews Preston.

Chautauque—Orren McCluer, John Woodward junior.

Chenango—Hendrick Crain, Henry Crary, Woodward Warren.

Clinton—Lemuel Stetson.

Columbia—Horace Stevens, Jacob Shafer, Julius Wilcoxson.

Cortland—Barak Niles, Aaron Brown.

Delaware—William B. Ogden, Dubois Burhans.

Dutchess—Stoddard Judd, Stephen Thorn, Theodore V. W. Anthony, David Barnes junior.

Erie—William A. Moseley, Ralph Plumb.

Essex—Thomas A. Tomlinson.

Franklin—Asa Hascall.

Genesee—Truman Lewis, Amos Tyrrel junior, Samuel Richmond.

Greene—Anthony Van Bergen, David Ingersoll.

Herkimer—Henry Tillinghast, Peter P. Murphy, Charles Gray.

Jefferson—Charles Strong, Eli Farwell, Calvin Clark.

Kings—Philip Brasher.

Lewis—Charles Dayan.

Livingston—George W. Patterson, Hollom Hutchinson.

Madison—Joseph Clark, Jason W. Powers, William I. Hough.

Monroe—Derick Sibley, George Brown, Enoch Strong.

Montgomery—Henry Adams, Collins Odell, Ashbel Loomis.

New-York—Benjamin Ringgold, Andrew C. Wheeler, James J. Roosevelt junior, Charles Henry Hall, Charles P. Clinch, Prosper M. Wetmore, Job Haskell, Thomas N. Carr, Christopher C. Rice, Herman I. Quackenboss, Thomas Hertell.

Niagara—Hiram McNeil.

Oncida—Amos Woodworth, Merit Brooks, Dan P. Cadwell, David Wager, Riley Shepard.

Onondaga—George Pettit, Sandford C. Parker, John Wilkinson, David C. Lytle.

Ontario—Mark H. Sibley, William Hildreth, Ariel Hendee.

Orange—Robert Fowler, Robert Denniston, Merit H. Cash.

Orleans—Asa Clark junior.

Oswego—Jesse Crowell.

Otsego—Joseph Peck, Henry Harvey, Cornelius Jones, Joseph Carpenter.

Putnam—Daniel Kent.

Queens—Thomas B. Jackson.

Rensselaer—Martin Springer, Chester Griswold, Daniel Simmons, Jacob W. Lewis.

Richmond—Lawrence Hillyer.

Rockland—Edward Suffern.

Saratoga—Asahel Philo, William B. Van Benthuisen, Ely Beecher.

St. Lawrence—Preston King, William S. Paddock.

Schenectady—David Ostrom.

Schoharie—Jonas Krum, John F. Hiller.

Seneca—John D. Coe, Caleb Barnum.

Steuben—Joshua Healy, Jeremiah Baker.

Suffolk—George S. Phillips, George I. Conklin.

Sullivan—James Eldred.

Tioga—George Fisher, Green Bennet.

Tompkins — Charles Humphrey, Parvis A. Williams, Caleb Woodbury.

Ulster—Henry I. Davis, William Woodworth.

Warren—Truman B. Hicks.

Washington—George McKie, Jonathan K. Horton, Allen R. Moore.

Wayne—William D. Wylie, Elisha Benjamin.

Westchester—Horatio Lockwood, Edwin Crosby, Prince W. Paddock.

Yates—Meredith Mallory.

STATE OF NEW-YORK, }
Secretary's Office. }

I certify the preceding to be a correct list of the names of Members of Assembly elected in this State, at the general election held in the month of November last, according to the official returns received at this office from the county clerks respectively.

[L. S.] Given under my hand and seal of office, at the city of Albany, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty-four.

JOHN A. DIX,
Secretary of State.

STATE OF NEW-YORK.

No. 3.

IN ASSEMBLY,

January 10, 1835.

RULES AND ORDERS

Of the Assembly of the State of New-York.

1. Upon the appearance of a quorum, the Speaker having taken the chair, and the members being called to order, the journal of the preceding day shall be read, to the end that any mistakes therein may be corrected by the House. And in all cases of the absence of a quorum, the members present may take such measures as shall be necessary to procure the attendance of absent members; and the Speaker may adjourn from day to day, until a quorum shall appear.

2. After the reading and approving of the journal, the order of business, which shall not in any case be departed from, except by the unanimous consent of the House, shall be as follows:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Communications from the State officers.
6. Messages from the Senate.
7. Third reading of bills and resolutions.
8. Motions, resolutions and notices.
9. Unfinished business of the preceding day.
10. Special orders of the day: and if in any case the unfinished business of the preceding day shall have taken the place of

[Assem. No. 3.]

special orders, these orders shall be taken up and acted on in their order of time.

11. Unfinished business generally.
 12. General orders of the day; but messages from the Governor, communications from State officers, and messages from the Senate, may be considered at any time.
3. The Speaker shall cause the Clerk to make a list of all bills, resolutions, reports of committees, and other proceedings in the House, which are committed to a committee of the whole, and not made the special order of the day for any particular day; which list shall be called the "General Orders of the Day."
4. All questions relating to the priority of business, shall be decided without debate.
5. The Speaker shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the House. He shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment, unless by leave of the House.
6. The Speaker, in all cases, has the right of voting; and when the House shall be equally divided, including his vote, the question shall be lost.
7. While the Speaker is putting a question, no member shall walk across or out of the House.
8. When the House adjourns, the members shall keep their seats until the Speaker shall have left the chair.
9. Every member, previous to his speaking, shall rise from his seat, and address himself to the Speaker.
10. When two or more members rise at once, the Speaker shall name the member who is first to speak.
11. No member shall speak more than twice to the same general question, nor more than once upon a "previous question," without leave of the House; nor more than once in any case until every member choosing to speak, shall have spoken.
12. While a member is speaking, no member shall entertain any private discourse, or pass between him and the chair.

13. A member called to order, shall immediately sit down, unless permitted to explain. If there be no appeal, the decision of the chair shall be conclusive; but if the member appeal to the House from the decision of the chair, the House shall decide on the case without debate.

14. Every member who shall be present when a question is stated from the chair, shall vote thereon, unless excused by the House, or unless he be directly interested in the question, in which cases he shall not vote. No member shall be permitted to vote upon any question, unless present when, upon a division, his name is called in its regular order.

15. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

16. Every member, previous to presenting a petition or memorial, shall endorse on the same the substance thereof, and add his name: the clerk shall then read the endorsement; after which, the Speaker shall put the question on the reference of said petition or memorial.

17. No motion shall be debated or put, unless it be seconded: When a motion is seconded, it shall be stated by the Speaker before debate; and every such motion shall be reduced to writing, if the Speaker or any member desire it.

18. After a motion is stated by the Speaker, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

19. If the question in debate contain several distinct propositions, any member may have the same divided.

20. When a blank is to be filled, and different sums or times are proposed, the question shall be first put upon the largest sum and the longest time.

21. When a question is under debate, no motion shall be received, unless for the previous question; to postpone it indefinitely; to adjourn it to a day certain; to lay it on the table; to commit it; to amend it; or to adjourn the House.

22. A motion for "the previous question," to lay the question on the table, or to commit it, until it is decided, shall preclude all amendment and debate of the main question; and a motion to postpone a question indefinitely, to adjourn it to a day certain, shall, until it is decided, preclude all amendment of the main question.

23. "The previous question" shall be as follows:—"*Shall the main question be now put?*"

24. A motion to adjourn the House shall be always in order, and shall be decided without debate.

25. Every order, resolution and vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid upon the table, on a day preceding that in which the same shall be moved, unless the House shall unanimously otherwise consent.

26. In all cases where a bill, order, resolution or motion, shall be entered on the journal of this House, the name of the member moving the same shall also be entered on the journal.

27. If any ten members require it, the ayes and noes upon any question shall be taken and entered upon the journal.

28. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee, shall have an equal number of votes, the House shall proceed to a further ballot or ballots, as may be necessary.

29. Select committees to whom references are made, shall in all cases report a state of facts, with their opinions thereon.

30. Every bill originating in this House shall be introduced by motion for leave, or by an order of the House on the report of a committee. One day's notice, at least, shall be given of a motion for leave to bring in a bill, unless the House unanimously otherwise allow. Such notice shall specify the subject matter of such bill; and all resolutions of reference and instruction to committees, shall state the subject to be referred.

31. All bills brought into this House by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

32. No private bill shall be brought into this House, but upon a memorial or petition presented to the House, and signed by the party or parties praying for such bill, except by the unanimous consent of the House.

33. No bill shall be committed or amended, until it has been twice read.

34. Every message from the Senate, communicating any bill for the concurrence of this House, shall, with the accompanying documents, if any, be referred to a standing or select committee to consider and report thereon.

35. All amendments by the Senate to bills which have passed this House, shall be referred to a select committee to examine and report thereon, unless the House shall otherwise expressly order or allow.

36. In forming a committee of the whole house, the Speaker shall leave the chair, and a chairman shall be appointed to preside.

37. The rules of the House shall be observed in the committee of the whole house, except the rules respecting a call for the ayes and noes, and limiting the times of speaking.

38. Bills committed to a committee of the whole house, shall, in committee of the whole thereon, be first read through by the Clerk, unless otherwise expressly ordered by the committee; and then read and debated by clauses, leaving the title to be last considered. All amendments shall be noted on a separate piece of paper, and reported to the House by the chairman of the committee of the whole; after the report, the bill shall be still subject to debate and amendment before the question to engross is put.

39. A similar mode of proceeding shall be observed with bills which have originated in the Senate, as with bills originating in this House.

40. If, at any time when in committee of the whole house, there be not present a quorum to do business, the chairman shall immediately report that fact to the Speaker.

41. On a motion in committee of the whole house to rise and report, the question shall be decided without debate.

42. Every bill shall receive three several readings previous to its being passed; and the second and third readings shall be on different days; and the third reading shall be on a day subsequent to that on which the bill passed in committee of the whole house, unless the House unanimously direct otherwise.

43. A standing committee of five members shall be appointed to be called "the committee on engrossed bills;" whose duty it shall be carefully to examine all bills passed by this House, and see that the same are correctly engrossed, and report the same to the House before they are signed by the Speaker.

44. Reports from the committee on engrossed bills shall at all times be in order, and have preference to any other business.

45. When a bill passes the House, the Speaker shall certify the same, with the date thereof, at the foot of the bill.

46. No motion for reconsideration shall be in order, unless on the same day, or day following that on which the decision proposed to be reconsidered took place; nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject be a second time reconsidered, without unanimous consent.

47. A standing committee of five members shall be appointed on bills coming within the ninth section of the seventh article of the amended Constitution of this State; and when any bill shall have passed in committee of the whole house, on which the Speaker may entertain doubts whether it comes within the provisions of the said ninth section, it shall be referred to the said committee to examine and report thereon, before the question on its final passage shall be taken.

48. On the final passage of all bills requiring two-thirds, the ayes and noes shall be taken and entered on the journal; and the Speaker shall certify upon every such bill, when passed, that two-thirds of all the members elected to this House voted in favor of the same.

49. A motion to reconsider the vote on the final passage of any bill requiring the assent of two-thirds of all the members elected to this House, shall be made by a member who voted in favor of the decision of the House on the question of the final passage of the bill; and two-thirds of the members elected to the House shall be required to reconsider the same; and such vote shall not be a second time reconsidered. But the vote on the final passage of any bill, creating, continuing, altering, or renewing any monied incorporation, shall not be reconsidered whenever such bill shall be lost.

50. No standing rule or order of this House shall be suspended, changed or rescinded, without one day's previous notice being given of the motion therefor; nor shall the forty-ninth rule be altered, changed, rescinded or suspended, unless two-thirds of all the members elected to this House agree to such alteration, change, rescinding or suspension.

51. A committee of nine members shall be appointed in the seventh week of each session, whose duty it shall be to examine all bills committed to a committee of the whole house, and from time to time report such bills as in their unanimous opinion may with propriety be referred to select committees to report complete; but no bill shall be recommended to be thus referred, against the passage of which there is a remonstrance, or any bill appropriating the public money or property, or relating to a monied corporation. All bills thus recommended, shall be referred to select committees, unless objected to by ten members.

P. REYNOLDS, JR. *Clerk.*

STATE OF NEW-YORK.

No. 7.

IN ASSEMBLY,

January 8, 1835.

ANNUAL REPORT

Of the Inspector of Sole Leather for the County of
Tompkins.

TO THE HONORABLE THE LEGISLATURE OF THE
STATE OF NEW-YORK.

The undersigned, Inspector of sole leather for the county of
Tompkins, doth hereby

RESPECTFULLY REPORT:

That during the time between the first of January, 1834, and
the twenty-fifth December, 1834, I have inspected two thousand
three hundred and seventy-three sides of sole leather, one thou-
sand nine hundred and forty-five of which I marked *good*, and four
hundred and twenty-eight *damaged*, weighing in all thirty-two
thousand nine hundred and nine pounds. The value of the same,
as near as I can calculate, is five thousand three hundred dollars.
Fees received by me for the same, is ninety-four dollars and ninety-
two cents.

PHILIP FRENCH.

Dated Ludlowville, Dec. 25, 1834.

STATE OF NEW-YORK.

No. 8.

IN ASSEMBLY,

January 7, 1835.

ANNUAL REPORT

Of the Superintendent of Common Schools.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }
Albany, 7th January, 1835.

TO THE SPEAKER OF THE ASSEMBLY.

SIR:

I have the honor to transmit herewith, the annual report required of the Secretary of State as Superintendent of Common Schools.

I am, very respectfully,

Your ob't serv't,

JOHN A. DIX.

[Assem. No. 8.]

1

REPORT, &c.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE.

Albany, 7th January, 1835.

TO THE LEGISLATURE.

By the provisions of the 1st section of title 2d, chap. 15th, part 1st of the Revised Statutes, it is the duty of the Superintendent of Common Schools to prepare and submit an annual report to the Legislature, containing,

1. A statement of the condition of the common schools of the State:
2. Estimates and accounts of the expenditures of the school moneys:
3. Plans for the improvement and management of the common school fund, and for the better organization of the common schools: and,
4. All such matters relating to his office, and to the common schools as he shall deem expedient to communicate.

In pursuance of the foregoing directions, the Secretary of State, in his capacity as Superintendent of Common Schools, has the honor to submit the following

REPORT:

1. *The Condition of the Common Schools.*

There are in the State, fifty-five organized counties, containing eight hundred and thirty-five towns and wards. The commissioners of common schools of the several towns are required to make an annual report of all the school districts in their respective towns to the clerk of the county, to which they belong; and it is the duty of the county clerk to send certified copies of all such reports to the Superintendent of Common Schools. This duty has been

performed in every instance, and the necessary returns have been received from every town and ward in the State. Abstracts of the returns will be found arranged in the order of the counties, from which they come, in the table marked A, hereunto annexed. The same matter is exhibited in a condensed form, in the table marked B.

By the latter, it will appear that there were in the State on the last day of December, 1833, nine thousand eight hundred and sixty-five organized school districts, from nine thousand three hundred and ninety-two of which reports have been regularly made to the commissioners of common schools. In the counties of Richmond, Tompkins, Westchester and Yates, every school district has reported; in Cayuga, Cortland, Schenectady and Schoharie, all but one; in Franklin, Greene and Seneca, all but two; in Columbia, Kings and Ulster, all but three; and in Albany, Lewis, Madison, Orleans, Rockland and Wayne, all but four.

In the districts from which reports have been received, schools have been kept an average period of eight months.

The whole number of children over five and under sixteen years of age, residing on the last day of December, 1833, in the districts from which reports have been received, was five hundred and thirty-four thousand and two; and the whole number of children who had received instruction in the same districts during the year 1833, was five hundred and thirty-one thousand two hundred and forty. The exact average period of time during which the whole number of children taught have attended school cannot be ascertained.—The reports show only how long the schools have been kept open, and how many children during that period have received more or less instruction.

During the year 1833, one hundred and seventy-five new districts have been formed. In 1831, there were six hundred and fifty-nine districts from which no reports were received by the commissioners of common schools; in 1832, five hundred and eighty-three; and in 1833, only four hundred and seventy-three. Of this number, about one-half are in thirteen counties, which are rapidly increasing in population, and in which one hundred and twenty new districts were created in 1833. Thus it would appear that the number of districts, which fail to make reports, is rapidly diminishing; and in a considerable proportion of them, it is

fair to infer that the omission is to be attributed to the irregularities and delays, which take place in new districts after their organization, and before there is time to put them into complete operation.

The number of children who have received instruction in the districts heard from, is eighteen thousand two hundred and seventy-six more than the number who received instruction during the preceding year; and the increase in the number of children between five and sixteen years of age residing in the same districts, is eleven thousand three hundred and eighty-four.

The following table will exhibit the proportion which the number of children taught in the common schools during the last ten years bears to the number enumerated. During the first five years only those who were over five and under fifteen years of age were enumerated, while during the last five years the enumerated class was augmented by embracing all who were over five and under sixteen years.

Excess of children taught over those between 5 and 15 years of age.	Excess of children between 5 and 16 years of age over those taught.
Report of 1826, 18,189	Report of 1831, 1,083
" 1827, 16,206	" 1832, 7,428
" 1828, 17,804	" 1833, 15,581
" 1829, 11,775	" 1834, 13,025
" 1830, 4,437	" 1835, 7,803

In this table, the cities of Albany and New-York are not included, as returns of the whole number of children between five and sixteen years of age in those cities, have not been made by them until within the last few years.

The variations in the proportion which the whole number of children enumerated bears to the number receiving instruction from 1826 to 1833, may be ascribed, in some degree, to the efforts of the Superintendent to correct an error which prevailed in some cases in the manner of making out reports from districts lying partly in two or more towns. The nature of the error, and the process of adjustment, have been fully explained in the four last reports of the Superintendent. There is reason to believe that the greatest practicable accuracy is now attained in the reports from all the school districts, so that the greater number of children who

have received instruction during the last two years, in proportion to the number between five and sixteen years of age can only be attributed to the improvement of the common school system, and to the increasing attention paid to the subject of education.

It should be borne in mind, in referring to the above table, that the aggregate variation in the proportion of children taught to the whole number enumerated may be accounted for, without making much allowance for the error above referred to, by the extension of the enumerated class from fifteen to sixteen years of age. The maximum of the excess of the number taught over the number between five and fifteen years of age, (which was in the year 1826,) and the maximum of the excess of the number between five and sixteen years of age over the number taught, (which was in 1833,) amount together to thirty-three thousand seven hundred and seventy: and this amount can not differ materially from the number of children added to the enumerated class by extending it so as to embrace all between five and sixteen years of age. The effect of this change was also explained in last year's report; and there is good reason to believe now, as was stated then, that the accuracy of the results exhibited in the reports of the Superintendent has not at any time been materially impaired by the erroneous manner in which the reports of some of the joint districts were made out.

It is to be observed that the foregoing table relates only to the common schools; and that, although children between five and sixteen years of age attending private schools are included in the enumeration made in the school districts within which they reside, yet they are not returned among the number receiving instruction. The number of students in the incorporated academies in 1833 was five thousand five hundred and six. The number of children receiving private instruction can not be ascertained; but there can not be the slightest doubt that if the whole number annually instructed in private and district schools and the academies could be obtained, it would be found to exceed the whole number between five and sixteen years of age. As a proof of the truth of this observation it may be remarked that in twenty-six counties the number of children taught exceeds the enumerated class. These counties are either rapidly increasing in population or very thinly settled; and it is precisely under such circumstances that the smallest number of private schools is found.

In the county of Genesee more than twenty thousand children have been instructed during the year; in Oneida more than nineteen thousand; in Onondaga more than eighteen thousand; in Jefferson and Otsego more than seventeen thousand; in Monroe more than sixteen thousand; and including these counties there are twenty, in which more than ten thousand have been instructed.

In the county of Oneida there are three hundred and fifty-seven school districts; in Genesee three hundred and thirty-four; in Otsego three hundred and nineteen; in eleven counties, including the foregoing, more than two hundred and fifty; and in twenty-three counties more than two hundred.

In each of four towns more than two thousand children have received instruction; in sixteen towns, including the foregoing, more than fifteen hundred; and in one hundred and fourteen towns more than one thousand.

In each of nine towns there are more than thirty organized school districts; in twenty-one towns, including the foregoing, more than twenty-five; and in seventy-six towns more than twenty.

The average number of organized districts to each town is twelve and a half; and the number of children receiving instruction, compared with the number of school districts from which they were reported, will give an average of fifty-six and a fraction to each district.

The annexed paper marked C, exhibits the condition of the common schools, under some of its most important aspects, from the year 1816, to the present time.

II. *Estimates and Expenditures of the School Moneys.*

By the reports of the commissioners of common schools, it appears that the sum of three hundred and fourteen thousand eight hundred and eight dollars and thirty-six cents was paid by them to the trustees of the several school districts, in April, 1834. The amount of public money expended by the said trustees in the year 1833, was three hundred and sixteen thousand one hundred and fifty-three dollars and ninety-three cents; of which sum, one hundred thousand dollars was received from the Common School Fund, one hundred and ninety-seven thousand six hundred and

fourteen dollars and thirty-seven cents, was levied by taxation upon the property of the inhabitants of the several towns and cities of the State, and eighteen thousand five hundred and thirty-eight dollars and fifty-six cents, was derived from the local funds belonging to particular towns.

By the abstract marked B, it will be seen that the amount paid for teachers' wages, besides public money, is three hundred and ninety-eight thousand one hundred and thirty-seven dollars and four cents, and exceeds by the sum of twenty-eight thousand four hundred and forty dollars and sixty-eight cents, the amount paid for teachers' wages, besides public money, in 1832. The whole amount paid for teachers' wages is seven hundred and fourteen thousand two hundred and ninety dollars and ninety-seven cents, from which should be deducted a few thousand dollars expended by the Public School Society in the city of New-York, for school-houses.

The whole amount of money, therefore, expended for teachers' wages in 1833, exceeds the amount so expended in 1832 by the sum of thirty-six thousand eight hundred and sixty-one dollars and fifty-three cents.

During the year ending on the 30th September, 1834, the productive capital of the Common School Fund has been increased by the sum of thirty-six thousand two hundred and seventy-four dollars and ninety-three cents; and it now amounts to one million seven hundred and ninety thousand three hundred and twenty-one dollars and seventy-seven cents. The actual receipts on account of revenue during the year ending on the 30th September, 1834, amount to one hundred and four thousand three hundred and ninety dollars and seventy-eight cents. Document D, exhibits the increase and diminution of the fund during the same period. The several items of which the fund is composed, will be found in the paper marked E, together with an estimate of the revenue and the actual receipts on account of revenue for the same year, and a detailed estimate of the revenue for the year ending on the 30th September, 1835, amounting to one hundred and eight thousand four hundred dollars.

It was stated in last year's report, that although the revenue of the Common School Fund for the year ending on the 30th September, 1833, exceeded by more than nine thousand dollars the

sum of one hundred thousand dollars annually distributed, the excess had not been added to the productive capital; but that it was carried to the diminution of a deficiency occasioned by changing the termination of the fiscal year, in 1831, from the 30th of November to the 30th September, and a further deficiency occasioned by a falling off in the amount of payments on account of revenue in 1832, in consequence of the prevalence of the cholera. The nature of these deficiencies and the manner in which they were met, were fully explained in last year's report; and it will, therefore, be only necessary to add, that although the revenue on the 30th September, the expiration of the fiscal year, 1831, actually fell short of one hundred thousand dollars, by the sum of about nineteen thousand dollars, and the revenue of 1833, at the close of that fiscal year, by the sum of about six thousand dollars; yet that the deficiencies were in each case fully supplied by receipts on account of revenue before the time arrived for distributing the sum of one hundred thousand dollars to the common schools. The amount of the deficiencies for 1831 and 1832, was twenty-five thousand nine hundred and seven dollars and two cents; which has been reduced by the excess of revenue for the years 1833 and 1834, after distributing one hundred thousand dollars in each year to the common schools, to twelve thousand three hundred and eighty-two dollars and nine cents. The deficiency will probably be wholly made up in the course of the fiscal year, 1836, by the revenues of the Common School Fund, without resorting to the General Fund to supply any portion of it, as may be done in case of necessity under section 17, page 193, 1st vol. Revised Statutes.

By the provisions of chapter 164, Laws of 1831, the sum of eighty dollars is annually paid to the commissioners of common schools of the town of Southampton, in Suffolk county, for the support of a school for the benefit of the Shinnecock tribe of Indians. This sum is apportioned from the Common School Fund, and is in addition to the sum of one hundred thousand dollars distributed under the general apportionment. The actual amount, therefore, paid from the School Fund annually, for the support of common schools, since the year 1831, is one hundred thousand and eighty dollars.

The paper marked F, exhibits the capital of the School Fund from its foundation to the present time, the annual revenue or interest, the amount annually distributed, and the increase and di-

Castleton, Oneida Creek tract, Oneida Lake reservation, Oneida reservation, northwest part, Onondaga purchase, first and second Oneida purchase, and in the Saint Regis reservation; and of bonds for the consideration of premises bought under foreclosure of mortgages.

The sale of one hundred thousand dollars of canal stock to the Commissioners of the Canal Fund, was made in pursuance of the 2d section of chap. 296, of the Laws of 1832. Of the amount sold, eighty-seven thousand dollars was of the Cayuga and Seneca canal stock, and thirteen thousand dollars of the Erie and Champlain canal stock. The whole was taken at its par value, as provided for by the section referred to by the Commissioners of the Canal Fund; and the proceeds of the sale were passed to the credit of the General Fund, and an equal amount in bonds and mortgages was received in return from the latter. In respect to the Common School Fund, the exchange of securities (for such so far as that fund is concerned is the nature of the operation) is decidedly favorable. The stock sold bears an interest of five per cent. Whereas the securities, which have been transferred in lieu of it to the School Fund, bear an interest of six per cent. In point of revenue, therefore, the School Fund is a gainer; and the securities are of such a nature, that no loss to the capital need be apprehended.

The productive capital of the fund amounts to one million, seven hundred and ninety-one thousand, three hundred and twenty-one dollars and seventy-seven cents, and consists of eight hundred and one thousand, six hundred and forty-six dollars and twenty cents, in bonds and mortgages for lands sold, bearing an interest of six per cent, with the exception of a small portion, consisting of securities on lands which were sold under foreclosures of mortgages for moneys loaned at seven per cent, and which were resold at the same rate of interest; forty thousand, six hundred and fifty-five dollars in loans to the counties of Broome, Cayuga, Chautauque, Clinton, Erie, Herkimer, Jefferson and Niagara, the whole of which bears an interest of six per cent, with the exception of fifteen hundred dollars, loaned to the county of Erie at seven per cent: four hundred and eighty-nine thousand and twenty dollars and fifty-seven cents, of balances of the loans of 1796, 1792, and 1808, at an average interest of six per cent: two hundred and thirty thousand dollars of canal stock, bearing an interest of five per cent, and two hundred and thirty thousand dollars of stock in

the Merchants' and Manhattan banks in the city of New-York, the dividends on which are not less than six per cent per annum. The items composing these several amounts are exhibited in the paper marked F, hereunto annexed.

It may now be calculated with safety, that the fund will admit of an annual distribution from its own revenues, of one hundred thousand dollars to the common schools. The capital is believed to be so invested as to be entirely secure, and the interest has, during the last two years, been paid with great punctuality. The revenue for the year ending on the 30th Sept. 1834, was estimated at one hundred and six thousand, eight hundred dollars, and the receipts, notwithstanding a stagnation of business during a portion of the year, amounts to one hundred and four thousand, three hundred and ninety dollars and seventy-eight cents. By section 17, page 193, 1 vol. Revised Statutes, it is provided, that "when-ever the revenue of the Common School Fund shall be insufficient to satisfy the annual appropriation of one hundred thousand dollars, the deficiency shall be supplied and paid from the General Fund." The year 1830 was the last, in which it was necessary to resort to this expedient; and there is now no cause to apprehend that it will again be necessary to have recourse to it.

IV. *Organization of the Common Schools.*

The administration of the Common School system, in all matters enjoined by statute upon those who are charged with its supervision and management, has attained as great a degree of regularity as is practicable. Returns have been received from every town in the State, and, with a single exception, through the channels prescribed by law. In the case referred to, the report of the commissioners of common schools having been accidentally retained until the time for sending it to the county clerk had passed by, was transmitted directly to the Superintendent. The matter contained in the report now submitted to the Legislature by the Superintendent, has been furnished through the agency of more than thirty thousand individuals: and of all the school districts in the State, nineteen out of twenty have made their reports in the manner required by law to enable them to participate in the benefits of the Common School Fund.

Although the operation of the system is so regular, there is one particular in which it might be improved. By the existing law,

the annual reports of the trustees of school districts are required to be made after the first of January, and on or before the first of March. On these reports the public moneys are apportioned by the commissioners of common schools in each town, on or before the first Tuesday of April. From this time the commissioners have about six months (until the first of October) to make their reports to the county clerks, and the latter have two months (until the first of December) to send certified copies of those reports to the Superintendent of Common Schools. None of the reports contain any matters which have occurred subsequent to the first of July preceding, nor, indeed, subsequent to the first Tuesday of April, excepting where a new school district has been formed between these two periods, in which case it is included in the whole number of organized districts in the town. The consequence of keeping the district reports six months in the hands of the commissioners is, that the reports from the county clerks are not all received until after the first of December by the Superintendent. He has then to examine, personally, abstracts of the reports from every town in the State, nearly eight hundred in number, and to prepare tables, which cannot be completed until about the time the Legislature meets; and if in any of the reports which are made, an error appears, (as is sometimes the case,) it is usually discovered at so late a day that it cannot be corrected, so as to admit of the presentation of his report at the commencement of the session. The Superintendent, therefore, suggests that the law be so amended as to require the commissioners of common schools to report by the first of August, and the county clerks by the first of October. This amendment will leave the existing arrangement for making the district reports and for apportioning the public moneys undisturbed, and will, in fact, merely curtail the time allowed to the commissioners for making their reports. They will, in case this suggestion should be adopted, have, after apportioning the public moneys nearly four months to report their proceedings—a period fully adequate to every purpose of convenience—and the Superintendent will have time to write to the commissioners of common schools of any town in the State, should an error be discovered in their report, and procure its correction before the meeting of the Legislature.

In the alteration and formation of school districts, in the apportionment of the public moneys, and in the exercise of the powers

conferred on the inhabitants of school districts and their officers, questions frequently arise, and are brought before the Superintendent for his decision. Such of these questions as grew out of the proceedings in school districts, were by the Revised Statutes settled by the commissioners of common schools of the towns in which they arose: but by an amendment of the Statute, all appeals must now be addressed to the Superintendent. This is, in fact, a restoration of the mode of redress provided for by the act of April 12, 1822, and was recommended by the Superintendent in a communication to the Legislature on the 2d of April, 1830. Questions submitted to him are generally disposed of with promptitude, and it is extremely rare that they ripen into feuds and interrupt for a length of time the harmony of the districts. When the great number of districts is taken into consideration, it is, perhaps, remarkable that controversies are not more numerous, especially when they may be carried on without expense to the parties. In this part of its administration, the system is susceptible of no material improvement. The settlement of disputed questions is the most laborious of the duties of the Superintendent, and it becomes more so as the districts increase in number; but experience has shown that the present mode is, both as regards the parties concerned and the public, the best hitherto adopted of putting controversies at rest. However impartial the commissioners of common schools might be in disposing of the questions submitted to them, their vicinity to the field of dissention rarely failed to subject them to the imputation of biases unfriendly to one or the other of the parties litigant. With the existing mode no such imputation is likely to be made, even when the decision pronounced upon the matters in controversy may not give satisfaction: And thus a fruitful source of discontent is closed up.

One of the most responsible and delicate trusts to be executed under the common school system, is that of inspecting teachers and pronouncing upon their qualifications. This duty is confided to three inspectors, who are elected in each town annually, or by the three commissioners of common schools, who are also elected annually in each town, and who are, by virtue of their office, authorized to examine the schools and teachers, and give the latter certificates of qualification. If the inspection of teachers is negligently conducted, or with a willingness to overlook deficiencies instead of insisting rigidly on the requirements of the law, it is manifest that men without the necessary moral character, learning

or ability, will gain a foothold in the common schools, and present a serious obstacle to the improvements of which they are susceptible. This would be an evil of the greatest magnitude, and there is no remedy for it but a strict inspection of the candidates. It has been the practice in some instances, for inspectors to have a reference to the particular circumstances of the case in giving a certificate. Thus they have sometimes given an individual a certificate, with a view to a summer school, in which the children taught are usually smaller and require less of the teacher, when the certificate would have been withheld, if it was asked with a view to qualify the teacher for a winter school. But it is obvious that such a distinction is wholly inadmissible. A certificate must be unconditional by the terms of the law: The inspectors must be satisfied with the qualifications of the teacher, "in respect to moral character, learning and ability:" And the certificate, when once given, is an absolute warrant for the individual to teach for a year, and to receive the public money, unless revoked before the expiration of the year, in which case it ceases to be operative from the date of its revocation. The standard of qualification for teachers, so far as granting certificates is concerned, is of necessity arbitrary. The law does not prescribe the degree of learning or ability, which a teacher shall possess, but virtually refers the decision of this important matter to the inspectors. The effect of such a regulation is to set up in each town a standard conformed to the state of public instruction within it. If the inspectors are satisfied that the individual is competent to give instruction in the subjects usually studied in the schools in the town, they give a certificate; if not, they withhold it, excepting in a few cases already referred to, in which certificates are sometimes improperly given. It would be difficult, if not impracticable, to secure entire uniformity in the inspectors of teachers; and indeed, in the systems of popular instruction which have recently attracted most strongly the public attention, such uniformity has not been attempted. In Prussia and France different grades of qualification for teachers in the primary schools are provided for, and certificates are given corresponding with the ability of the individuals to teach. This distinction is founded upon the obvious propriety of allowing districts, which are poor, and on which the burden of supporting a teacher of the first grade would fall too heavily, to employ one of inferior qualifications. Such a distinction, however, is not, it is believed, necessary at this time under our system. By employ-

ing a qualified teacher three months in each year, every district is entitled to a distributive share of the Common School Fund, and its proportion of the common school tax paid by the town, and there are few instances in which the amount of the contribution from these sources will not suffice to pay him one-half of the whole amount of his compensation for the prescribed period. During the remaining nine months, the districts are at liberty to employ such teachers as they may think proper. All the law exacts is, that during one-fourth part of the year, each district which participates in the bounty of the State, shall have a teacher, with whose qualifications the inspectors of the town are satisfied. The requisition is by no means onerous, and as the inspectors have not, neither should they possess, the power of relaxing the rule with reference to the circumstances of any particular case, by departing from the standard of qualification, which they assume as their guide in others. Something may be done by means of rigid inspections, to raise the standard of education: But it cannot be disguised that opinion must first be influenced before it can be greatly advanced.

The extent of common school instruction in this State, so far as it relates to the number of those on whom its benefits are bestowed, admits of little, if any, change for the better. In this respect our system need not shrink from a comparison with any other. When considered under all its aspects, and particularly with a reference to the training of teachers, the Prussian is, perhaps, superior to every other. But in regard to the number of those whom it embraces, it falls short of ours. In 1831, the inhabitants of Prussia amounted, exclusive of the army, to 12,780,745 souls: The number of scholars receiving instruction during the same period in the different public schools was 2,047,352. Thus it appears that one in every 6.22 of the whole population was, in that year, receiving instruction.

The population of this State, according to the census of 1830, amounted to 1,919,132. If the rate of increase from 1820 to 1830 was equal to the rate of increase from 1825 to 1830, the population of the State in 1833 was 2,101,000. During the same year, the number of children actually receiving instruction in the common schools amounted to 531,240. It, therefore, appears that one in every 3.95 of the whole population in this State was, in 1833, receiving instruction in the common schools alone.

It ought not to be overlooked, that this great result has been brought about by the force of opinion, stimulated by a very small pecuniary interest. In Prussia, on the other hand, the system of popular instruction has been extended over the whole population by force of law; presenting the noble example of a government with almost unlimited powers, employing them for the purpose of exalting the intellectual character of its subjects.

The incompetency of teachers is still the great evil of the common school system of this State, and it may, indeed, be said to be the source of the only other material defect, which pertains to it—a low standard of education in most of the schools. The evil, however, is by no means universal. There are many teachers of ample qualifications, and many schools of high standing, both as regards the nature and extent of their requirements. The only cause of regret is, that this is not the character of all. The principal obstacle to improvement is the low wages of teachers; and as this is left altogether to be regulated by contract between them and their employers, there would seem to be no effectual remedy for the evil but to inspire the latter with more just conceptions of the nature of the vocation, and its high responsibilities, and of the necessity of awarding to those who pursue it, a compensation in some degree suited to its arduous duties and requirements. So long as the compensation of teachers is on a level with that which is commanded by the most ordinary employments, it is not to be expected that men of the necessary talents will prepare themselves for the business of teaching; but it may be justly said, that there is scarcely any vocation, in which the best talents can be employed to greater advantage. It has certainly not been common to assign to it a value at all commensurate with its importance; and it must be confessed, that while its end was to teach reading and writing and a few elementary rules in arithmetic and grammar, there was some reason to undervalue it. But on this subject more just views begin to prevail. However narrow the limit of instruction, it is obvious that the mere association of a teacher with pupils, who are at an age best fitted for the reception of strong and durable impressions, cannot fail to exert an influence upon their minds for good or evil, which may determine the complexion of their whole lives. Whatever the design may be, schools must, from the necessity of the case, be instrumental to the formation of moral as well as intellectual character; and it is of vital importance that the moral qualities and habits of the

instructor, independently of his ability to teach, should, at least, carry with them no lessons of evil. But to enable him to discharge his duties in a manner suited to their great purposes, he should be fitted by his disposition and acquirements to give a proper direction to the moral sentiments, to bring into activity the intellectual faculties, to lay open those rich stores of knowledge, which are to be found in the nature of man and in the external objects by which he is surrounded, to create a spirit of inquiry and observation, and teach its application to practical uses. To accomplish these results, a high grade of qualification is indispensable; but nothing less, it may be safely assumed, will satisfy the existing desire for rational improvement, or keep pace with the advances of science and the progress of just opinions. In order to command the services of men competent to discharge this elevated trust, an adequate compensation must be provided for them; for it cannot be expected that any occupation, excepting such as confer influence or distinction, will invite to it talent and skill without the promise of pecuniary rewards proportioned to its labors and sacrifices. Before the evil referred to can be wholly eradicated, a change must be wrought in public opinion: and it is believed that such a change is already in progress, and that it may be accelerated by measures, which are now under the consideration of those who have the power to adopt them. During the last session of the Legislature a law was passed authorizing the Regents of the University to apply a portion of the revenue of the Literature Fund to the education of common school teachers; and it is understood that a plan will be matured, at an early day, to establish departments of instruction and discipline for the purpose, in connexion with some of the organized academies. The execution of such a plan will but carry out a policy which was distinctly recognized by the Legislature in 1827, when the capital of the Literature Fund was augmented, to use the language of the law, in order "to promote the education of teachers," although the design of the law was not sustained by the measures necessary to give it the form and effect of a system. Should these departments succeed in preparing for the common schools a supply of well trained teachers, it is believed that the influence, which the latter may exert upon the public mind, by the superiority of their methods of instruction over those in common use, will do much to bring about that change of opinion which is indispensable to the perfection of our system of popular education.

In Prussia the expense of the seminaries for teachers is nearly equal to one-fifteenth of the whole annual expense of the primary schools. In 1833 there were forty-two of these institutions, twenty-eight of which were extensive establishments. The other fourteen were subordinate or branch seminaries. Of the larger class some have ancient endowments, which diminish the contributions from the public treasury to their support. But the government expends upon them annually about \$80,000. In 1831 the expense of thirty-three seminaries amounted to \$80,000, of which sum the government paid \$60,000. In the year 1833 more than 2,000 pupils were receiving instruction in these institutions, and about 900 are annually furnished for the primary schools. The whole number of teachers in the different schools is above 22,000, and the annual vacancies range from three to four per cent. Thus the seminaries, on their present footing, are adequate to supply the entire demand for teachers.

In this State the number of school districts is nearly ten thousand, and the number of teachers about the same, although in a small number of districts two or more teachers are employed. If the schools were now furnished with teachers, and vacancies were to occur in the same proportion as in Prussia, an annual supply of four hundred would be necessary. There would be no difficulty in preparing such a number in the incorporated academies, with little more expense than that of establishing the necessary departments, and providing for the compensation of one or more additional instructors in each academy employed for the purpose. The only difficulty would be to induce the school districts to secure the services of the teachers thus prepared, by offering them a fair compensation. The St. Lawrence academy alone, with no direct contribution from the State to this specific object, has sent out in a single year sixty teachers for common schools. One academy in each Senate district would, therefore, be adequate to supply all the demands of the common schools, if they were actually provided with competent teachers.

In Prussia the whole expense of erecting buildings for teachers' seminaries, supplying them with libraries, apparatus for instruction, and musical instruments for the pupils, has been paid by the government. Board is also furnished by the State for all the pupils, but by far the greater part of them pay an equivalent for it. In engrafting upon some of our incorporated academies depart-

ments of instruction for the education of teachers, the necessity of preparing proper buildings would be in a great degree obviated. In some cases it might be necessary to add to them, but the expense would be inconsiderable. The pupils would not only provide their own board, but most of them would also be able to pay for tuition, so that the departments would contribute, in some degree, to their own support. A better opportunity of putting into operation, at little expense, an efficient system of training for teachers could hardly be presented.

If the foundations of our whole system of public instruction were to be laid anew, it would perhaps be advisable to create separate seminaries for the preparation of teachers, although from the nature of our institutions it might be deemed arbitrary, if indeed it were practicable, to compel the school districts to employ them. It would be equally difficult, without a great augmentation of the Common School Fund, to present to the districts a sufficient pecuniary inducement to engage the individuals thus prepared: and it may be safely assumed that nothing short of a thorough conviction in the public mind that common school teachers are in general incompetent to the proper fulfilment of their trusts, and that the standard of education is extremely imperfect, would accomplish the object. If that conviction can now be created the existing evils may readily be redressed. Our common school system is so perfectly organized, and administered throughout with so much order and regularity, and so many academies under able management are already established, that it would seem the part of wisdom to avail ourselves of these institutions to the extent of their capacity, for the purpose of training teachers for the common schools. Their endowments, their organization, the experience and skill of their instructors, and their whole intellectual power may be made subservient to the public purpose in view, and with the aid which the State can lend, much may be effected. But whatever differences of opinion may prevail, with regard to the foundation of this plan in sound policy, the question has been settled by the Legislature, and it remains only to carry it into execution with proper energy. Should it prove inadequate to the ends proposed, a change of plan may then be insisted on, without being open to the objection of abandoning a system, which has not been fairly tested.

It may not be improper to remark in this place, that the necessary connexion which exists between our common schools and the literary institutions of the State, including those of the highest grade, has been too frequently overlooked. The academies have already been, in effect, without receiving from the State any direct pecuniary aid for the purpose, nurseries for common school teachers. The great body of those, who have either temporarily or permanently devoted themselves to teaching, have been prepared at the academies with a view to that occupation, or to some professional employment. The instructors in the academies have, in their turn, been educated in the colleges; and but for the latter, or some other system of classical and scientific education as a substitute for the course of training pursued in the colleges, the academies would obviously be destitute of the necessary supply of tutors. Thus, all our incorporated literary institutions minister to the improvement of the common school system, on which the great body of the people are dependant for their education. It is true, that colleges are apt to be regarded as aristocratic institutions, beyond the reach of the poor, and therefore, beneficial only to the rich. But independently of the indirect benefit already referred to as resulting from them, it is believed that this prejudice will be found, on a close inspection, to be founded wholly in error. Men of fortune are obviously independent of them; for, however convenient they may be, wealth can always command the services of talent, and the children of those who can afford the expense, may be educated at home or in private schools. But this expense is altogether beyond the ability of individuals in ordinary circumstances. A man of little property may be able to educate his child in an institution, which, by reason of its endowments, can fix the charge for tuition at very reasonable rates. If the institution is so near that children can board at home, it is brought within the reach of an additional number. Indeed, many young men, altogether without property or pecuniary assistance from their friends, succeed now in gaining an education at college by their earnings during vacations. In the endowment of Union College, provision was made by the Legislature for indigent students. In the year 1833, books were furnished gratis for all who were unable to provide them, and seventy-three young men were "otherwise assisted from the fund granted by the State for the purpose." It may be justly said that colleges are not necessary to the rich, but that they are to persons in ordinary circumstances of the greatest value. They serve to

abolish the most important distinction which can exist under our political institutions and laws—the distinction between the educated and the uneducated—and they enable those, who are destined to rely on their own unassisted efforts, to enter into competition in the highest intellectual fields of enterprise, with those who have been sustained by the adventitious aids of wealth.

Whatever doubts may have been entertained with regard to the beneficial effects of institutions, sustained wholly or in part by government patronage, for the higher departments of education, none, it is conceived, can reasonably exist in relation to our colleges on their present footing. None of them are so highly endowed as to be able to dispense altogether with contributions from their pupils; they are generally dependent in a very great degree on public patronage for their support; they derive no regular income from the State treasury; the same competition, which prevails in the ordinary transactions of individuals engaged in the pursuit of a common object, is so strongly felt by them, that professors without talents and industry will find no place in them, and the course of studies must necessarily take its complexion from the public wants, and cast off every thing, which is either useless, or repugnant to the prevailing spirit of society.

But it is principally as accessory to the great objects of common school instruction, that our colleges and academies deserve to be cherished—as nurseries for those through whose instrumentality the standard of popular education must be raised to its proper elevation.

The system of instruction in the common schools is in general defective. The practice of paying low wages has, as might have been expected, introduced into them teachers wholly incompetent to execute their trusts; who, in their turn, have brought in bad methods of teaching, and kept down the standard of requirement for their pupils on a level with that by which their employers have measured their qualifications. This is not only an injury to the younger classes, by withholding from them the culture necessary to a full development of their intellectual faculties, but it is an injury to our political institutions, the frame of which rests upon the basis of popular freedom, and derives its whole strength from the public intelligence and virtue. In the progress of civilization it is manifest that there are evils to be counteracted as well as benefits

to be enjoyed. As the occupations of men become more various, and the objects of their pursuit are adapted to an advancing state of refinement, the divisions of industry become more minute, and the field of intellectual exertion for those who depend on manual employments, is in danger of being narrowed down to a smaller compass. Under any liberal form of government, this is an evil; for on the intellectual cultivation and moral power of the great body of the people must depend its tranquillity, if not its permanence: But under ours, it would be an evil of fearful magnitude. If with us, as every where else, the tendency of improvement in the arts of civilization is to increase the distance between particular classes of the political society, this tendency should be counteracted by the proper remedies. The provisions of our laws in relation to the division of estates, and the prohibitions which have been set up against the perpetuation of masses of property by descent, have done much to guard against the evil referred to. But something more remains to be done. The distinction between the educated and the uneducated, should, as far as possible be diminished, not by depressing in any degree the standard of education, but by raising all to the greatest possible approximation to the highest. It is in this manner only that we can do justice to ourselves, and lay broader and deeper the foundations of our social prosperity and happiness. The attention of the great body of the people should therefore be directed to objects beyond the sphere of the employments on which they depend for their support; and to render effectual a system of education adopted for the purpose, its influence must be felt in early life. It is only by elevating the character of the common schools, that a timely spirit of inquiry is to be roused, and those habits of reflection formed, which are to carry the individual forward in the pursuit of knowledge, and in the improvement of his moral and intellectual faculties. Reading, writing and arithmetic, are not to be regarded as the end of common school education, but as the instruments through which he may gain a knowledge of his own powers of those natural laws which he may convert to his own use and of the institutions under the protection of which he lives, and upon the action of which he, as a part of the sovereign society, exerts a perpetual influence. The principal branches of common school instruction are usually taught with little other purpose or effect than that of attaining the single object in view; whereas, in learning to read, the pupil might acquire many valuable principles and useful facts; and in gain-

ing a knowledge of arithmetic, he should be taught how to apply the processes with which he becomes familiar, to the practical business of life.

Whatever may be true of other countries, it is a great mistake in ours to suppose that the education which an individual receives should be designed exclusively to fit him for the particular employment which he is destined to pursue. The relation which every individual bears to the government, is so important in its character, that he cannot be fitted to sustain it without a considerable degree of intellectual cultivation. He should be able to determine whether those whom he has contributed to clothe with political trusts, have confined themselves within their warrants of authority, or whether, in the exercise of their acknowledged powers, they have acted for the best good of their constituents. To decide such questions intelligently, no inconsiderable information is necessary; nor is it to be expected that they will be correctly decided without a just power of discrimination. In the progress of those alterations which have been made in the frame of the government of this State, the people have thought proper to resume the exercise of powers, in respect to the right of suffrage, which they had formerly confided to fewer hands. In thus resuming them, and carrying out more fully the principles on which the government is founded, it should not be overlooked that the people have devolved on themselves an increased responsibility; and it becomes their duty to provide that all who are concerned in the exercise of the powers referred to, should be made competent to the task. For this purpose, it is only necessary that the common schools should be properly supported, that able and well-trained teachers should be provided, and that the standard of education should bear a just relation to the great objects to be attained.

Independently of this general view of the subject, there are other reasons of a more particular application to individuals, for raising as high as possible, the standard of common school instruction.— Knowledge carries with it influence over the minds of others, and this influence is power. In free governments—what is of more vital concern—it is political power. If common school instruction is to terminate with a knowledge of a few elementary branches, it is manifest that the classes which receive all their education in them, will not, in wielding the political power of the country, participate equally with those who have the advantage of a more en-

larged and better directed course of training. Every man may, in theory, have the same power, but it will be virtually regulated by the force of his intellectual character. Under forms of government, which throw open to all the citizens the avenues to political distinction, every individual should seek, in the education of his children, to lay as broadly as possible, the foundation of their intellectual character, and to qualify them for an advancement to posts of honor or emolument. It is one of the most valuable features of our political system, that all are equally free to enter into competition with each other in the pursuit of wealth and power, and that there is no elevation which may not be reached by perseverance and industry, however humble the condition of him who aspires to it. But who does not see that competition will be unequal, and the proper action of the system disturbed, if the great body of the people are not furnished with such early instruction as is essential to the development of their intellectual faculties ?

A defective and imperfect system of public instruction is not only unjust to our institutions and to the community, but on the score of economy it is highly objectionable. By a judicious reform in the existing methods, it is believed that in one-half of the time now devoted to elementary instruction, much more valuable information might be obtained. Such an economy of time would be a gain not only to individuals, but to the whole community. The average duration of common school instruction for children cannot fall short of twelve years; and if the same knowledge could be gained in half that period, six years of useful and productive exertion would be added to the life of every individual hereafter to be educated. If, in the same time, a higher degree of cultivation may be attained, the moral power of the community will be increased in proportion. Every man who depends on his manual exertions for support, feels the importance of securing the assistance of his children at the earliest possible day. To him, a saving of time is a saving of money; and by paying a little more for a few years for a competent teacher, he will not only consult his pecuniary interest, but promote the more important object of fitting his children for those spheres of usefulness and honor, which are open to them. If time is valuable in the present condition of the country, it will be still more so when population becomes more dense, and the means of subsistence more difficult to be procured. In the progress of improvement, most of the employments on which men rely for their support, demand of those who follow them, a higher

grade of qualification; and the time allotted to preparation must either be enlarged, or so employed as to afford in a shorter period the same amount of practical information and discipline. The effect of competition, which is constantly increasing as improvement advances, is to reduce the profits of almost every pursuit, and to augment still further the time necessary to be devoted to labor.— The necessity, therefore, of carrying into the common schools such methods of instruction as shall save time, and call into more full and efficient exercise the intellectual powers, is constantly becoming more urgent. In any sphere of instruction, cheap teachers are unquestionably the most expensive. If they demand less money, they consume more time, which is as valuable as money, and the fruits of their labor partake of their own deficiencies. In all other matters, men are accustomed to employ those who are best qualified to perform the service required of them. But the education of their children, the most important of all trusts, from its connexion with the moral as well as the intellectual character, is often confided to those who afford no assurance, in their acquirements or in the tenor of their lives, that either their instruction or their example will redound to the improvement of their pupils.

But, as has already been observed, a change in public opinion is, it is believed, in progress; and it is earnestly to be hoped that *it may be complete*. When measures shall be taken to train in the organized academies such a supply of competent teachers as to provide each town in the State with a few good schools, the contrast between the improved methods which will be introduced into them and those which are in common use, can hardly fail to produce in neighboring districts a degree of emulation, which will gradually bring the schools established in them to the same standard. Imperfect as are many of our common schools, they are, it may be confidently said, in better condition than they have been at any previous time. The standard of education in general has gradually advanced, though very slowly. But in some schools a high degree of excellence has been attained, and within the sphere of their influence improvements are gaining ground in others. In districts where the inhabitants have not had the opportunity of witnessing the beneficial effects of better methods of instruction, it is natural that they should be content with those to which they have been accustomed. But the good sense which the people carry into their ordinary transactions, will in this matter, as in all others, guide them to correct conclusions when the benefits of improved,

and the evils of defective, methods are brought home to their observation. As the demand for competent teachers is augmented, and such wages are offered as to ensure their services, the number of those who prepare themselves for the business of teaching, will increase in a like proportion. Should departments of instruction for teachers be established in the existing academies, as is contemplated, and the plan prove efficient and become popular, it may be readily extended so as to be commensurate with the wants of the whole State.

Although the compensation of teachers is still extremely low, it is gratifying to reflect that it is increasing. In the districts heard from, the number of schools kept during the year 1833, an average period of eight months, was nine thousand three hundred and ninety-two. The amount actually paid for teachers' wages, in the same districts, was about six hundred and sixty-five thousand dollars. This sum divided among the schools would give each teacher \$8.85 per month. But it is supposed that female teachers are employed about half the time at a compensation of five dollars per month. In this case, the average compensation of male teachers would be \$12.70. By a similar estimate for the year 1831, contained in the report of the Superintendent made in 1833, it appears that the average rate of wages for male teachers was but \$11.85. A similar estimate for the year 1832 would give \$12.22. Thus it appears that the rate of wages is steadily advancing, although still altogether inadequate to the services rendered.

In the last annual report of the Superintendent, he expressed the opinion that some of the leading features of the Prussian system of popular instruction "were wholly incompatible with the genius of our institutions." That system is, perhaps, as well organized and administered as one of the kind can be: Certainly nothing can be more admirable than the regularity with which its operations are carried on; and notwithstanding it is compulsory in its character, it appears to have secured the approbation of the inhabitants of Prussia. Although a few years only have elapsed since it was brought to perfection, it has existed in that country for several centuries in a different form, and has been long incorporated with the prevailing habits of thinking. A single fact will show that it is regarded with favor by those for whose benefit it was designed. From seven to fourteen years of age all children are required to be sent to school. In the year 1831 the whole

number of children in Prussia between the ages of seven and fourteen years was 2,043,030; while the number of children actually attending the schools of the different grades was 2,047,352. Deducting from the number first mentioned, those who from bodily or mental infirmities were deprived of the benefits of instruction, together with those who were instructed in private schools, and the number actually attending the public schools would appear to have greatly exceeded the whole number who were required by law to attend them, and to have been nearly one-sixth of the whole population of Prussia.

Although the system seems to rest alike upon popular favor and public law, its very foundation is compulsion. For this reason the Superintendent deemed it unsuited in many respects to the prevailing opinions and condition of society in the United States. In this opinion he was not singular. Indeed, the same objection seems to have been raised in England, where it might be expected to weigh much less than here. Plans of popular education are now under public consideration in that country, and have enlisted many of the first writers in the discussions to which they have given rise; but in none of those which have fallen under his observation, has the principle from which the Prussian system derives its efficacy, been admitted to any considerable extent. The following is extracted from an able article on education recently published.

“Our attention has of late been strongly directed to the complete system of popular education for all classes, established in the Prussian dominions, and in other parts of Germany. The instruction of the whole population, distributed in their different schools of primary instruction for the lowest orders, of burgher schools for the commercial classes in the towns, in the gymnasia and the universities for the higher orders, is administered by the beneficent despotism of the State, with the regularity and uniformity of military discipline. Some excellent persons are desirous that a scheme of this kind should be introduced into this country; to which there is this insuperable objection—its total impracticability. Education may eventually form, but it must first adapt itself to the national character.”

Although a system of measures framed with a view to accelerate the improvements, of which our common schools are susceptible, by withdrawing them from the control and supervision of

those most deeply interested in them, might be easily devised, and might, at first glance, seem calculated to secure the object, it is believed that the effect of such measures, would be far from salutary upon a people who are to be actuated by moral influences rather than by compulsion, especially in matters which have a necessary connexion with the formation of opinions. Laws providing for the appointment of teachers for school districts by the State, without the consent of the inhabitants, prescribing a particular course of instruction, requiring the inhabitants of school districts to send their children to school under penalties for neglect or refusal, to provide teachers with houses and fixed salaries, and to pay them pensions when they become disqualified by age or infirmities for the discharge of their duties, would be considered an invasion of sacred privileges, and could hardly fail to draw down an opposition, which would retard the very improvements they were designed to secure. For the adoption of the measures necessary to the perfection of our common school system we must rely mainly on the intelligence of the people. To assume that they are incapable of forming a just estimate of their true interests, or that, estimating them properly, they will be unwilling to do what is necessary to secure them, would be an impeachment of their good sense, which is not warranted by experience, and which, if admissible, would also impeach the wisdom of our whole political organization. Experience shews that the people require only to be furnished with the proper means of observation to judge rightly. In the vicinity of the St. Lawrence academy, in which a system of lectures on the principles of teaching has been regularly delivered to a numerous class, during the last three or four years, the average rate of compensation for teachers has advanced about three dollars per month. The school districts enter into competition with each other to procure the teachers prepared at the institution, which has been wholly unable to supply the demand. The teachers educated at the Andover Seminary, in Massachusetts, command readily a compensation for their services, which enables them to devote themselves to teaching as a permanent vocation. The same effects which have been produced in the neighborhood of the St. Lawrence academy will be visible elsewhere, when the same opportunities of observation are presented; and when the training of teachers is reduced to a system, and the standard of education in a few schools is raised to its proper elevation, the sound judgment and liberality of the great body

of the people may be safely relied on for the extension of these improvements to every part of the State.

It has, indeed, been said that in establishing systems of public education the government, and not the people, must give the impulse. But, however true the observation may be of other countries, experience has shown that it has no application to our own. The foundations of the common school system, which exists under different modifications of form throughout the northern and eastern States, were in most cases laid by the people, without the aid of the public authority. If there is any one sentiment with respect to our social condition which has prevailed more generally than any other from the earliest times, it is a deep rooted conviction of the importance of education for all classes. With regard to the extent to which intellectual cultivation should be carried in the common schools, opinion has certainly not kept pace with the progress of improvement in other matters; but as has been already suggested, the evil has grown out of the imperfect methods of instruction in common use; and in order to secure the correction of the evil the necessary improvements in common school instruction must be brought under the same intelligent observation in which the foundations of the system were laid. If this be done, it is believed that no compulsory measures will be necessary to ensure their adoption.

It was for a long time contended by the most profound writers, that the support of religious societies could not be safely entrusted to the voluntary contributions of the people. But our experience has completely overturned the arguments on which this fallacy is founded; and it gives us the strongest assurance, that the same enlightened sentiments which have so liberally sustained the established systems of religious worship and instruction, will, with equal liberality, sustain those systems of early moral and intellectual cultivation, without which the generations to succeed us would neither be fitted to discharge their duties to themselves, to their country, nor to the Power on whose providence depend the destinies of all.

In the last annual report of the Superintendent, he stated briefly the principal branches of study, which were deemed essential to every individual, in order to fit him for the discharge of the duties of citizenship. The importance of the subject, and the increased attention which popular instruction has recently attracted,

will, he trusts, be deemed by the Legislature, a sufficient apology for repeating the enumeration then made, though no legislative action is required.

Grammar. So much as is necessary to a correct comprehension of the different parts of speech, and such a course of exercises in parsing as shall render the student familiar with the practical application of the rules which govern their relation to each other. This branch is usually commenced too early, and much time expended to little or no purpose.

Geography. A thorough knowledge of the geography of the State of New-York and of the United States, and so much of the geography of the earth, political as well as physical, as treats of its general divisions, of climates, soils and productions, and such elementary statistics as are usually engrafted upon geographical works.

History. A familiar acquaintance with the history of the United States; and the elements of general history.

Arithmetic. The usual course as far as and including the Rule of Three. To this course should be added the elements of geometry.

Civil and Criminal Jurisprudence. A few practical rules of the former, and so much of the latter as points out the offences, to which penalties are annexed by law. These may be compressed into a very narrow compass.

Constitutional Law. The form of government and the fundamental principles of constitutional law. A knowledge of these may be best obtained by studying the Constitution of the United States and the Constitution of the State of New-York.

The Duties of Public Officers. So much as relates to our State, county and town officers. A brief and well executed treatise on this subject has already been prepared and published.

These subjects may be studied without difficulty, and without adding to the time necessarily devoted to elementary instruction, by retrenching from others, which occupy too much attention. A great deal of time is lost by commencing the study of grammar at too early an age, and committing to memory abstract rules, the reason of which is altogether above the comprehension of the

learner. The result is, that time is misspent, and there is danger also that a distaste may be created for study, by tasking the mind with acquisitions which it cannot understand, and in which it feels no interest. The memory may be more advantageously exercised in treasuring up useful knowledge on a level with the capacity of the learner; and by directing the attention to subjects which awaken interest, application ceases to be a task.

It was stated, in the last annual report of the Superintendent, that, from the mode of enumeration adopted in the public schools in the city of New-York, under the provisions of the law, the whole extent of the efforts and success of the Public School Society was not exhibited. Thus, although the report stated the number of pupils in the schools in the year 1832, at five thousand five hundred and twenty-three, yet the actual number receiving instruction during a portion of the year, was seven thousand and twenty-six. During the year 1833, the efforts of the Society have been more successful than in any previous one. Although the number of children receiving instruction is stated in Abstract A, at seven thousand seven hundred and thirty-one, the actual number, who were registered and received instruction during a portion of the year, is thirteen thousand five hundred and eighty-eight. This great increase in the number of children receiving instruction in the city of New-York is highly creditable to the Society: and, although many must still be without the benefits of education, the number is regularly diminishing. From the zealous exertions of the individuals connected with the Society, there is every reason to anticipate that the existing deficiencies will be brought within still narrower limits.

The whole number of schools under the control of the society is stated to be forty-five. But the actual number having in some respects a distinct organization, is seventy-five. Of these, several are frequently found in the same building; and in such cases, they are considered as one, and are so stated in this report.

A copy of the report of the commissioners of school money of the city and county of New-York, is herewith annexed, and marked G.

The introduction of such improvements into the course of common school instruction, as will make it equal to its high purposes, is an

object which may justly claim the countenance and co-operation of all classes. On our common schools we must rely to prepare the great body of the people for maintaining inviolate the rights of freemen. If the political fabric cannot find in the public intelligence a basis broad and firm enough to uphold it, it cannot long resist the shocks, to which, through the collision of contending interests, it is continually exposed. Forty-nine out of every fifty of our citizens, receive their education in the common schools. As they advance to manhood, they are, for the most part, devoted to manual employments. Looking to their own industry as their only resource, and to its fruits as the boundaries of their personal desires, the object nearest their hearts is to see their country prosperous, the laws administered with order and regularity, and the political importance which the Constitution has secured to them, maintained undiminished. The controversies to which conflicting interests give birth, are to be put at rest by their decisions. In the questions of policy which are presented to them, constitutional principles are frequently involved, and the relation they bear, and may in all future time bear, to the government, is directly or indirectly affected. How important is it that their decisions should be as enlightened as they will be honest; that with every motive to be upright and conscientious in the exercise of their political rights, they should combine also the capacity to maintain them with independence and discretion! If they shall ever cease to bring to the settlement of these great questions a sound and enlightened discrimination, they cannot fail to become the dupes of artful leaders, and their country a prey to internal discord. From the genius of our political institutions, popular education is our only security against present and future dangers. Ignorance is said to be the parent of vice: with us, it would also be the parent of those fatal disorders in the body politic, which have their certain issue in anarchy.

Happily, our system of public instruction embraces within it almost all who are capable of participating in its benefits. Our only remaining duty is, therefore, to provide that it shall not, at any future day, be reduced to narrower limits, and that the standard of education shall be so advanced, as to secure the highest possible degree of intellectual cultivation.

JOHN A. DIX,

Superintendent of Common Schools.

(A.)
ABSTRACT from the returns of Common Schools, of the several Towns and Counties in the State of New-York, for the year 1834.

ALBANY COUNTY.

Counties and Towns from which returns have been received.	Who number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
City of Albany,	9	9	12	3788 81	2504 10	3650	6340	3788 81
Bethlehem,	12	12	9	369 81	972 58	653	914	304 42
Bern,	22	22	8	374 09	792 62	1234	1342	375 64
Coeymans,	15	14	8	283 74	672 62	704	849	288 74
Guiderland,	10	10	9	323 15	922 61	611	929	285 72
Knox,	12	11	7	227 78	423 86	529	640	227 78
New-Scotland,	21	21	9	365 57	801 31	581	962	330 36
Rensselaerville,	21	20	8	384 40	931 45	1081	1027	384 40
Watervliet,	15	15	8	516 56	1401 71	988	1405	517 36
Westerlo,	22	21	10	344 18	800 08	1104	1016	344 94
	159	155	9	6977 59	10222 96	11115	15414	6842 67

ALLEGANY COUNTY.

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Allen,	6	6	7	93 89	197 44	372	336	140 84
Alfred,	12	12	7	220 95	297 58	665	588	221 80
Almond,	14	14	6	177 80	384 08	632	586	187 96
Amity,	10	9	6	136 27	131 07	357	336	136 26
Andover,	9	8	4	98 80	55 65	190	185	103 92
Angelica,	10	10	6	106 81	405 08	372	400	155 97
Belfast,	9	8	5	90 41	129 47	290	266	116 13
Birdsall,	5	5	7	84 84	101 52	169	162	84 87
Burns,	7	7	6	73 13	126 97	296	282	78 14
Bolivar,	5	5	6	84 57	124 82	279	204	70 47
Caneadea,	5	8	7	116 68	188 74	290	272	122 24
Centerville,	8	8	6	179 12	286 51	429	395	186 79
Cuba,	13	11	6	108 70	391 19	495	478	165 51
Eagle,	10	8	6	160 49	174 37	390	340	163 62
Friendship,	13	12	5	239 15	270 00	631	505	239 15
Genesee,	5	4	5	44 42	116 51	173	129	34 23
Grove,	15	12	6	195 46	236 68	519	496	226 42
Haight,	7	7	5	109 05	101 59	337	301	105 69

Hume,	12	12	7	148 65	286 23	589	501	148 65
Independence,	11	9	5	108 91	119 05	341	280	118 61
Nunda,	13	12	7	114 34	442 32	681	560	134 41
Ossian,	6	6	7	142 67	226 59	277	382	84 57
Pike,	15	15	7	224 94	701 85	740	676	210 06
Portage,	18	16	8	192 23	614 17	957	768	287 43
Rushford,	12	11	6	150 79	199 73	495	426	136 18
Scio,	6	6	5	94 04	83 94	213	192	94 11
	259	241	6	3497 11	6405 12	11119	10291	3747 43

BROOME COUNTY.

Barker,	8	8	9	134 49	315 74	433	378	138 22
Chenango,	29	20	7	365 71	762 88	975	1097	364 23
Colesville,	17	17	7	328 67	467 39	321	836	313 23
Conklin,	10	8	7	86 09	128 72	232	301	86 10
Lisle,	11	10	8	159 55	221 92	472	422	166 13
Nanticoke,	5	4	6	52 56	99 06	149	128	40 40
Santford,	11	10	6	167 52	57 13	306	290	212 02
Triangle,	13	13	9	178 61	417 76	811	521	182 46
Union,	15	15	8	227 00	539 02	808	711	237 00
Vestal,	7	6	7	97 99	280 46	308	332	98 03
Windsor,	20	15	9	286 47	473 62	749	652	289 22
	146	126	8	2084 66	3763 70	5563	5668	2127 04

CATTARAUGUS COUNTY.

Ashford,	9	8	6	96 73	103 51	358	284	98 69
Benton,	9	5	6	34 24	92 86	167	163	55 19

CATTARAUGUS COUNTY, (CONTINUED.)

Countries and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Connewango,	8	8	7	159 65	503 98	669	523	148 45
Ellicottville,	7	5	7	97 99	123 88	398	247	97 81
Farmersville,	12	12	7	230 00	196 58	449	399	157 08
Franklinville,	8	8	6	141 70	201 39	427	342	141 12
Freedom,	17	12	7	74 98	372 93	579	529	235 23
Great Valley,	5	4	7	50 24	81 83	139	111	45 90
Hinsdale,	20	13	5	139 87	317 18	572	486	158 00
Leon,	7	7	6	99 86	231 33	373	334	133 83
Little Valley,	4	4	7	76 79	64 43	186	146	76 79
Lyndon,	3	3	6	42 37	63 75	133	142	42 37
Machias,	8	8	6	119 25	140 88	361	308	141 27
Mansfield,	10	4	6	62 79	107 55	184	138	39 36
Napoli,	9	9	7	136 21	245 12	414	325	143 44
New-Albion,	7	5	6	52 71	41 86	176	119	58 17
Olean,	3	3	7	108 47	170 18	212	185	106 96
Otto,	13	9	6	131 10	244 55	469	398	138 77
Perrysburgh,	21	21	7	442 39	489 13	169	139	381 88
Randolph,	7	5	6	115 30	104 06	233	219	121 36

Yorkshire,.....	7	7	7	7	129 47	146 01	395	386	126 44
	194	160	7	7	2542 01	4042 98	7005	5875	2650 11
CAYUGA COUNTY.									
Auburn,.....	5	5	10		527 32	411 62	422	809	527 31
Aurelius,.....	14	14	8		301 04	1011 15	918	860	305 34
Brutus,.....	12	12	7		298 88	341 98	638	609	317 88
Cato,.....	11	11	8		212 18	434 40	635	656	212 18
Conquest,.....	12	12	7		189 48	189 47	761	574	189 47
Fleming,.....	8	8	9		178 75	406 49	523	444	178 74
Genoa,.....	16	16	9		740 95	833 55	970	800	753 95
Ira,.....	13	13	7		266 89	464 18	841	710	271 89
Ledyard,.....	14	14	8		469 63	688 72	689	691	466 02
Locke,.....	12	12	8		241 27	324 88	666	531	280 63
Mentz,.....	17	17	8		705 55	766 08	1192	1193	707 03
Moravia,.....	11	11	8		300 94	350 54	680	563	256 23
Niles,.....	13	13	8		315 64	492 62	762	668	360 09
Owasco,.....	7	7	8		240 81	357 43	412	387	240 66
Scipio,.....	14	14	9		544 19	820 62	898	810	547 09
Sempronius,.....	9	9	8		291 01	247 79	565	452	157 92
Sennet,.....	13	13	8		473 48	435 26	738	734	239 34
Springport,.....	9	9	8	10	206 85	998 05	521	504	207 38
Sterling,.....	12	12	7		183 35	297 87	651	580	168 53
Summer-Hill,.....	9	9	8		179 69	353 78	520	440	257 17
Venice,.....	14	14	9		501 70	412 58	761	691	441 94
Victory,.....	13	13	8		233 35	361 79	655	675	208 93
	258	257	8		7692 35	10900 80	15388	14361	7295 67

CHAUTAQUE COUNTY.

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Arkwright,	10	7	6	139 57	191 25	359	359	144 75
Busti,	14	14	6	286 24	353 84	755	641	216 74
Carrall,	6	6	6	158 60	232 60	392	305	158 62
Charlotte,	11	11	6	131 97	263 23	464	344	138 49
Chautaque,	16	16	6	245 38	535 97	849	864	261 47
Cherry Creek,	9	6	5	90 15	83 13	289	242	59 82
Clymer,	7	6	5	87 24	109 62	239	195	88 29
Ellyer,	15	14	8	316 57	449 52	804	723	228 34
Ellicott,	11	11	7	262 63	603 70	689	612	262 63
Ellington,	10	10	7	199 53	440 19	658	585	199 92
French Creek,	6	6	6	59 87	124 08	190	183	65 52
Gerry,	10	9	7	163 38	284 26	470	395	186 56
Hanover,	19	17	7	420 91	800 55	1236	1130	403 57
Harmony,	22	17	6	297 70	449 99	857	770	297 70
Mina,	8	7	7	104 70	86 85	279	202	106 62
Poland,	7	6	5	76 89	158 45	222	200	65 65
Pomfret,	20	20	7	529 01	1136 26	1358	1184	529 01
Portland,	15	15	7	276 81	441 64	785	641	302 29

Ripley,	13	13	6	171 20.	412 63	672	634	171 62
Sheridan,	13	13	7	270 43	422 86	689	626	270 43
Sherman,	9	7	6	121 35	166 21	413	228	77 60
Stockton,	13	13	7	242 69	381 60	729	627	248 96
Villenova,	11	11	6	105 89	246 78	523	383	249 69
Westfield,	20	16	7	373 63	567 63	988	898	387 00
	295	271	6	5182 34	8042 84	14909	12921	5121 29

CHENANGO COUNTY.

Bainbridge,	21	21	8	749 58	505 99	1147	906	714 93
Columbus,	13	12	7	254 23	321 72	531	453	281 45
Coventry,	10	10	8	201 35	380 78	571	478	203 33
Guilford,	17	17	7	333 77	770 15	1005	855	321 46
German,	9	9	6	138 44	92 84	340	273	138 78
Greene,	20	19	7	494 32	603 93	1039	1006	406 64
Lincklaen,	10	10	6	242 88	197 48	537	391	222 72
Macdonough,	12	12	6	293 81	53 15	497	427	293 91
New-Berlin,	16	16	7	412 61	672 08	955	854	389 75
Norwich,	27	27	8	466 47	849 25	1265	1119	393 24
Otselic,	12	12	6	278 47	136 47	508	436	277 65
Oxford,	19	16	7	328 22	617 27	841	857	352 59
Pharsalia,	8	8	6	234 04	56 64	427	383	232 78
Pitcher,	10	10	8	187 90	176 74	526	428	189 75
Plymouth,	17	16	6	295 40	322 85	595	497	301 15
Preston,	12	11	6	195 62	180 26	370	315	181 11
Sherburne,	19	19	8	399 46	514 15	863	637	376 43
Smithville,	12	11	8	172 04	405 97	643	570	190 58

CHENANGO COUNTY, (CONTINUED.)

Copies and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money expended and expended in said districts, as during the year 1833.	Amount paid for teachers' wages, board of public money.	No. of children taught therein during the year.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Smyrna,	16	15	7	278 47	268 29	640	579	303 08
.....	280	271	7	5947 08	7126 01	13300	11496	5771 35

CLINTON COUNTY.

Beekmantown,	12	12	7	360 38	248 56	601	663	884 53
Champlain,	13	12	6	383 92	290 50	548	762	324 80
Chazy,	16	17	7	480 77	363 61	824	910	503 77
Ellenburgh,	8	6	4	80 28	34 36	157	180	94 43
Mooers,	7	7	6	140 18	122 50	331	350	138 52
Peru,	26	24	7	773 52	633 01	1548	1464	773 52
Plattsburgh,	21	21	7	842 50	575 43	1230	1431	842 50
Saranac,	4	4	4	61 03	93 49	173	164	93 49
.....	111	103	6	3122 56	2561 55	5412	5930	3150 56

COLUMBIA COUNTY.

Ancram,	11	11	8	157 86	712 54	510	515	159 74
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Austerlitz,	18	16	6	214 36	628 42	628	616	245 42
Canaan,	10	10	9	284 41	541 20	738	679	215 16
Chatham,	19	19	9	865 75	795 31	945	910	384 66
Claverack,	13	13	10	279 58	1011 65	682	626	310 56
Clermont,	7	7	9	128 55	362 88	811	375	125 86
Copake,	9	8	9	158 80	430 44	345	457	174 54
Gallatin,	7	7	9	198 06	364 75	395	495	165 48
Germantown,	5	5	10	100 75	369 31	193	295	100 36
Ghent,	14	14	8	267 04	771 73	629	637	267 04
Hillsdale,	15	15	9	300 81	846 00	920	852	254 89
Hudson,	4	4	10	152 83	391 74	310	423	82 83
Kinderhook,	8	8	12	281 91	1023 35	686	978	281 98
Livingston,	10	10	11	220 20	683 92	593	645	326 16
New-Lebanon,	15	15	7	280 11	660 83	778	668	280 81
Stockport,	6	6	10	288 62	115 48	418	628	187 00
Stuyvesant,	5	5	9	205 20	423 94	400	446	205 20
Taghkanick,	9	9	9	179 14	272 54	372	546	172 30
	185	182	9	3998 98	10443 03	9713	10993	3945 96

CORTLAND COUNTY.

Cincinnati,	8	8	8	193 58	230 39	473	392	223 86
Cortlandville,	19	19	8	502 53	619 69	1247	1058	504 18
Freetown,	7	7	8	206 41	311 24	519	489	188 42
Homer,	18	18	8	459 28	867 37	1032	940	469 96
Marathon,	7	7	8	119 38	121 82	230	262	142 14
Preble,	12	12	7	265 75	253 45	529	446	268 81
Scott,	9	9	8	246 61	263 17	567	474	246 81

CORTLAND COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.	
Solon,	14	14	6	302 41	342 06	763	651	302 43	
Truxton,	31	30	8	648 20	659 61	1327	1188	648 30	
Virgil,	31	31	6	463 69	652 88	1530	1338	548 58	
Willet,	7	7	7	87 51	87 78	311	247	87 53	
	163	162	7	3495 55	4628 46	8014	7485	3580 51	
DELAWARE COUNTY.									
Andes,	13	13	7	190 79	401 44	584	608	198 70	
Bovina,	10	10	6	140 25	243 11	479	472	140 25	
Colchester,	14	10	7	138 66	306 12	437	436	148 28	
Davenport,	11	11	7	185 41	343 49	643	593	185 40	
Delhi,	15	15	7	220 28	602 12	621	553	220 28	
Franklin,	22	22	7	304 76	631 51	926	850	292 66	
Hamden,	9	9	8	214 11	230 13	548	478	126 08	
Hancock,	8	8	6	90 71	142 22	232	212	79 91	
Harpersfield,	15	15	7	173 83	444 04	709	588	201 74	
Kortright,	20	20	7	301 18	820 56	1278	856	301 47	

Masonville,	11	11	6	122 03	376 26	571	390	122 08
Meredith,	14	14	7	163 44	426 28	571	470	172 46
Middletown,	14	14	6	248 30	395 40	776	786	248 30
Roxbury,	19	19	8	359 66	594 72	1215	1099	334 66
Sidney,	9	9	7	146 92	358 87	511	446	146 92
Stamford,	11	10	7	153 68	464 37	015	475	166 40
Tompkins,	18	18	6	282 42	304 53	620	546	278 97
Walton,	11	11	8	175 20	391 75	537	460	174 20
	244	239	7	3641 63	7411 63	11875	10310	3583 98

DUTCHESS COUNTY.

Amenia,	12	11	9	248 52	777 78	535	549	248 92
Beekman,	8	8	8	165 80	708 97	372	323	169 68
Clinton,	13	10	8	181 96	600 33	334	407	221 94
Dover,	12	12	9	228 32	485 28	532	505	229 00
Fishkill,	27	26	9	864 02	3118 23	1648	2270	864 02
Hyde-Park,	10	7	9	262 80	391 59	374	500	266 10
La Grange,	10	10	8	210 98	891 19	475	505	213 00
Milan,	11	10	9	196 40	538 13	536	525	196 40
Northeast,	11	11	9	218 01	460 35	608	497	176 00
Pawling,	8	8	7	177 53	302 68	330	382	177 66
Pine Plains,	7	7	9	156 62	402 23	364	371	156 62
Pleasant-Valley,	11	11	8	352 06	564 75	421	595	352 06
Poughkeepsie,	9	9	9	752 50	906 97	390	1824	752 50
Red-Hook,	11	11	10	310 75	859 64	456	821	310 82
Rhinebeck,	10	10	9	305 65	1266 20	568	899	306 12
Stanford,	13	13	9	266 32	620 46	785	667	262 32

DUTCHESS COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1864.
Union-Vale,	9	9	8	191 00	434 80	397	422	191 00
Washington,	13	13	8	386 14	639 18	559	702	316 36
	205	196	9	5455 80	13968 76	9684	12804	5410 52

ERIE COUNTY.

Alden,	13	12	6	174 46	309 06	623	569	174 46
Amherst,	11	11	7	246 11	367 05	622	762	282 55
Aurora,	15	14	7	259 78	657 29	974	952	252 26
Buffalo,	19	16	8	901 52	901 52	1505	2735	815 09
Boston,	9	9	7	236 96	263 17	577	581	237 57
Clarence,	11	11	7	303 17	375 40	723	678	291 68
Colden,	7	6	7	72 87	138 07	232	216	72 51
Concord,	19	17	7	303 56	362 77	960	788	320 98
Collins,	23	21	6	332 56	597 97	1197	1134	320 90
Eden,	7	7	6	183 41	198 55	468	590	171 24
Evans,	16	16	7	159 62	611 78	790	713	202 31
Hamburg,	26	25	8	523 30	1076 55	1426	1308	523 30

Holland,	6	6	7	166 08	156 08	381	320	192 09
Lampeter,	7	7	8	197 13	284 20	582	569	283 17
Newstead,	14	13	7	361 38	328 78	764	744	301 02
Sardina,	15	15	6	227 58	305 50	645	548	275 01
Wales,	11	11	7	234 37	327 10	672	596	234 37
	229	217	7	4883 86	7350 88	13031	13753	4900 51

ESSEX COUNTY.

Chesterfield,	10	10	7	181 17	876 99	517	572	174 12
Crownpoint,	15	14	6	248 73	404 91	789	633	248 73
Essex,	9	9	6	161 59	275 23	451	480	161 59
Elizabethtown,	5	5	6	109 41	222 59	275	235	105 76
Jay,	9	9	7	270 04	245 53	602	492	180 16
Keene,	5	4	6	128 82	57 40	292	196	120 76
Lewis,	12	12	5	226 84	172 79	378	340	226 84
Minerva,	4	4	5	61 00	18 98	140	111	41 37
Morish,	13	12	7	199 63	482 41	597	588	191 50
Newcomb,	1	1	4	6 54	6 46	14	12	6 54
Schroon,	14	14	6	252 27	294 71	544	471	252 27
Ticonderoga,	18	12	7	200 38	313 14	645	557	207 98
Westport,	14	12	7	152 79	423 36	594	525	157 60
Willsborough,	13	9	6	125 41	319 94	443	417	137 12
Wilmington,	6	5	6	64 11	113 96	233	184	72 42
	143	132	6	2888 73	4928 40	6444	5813	2274 76

FRANKLIN COUNTY.

Bangor,	8	8	7	168 18	197 72	384	347	168 18
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FRANKLIN COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Belmont,	2	2	4	34 88	43 40	85	70	34 88
Bombay,	8	8	7	186 47	242 72	369	409	209 95
Brandon,	3	3	6	49 26	63 03	145	135	49 32
Chataaugay,	17	17	6	282 87	137 13	559	581	282 87
Constable,	6	6	5	106 99	239 63	269	242	108 33
Dickinson,	6	6	6	91 56	104 14	258	183	91 56
Duane,	1	1	3	38 61	58 00	35	75	50 00
Fort-Covington,	8	8	7	267 51	285 59	492	494	247 04
Malone,	16	15	7	344 94	437 27	682	652	344 94
Moirs,	7	6	6	170 79	80 92	279	274	179 71
Westville,	6	6	6	102 34	83 28	271	264	108 33
	88	86	6	1844 40	1970 83	3828	3726	1875 11

GENESEE COUNTY.

Alabama,	12	9	7	141 94	291 58	438	389	81 15
Alexander,	14	14	8	250 89	703 23	872	772	241 86
Attica,	15	14	7	257 64	876 53	1041	883	257 64

Batavia,	20	20	6	658 39	659 07	1227	1214	668 51
Bethany,	16	16	9	204 85	620 96	874	696	269 41
Bergen,	11	11	8	155 68	516 34	519	450	196 34
Bennington,	19	19	7	232 62	631 61	1039	935	929 33
Byron,	10	10	8	191 33	581 28	694	526	200 26
Castile,	15	14	8	233 87	775 14	610	747	234 19
China,	12	11	6	183 89	258 35	420	369	172 14
Covington,	18	18	9	436 89	944 24	1221	806	423 68
Darien,	18	18	7	367 41	694 32	1519	929	872 04
Elba,	17	17	9	277 59	814 12	1069	916	277 50
Gainesville,	12	12	8	192 07	518 95	775	691	188 70
Java,	11	11	7	205 22	296 06	723	581	221 59
Le Roy,	19	19	8	424 65	1098 07	1287	1196	424 07
Middlebury,	16	16	8	250 43	733 40	922	763	250 38
Orangeville,	11	11	7	158 04	259 53	681	590	158 10
Pembroke,	10	10	7	224 82	289 52	720	565	224 82
Perry,	14	14	9	435 91	760 33	920	904	440 90
Stafford,	13	13	8	225 87	587 67	804	742	243 85
Shelden,	11	11	7	209 41	341 56	516	678	179 44
Warsaw,	13	12	8	355 19	817 17	935	897	356 52
Wethersfield,	7	7	8	126 07	279 70	552	494	126 07
	334	327	8	6399 58	14577 75	20519	17733	6437 69

GREENE COUNTY.

Athens,	6	6	6	236 37	105 13	312	616	252 68
Cairo,	17	16	8	293 33	668 62	806	789	303 44
Catskill,	14	14	8	621 39	902 84	863	1436	506 50

GREENE COUNTY, (CONTINUED.)

Countries and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said returns, as stated during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Coxsackie,	11	11	11	351 44	879 50	733	897	351 44
Durham,	17	17	8	317 45	800 28	878	851	358 38
Greeneville,	13	13	8	255 87	678 40	768	702	260 68
Hunter,	15	15	8	306 86	473 76	677	580	306 60
Lexington,	20	19	8	398 25	644 25	955	813	398 25
New Baltimore,	15	15	8	258 46	695 27	613	712	256 96
Prattsville,	8	8	8	178 26	311 47	477	486	110 21
Windham,	14	14	8	261 71	639 67	731	067	261 71
	150	146	8	3478 69	6769 19	7633	8499	3372 80

HERKIMER COUNTY.

Columbia,	13	13	8	227 73	569 36	763	597	227 73
Danube,	7	7	8	173 20	422 81	471	489	179 84
Fairfield,	12	12	8	242 43	559 04	625	562	242 43
Frankfort,	13	13	8	283 30	708 00	942	877	288 90
Germanflatts,	12	11	7	294 65	455 59	755	739	259 11
Herkimer,	12	11	8	250 78	552 10	682	700	259 04
Litchfield,	12	11	8	180 46	486 79	564	469	142 84

Little-Falls,	9	8	284 48	706 85	686	654	204 56
Manheim,	11	9	202 16	448 47	571	642	201 82
Newport,	12	7	186 51	720 27	849	537	194 12
Norway,	9	7	124 84	268 91	352	319	132 46
Russia,	15	7	256 12	504 93	729	688	256 12
Salisbury,	14	7	208 59	468 47	587	612	208 30
Schuyler,	10	7	324 24	319 94	574	682	824 24
Stark,	8	9	188 99	389 63	544	574	186 12
Warren,	11	7	232 46	496 74	640	635	232 42
West Brunswick,	5	6	111 34	58 66	164	196	111 34
Winfield,	8	9	185 25	483 31	575	470	185 25
	193	186	3932 47	8614 27	11023	10662	3896 14

JEFFERSON COUNTY.

Adams,	15	8	468 85	689 63	1039	901	471 41
Antwerp,	19	7	251 44	462 94	859	697	379 66
Alexandria,	13	7	134 38	423 17	704	659	157 83
Brownville,	17	7	441 56	891 64	1178	1009	459 36
Champion,	14	7	245 15	594 36	823	749	324 15
Clayton,	12	7	217 33	394 03	861	948	338 00
Ellisburgh,	81	7	555 60	1233 07	1887	1620	547 04
Henderson,	15	8	254 35	740 92	887	791	254 35
Hounsfield,	15	8	421 03	877 54	1192	1069	421 03
Le Ray,	18	7	537 71	552 01	1192	1095	537 88
Lorraine,	11	7	270 64	289 66	684	556	271 02
Lyme,	22	6	449 70	655 24	854	1047	452 08
Orleans,	12	6	296 56	391 10	663	469	299 56

JEFFERSON COUNTY, (CONTINUED.)

Coun ties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said re- turns.	Amount of public money distributed to the school districts in April, 1834.
Pamela,	13	13	8	257 35	470 73	815	756	352 59
Philadelphia,	9	8	6	125 24	238 97	458	416	122 26
Rodman,	13	12	7	192 62	537 60	637	517	192 62
Rutland,	17	17	6	252 48	687 84	839	702	252 48
Watertown,	16	16	6	499 48	1094 17	1272	1192	499 48
Wilna,	13	13	6	246 52	275 81	646	636	252 16
	296	283	7	6118 99	11526 03	17400	15828	6584 96

KINGS COUNTY.

Brooklyn,	8	6	12	1479 31	1241 77	1461	4059	1604 26
Bushwick,	3	3	11	168 81	763 00	210	532	168 80
Flatbush,	2	1	12	52 16	325 00	70	136	66 94
Flatlands,	2	2	12	62 10	.....	65	184	62 10
Gravesend,	2	2	12	58 88	311 04	62	156	58 88
New Utrecht,	3	3	9	126 02	660 00	156	265	126 80
	20	17	11	1947 28	3300 81	2024	5332	2087 78

LEWIS COUNTY.

Denmark,	13	13	7	235 26	428 83	778	698	236 54
Diana,	6	6	5	48 45	80 71	145	144	48 30
Greig,	6	5	5	97 66	67 32	126	122	109 49
Harrisburgh,	8	8	7	111 05	156 08	268	271	111 58
Leydon,	12	12	7	156 60	374 45	548	460	156 50
Lowville,	12	12	8	243 20	636 36	567	621	243 20
Martinsburgh,	14	14	7	239 76	554 43	747	763	248 20
Pinckney,	6	6	6	122 37	137 71	360	287	122 37
Turin,	12	12	7	212 77	384 79	628	578	243 99
Watson,	10	8	5	142 10	51 93	246	263	142 08
West-Turin,	13	12	8	209 84	292 32	443	520	209 84
	112	108	7	1819 06	3164 93	4656	4727	2272 09

LIVINGSTON COUNTY.

Avon,	17	16	9	367 84	1004 29	872	631	367 95
Caledonia,	10	9	7	167 76	720 58	588	540	167 76
Conesus,	11	9	7	171 06	305 34	498	502	171 06
Geneseo,	14	14	9	516 61	677 63	742	749	515 76
Groveland,	8	8	7	268 56	228 26	424	501	256 56
Leicester,	15	13	8	317 10	742 57	816	603	318 12
Lima,	10	10	8	182 70	614 32	555	563	182 90
Livonia,	15	15	8	285 94	779 82	951	819	276 29
Mount-Morris,	14	14	9	403 08	759 78	1055	958	394 74
Sparta,	21	21	8	589 56	823 93	1387	1485	588 39
Springwater,	18	12	6	270 19	451 62	799	731	235 59

LIVINGSTON COUNTY, (CONTINUED.)

Councils and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught there during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
York,	13	13	9	414 15	899 66	995	840	407 88
	166	154	8	3952 55	8007 80	9632	9121	3883 00

MADISON COUNTY.

Brookfield,	27	26	6	655 95	556 80	1432	1243	683 70
Cazenovia,	20	20	8	677 59	720 26	1251	1129	678 96
De Ruyter,	12	12	7	159 73	372 16	533	453	150 78
Eaton,	20	20	7	451 06	586 23	1134	1027	453 63
Fenner,	12	12	8	323 14	424 30	754	649	315 27
Georgetown,	8	8	7	202 31	172 14	408	326	188 88
Hamilton,	19	18	8	398 54	688 89	1028	942	398 93
Lebanon,	14	14	7	307 39	306 47	760	565	301 34
Lenox,	26	26	8	516 14	1353 98	1320	1596	525 06
Madison,	19	18	8	386 45	628 43	849	704	438 70
Nelson,	14	14	7	370 50	465 56	851	746	375 31
Smithfield,	15	15	7	470 05	477 89	920	872	470 05

Sullivan,	20	19	7	362 92	669 43	1092	1084	420 40
	226	222	7	5281 71	7422 54	12332	11336	5401 01
MONROE COUNTY.								
Brighton,	18	16	8	422 37	1122 85	1458	1968	646 75
Chili,	13	12	9	380 74	559 07	718	620	813 11
Clarkson,	16	16	8	367 68	766 14	1069	1069	367 69
Gates,	8	8	7	241 58	244 79	468	526	241 58
Grece,	14	14	9	268 20	788 01	907	930	400 96
Henrietta,	13	13	8	280 84	808 79	762	696	359 85
Mendon,	17	17	9	476 18	748 50	1059	957	476 19
Ogden,	16	16	8	374 10	939 21	832	745	373 99
Parma,	16	15	9	411 06	617 18	1072	905	411 06
Penfield,	21	21	8	463 96	1357 27	1725	1483	463 96
Perrinton,	13	13	9	216 12	762 32	880	722	826 06
Pittsford,	10	10	8	285 40	575 37	616	539	285 40
Riga,	18	13	8	282 11	623 92	653	507	282 11
Rochester city,	12	11	9	1166 72	1272 75	1705	3318	1166 72
Rush,	12	12	9	202 36	523 77	696	590	217 14
Sweden,	15	15	9	442 45	1129 41	981	950	457 68
Wheatland,	9	9	10	348 41	558 90	775	677	348 78
	241	231	9	6582 28	13698 25	16380	17202	7161 03

MONTGOMERY COUNTY.

Amsterdam,	18	15	8	250 45	840 56	760	980	349 81
Bleecker,	3	3	6	35 21	39 01	74	52	38 00
Broadalbin,	14	14	8	276 84	611 56	715	762	276 84

MONTGOMERY COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Canajoharie,	16	15	10	453 18	973 68	1099	1360	453 04
Charleston,	10	10	8	223 82	445 52	680	649	223 82
Ephratah,	8	8	9	198 83	555 79	550	767	184 70
Florida,	12	12	10	298 66	775 48	712	940	295 72
Glen,	10	10	9	251 39	529 58	559	755	255 40
Hope,	7	6	5	74 83	80 29	239	228	74 84
Johnstown,	28	28	8	713 19	1675 75	1631	2120	764 34
Lake-Pleasant,	4	4	4	27 79	26 36	82	92	33 14
Mayfield,	15	15	7	273 34	765 00	909	898	273 05
Minden,	11	10	9	282 76	622 22	601	899	267 48
Northampton,	11	10	6	138 97	380 36	486	413	145 04
Oppenheim,	19	18	7	343 97	500 38	929	1076	381 38
Palatine,	10	10	10	286 02	786 75	520	843	286 02
Root,	14	14	9	286 56	651 80	775	886	286 56
Stratford,	5	5	5	48 76	68 62	210	170	57 53
Wells,	5	4	3	35 42	13 08	109	129	35 42
	220	211	8	4492 99	10481 69	11620	14019	4682 13

NEW-YORK COUNTY.

New-York,	49	48	12	9390 41	.....	7781	....	93930 41
[Assem. No. 8.]								
Cambria,	11	11	8	176 81	867 33	723	625	182 86
Hartland,	11	11	8	178 71	681 69	743	613	178 68
Lewiston,	11	8	7	141 25	573 55	533	607	159 22
Lockport,	18	18	7	553 99	758 72	1215	1616	500 56
Newfane,	12	9	8	184 20	300 37	511	484	181 43
Niagara,	9	9	7	205 17	248 66	481	507	218 62
Pendleton,	6	6	5	92 02	151 15	200	216	90 18
Porter,	6	6	7	185 59	268 69	396	521	185 59
Royalton,	16	15	8	300 51	893 66	1128	1058	489 50
Somerset,	11	8	8	135 86	205 96	468	445	135 86
Wilson,	11	9	6	162 42	255 19	408	380	192 73
	122	110	7	2326 53	5204 97	6806	7073	2515 23

ONEIDA COUNTY.

Annsville,	9	9	8	220 08	210 97	414	403	231 46
Augusta,	17	17	8	321 69	842 70	1338	879	318 61
Boonville,	23	21	6	322 76	410 41	872	878	364 10
Bridgewater,	11	11	8	217 56	357 85	544	400	217 57
Camden,	13	11	7	303 99	309 83	662	554	303 99
Deerfield,	12	12	8	262 14	456 91	641	659	262 08
Florence,	10	10	7	158 10	162 78	341	325	150 36
Floyd,	12	11	8	173 73	489 44	595	533	173 04
Kirkland,	15	13	8	259 43	590 95	690	720	260 99
Lee,	13	13	8	392 39	362 38	827	800	392 96

ONEIDA COUNTY, (CONTINUED.)

Councils and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, boarders, and public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Marcy,.....	9	9	8	181 84	300 70	451	531	181 82
Marshall,.....	15	14	8	207 39	405 85	578	482	198 82
New-Hartford,.....	15	14	9	376 18	808 64	896	1035	375 00
Paris,.....	16	16	9	286 56	815 11	907	801	288 12
Remsen,.....	9	9	6	242 71	187 82	418	416	258 51
Rome,.....	20	19	8	483 04	582 17	959	1179	454 31
Sangerfield,.....	12	12	9	299 52	387 50	673	632	353 30
Steuben,.....	15	15	7	216 62	541 40	801	709	218 20
Trenton,.....	18	17	7	342 58	553 37	943	849	358 36
Utica,.....	1	1	12	867 24	.....	350	2529	867 24
Vernon,.....	16	16	8	325 48	1299 97	897	877	325 48
Verona,.....	20	19	8	394 50	598 50	1242	1202	889 58
Vienna,.....	14	13	7	175 27	452 52	606	568	184 02
Western,.....	18	18	7	378 09	507 30	802	774	378 09
Westmoreland,.....	14	14	9	372 81	811 66	1131	983	344 16
Whitestown,.....	10	10	9	459 46	1081 19	955	1345	459 52
	357	344	8	8193 14	13492 92	19523	21013	8309 69

ONONDAGA COUNTY.

Camillus,.....	14	9	318 89	573 34	863	813	262 78
Cicero,.....	12	7	358 62	265 73	614	621	307 38
Clay,.....	13	7	472 23	108 68	752	750	484 89
Elbridge,.....	14	6	374 88	693 85	1008	1007	374 90
Fabius,.....	21	8	468 80	612 16	1190	1078	468 80
La Fayette,.....	13	9	480 15	574 49	900	806	488 97
Lysander,.....	20	8	459 18	568 57	1174	1122	459 18
Manlius,.....	34	8	1498 88	1092 69	2272	2268	1598 51
Marcellus,.....	13	9	519 34	843 20	825	757	488 09
Onondaga,.....	31	8	665 50	969 08	1580	1456	695 30
Otisco,.....	11	9	355 81	431 23	668	592	355 81
Pompey,.....	24	9	1013 23	1146 16	1653	1383	834 96
Skaneateles,.....	16	9	732 06	791 24	933	1002	716 05
Spafford,.....	15	8	464 11	463 16	981	824	462 29
Salina,.....	13	7	732 67	577 99	1348	1856	859 27
Tully,.....	12	8	276 13	360 09	571	495	275 15
Van Buren,.....	15	8	300 33	465 99	1057	854	301 14
	290	8	9484 81	10616 59	18948	17583	9441 47

ONTARIO COUNTY.

Bristol,.....	22	7	303 22	870 23	1166	925	305 26
Canadice,.....	7	7	149 87	309 97	508	509	143 87
Canandaigua,.....	23	8	534 66	1427 82	1472	1497	634 27
East Bloomfield,.....	14	8	326 10	660 23	611	588	300 20
Farmington,.....	13	7	183 60	514 00	573	496	183 60
Gorham,.....	17	9	406 92	903 24	980	981	406 02

ONTARIO COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Hopewell,	10	10	9	222 14	865 11	684	662	226 00
Manchester,	15	15	8	289 62	755 30	877	818	309 53
Naples,	12	12	7	186 22	450 89	662	635	201 20
Phelps,	23	23	8	506 55	1264 93	1431	1392	496 68
Richmond,	12	12	8	159 97	636 82	634	522	194 26
Seneca,	22	19	8	589 89	1514 57	1414	1785	637 97
Victor,	14	14	8	408 14	587 42	785	697	352 24
West Bloomfield,	9	9	9	300 36	618 90	659	570	300 21
	213	206	8	4575 36	11599 73	12466	11930	4687 37

ORANGE COUNTY.

Blooming Grove,	15	13	8	250 24	1089 21	623	631	218 72
Cornwall,	8	8	9	363 24	695 40	686	769	363 24
Crawford,	12	12	9	209 04	941 62	680	621	210 39
Deer-Park,	6	6	9	121 87	529 12	327	327	121 60
Goshen,	14	14	9	361 94	2514 06	864	916	371 94
Hamptonburgh,	6	6	8	141 32	550 14	322	357	142 22

Minisink,	28	23	9	490 74	1462 09	1453	1472	598 04
Montgomery,	14	14	8	404 34	1609 17	1034	1272	405 02
Monroe,	15	15	6	407 52	760 15	782	1170	407 52
Mount Hope,	6	6	9	159 90	528 97	491	456	159 94
Newburgh,	14	12	10	936 82	.....	1315	1734	1004 07
New-Windsor,	10	10	8	244 72	744 16	430	605	248 94
Walkill,	17	17	8	451 10	1188 06	1208	1205	422 62
Warwick,	24	21	10	515 92	2129 28	1227	1418	522 36
	184	177	9	5058 71	14691 43	11398	12952	5197 51

ORLEANS COUNTY.

Barre,	28	27	8	738 34	1068 89	1697	1461	755 84
Carleton,	10	10	7	179 91	347 12	543	498	182 55
Clarendon,	12	12	8	288 82	576 77	816	652	314 36
Gaines,	11	11	8	219 94	514 37	822	827	219 94
Murray,	21	19	9	407 79	891 25	1302	1138	468 87
Ridgeway,	15	14	8	348 07	560 36	876	766	347 19
Shelby,	14	14	8	203 24	665 09	820	728	212 88
Yates,	9	9	7	239 50	487 01	690	597	239 58
	120	116	8	2685 61	5110 86	7568	6667	2761 21

OSWEGO COUNTY.

Albion,	7	6	6	104 56	107 32	215	238	104 55
Amboy,	7	7	7	103 55	69 95	175	180	104 55
Boyleston,	4	4	5	60 60	27 56	119	129	60 63
Constantia,	14	12	6	169 33	198 83	459	436	185 47

OSWEGO COUNTY, (CONTINUED.)

Cities and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, boarders, public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years teaching therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Granby,	17	16	5	332 06	202 42	606	664	381 17
Hannibal,	13	10	6	288 10	181 19	590	560	337 94
Hastings,	12	12	6	211 17	245 33	560	546	155 66
Mexico,	16	16	7	278 96	517 46	964	904	278 96
New-Haven,	9	9	7	147 10	292 12	550	494	147 10
Orwell,	5	5	6	78 39	68 70	192	165	78 39
Oswego,	15	11	6	439 24	243 20	406	614	457 54
Palermo,	9	9	7	134 22	306 61	510	490	135 82
Parish,	7	7	6	100 86	111 33	446	376	100 86
Redfield,	5	5	4	53 85	104 05	180	112	64 83
Richland,	19	18	7	369 77	563 80	978	929	427 17
Sandy Creek,	18	13	7	297 09	428 14	730	718	287 43
Schroeppe!,	7	6	7	46 22	162 45	236	218	95 16
Scriba,	17	13	6	214 96	375 55	825	912	324 00
Volney,	15	14	6	199 06	441 72	792	719	181 31
Williamstown,	5	5	7	95 71	173 85	219	197	94 71
	216	186	6	3746 70	4621 08	9702	9601	3953 16

OTSEGO COUNTY.

Burlington,	13	12	8	256 22	500 35	847	672	256 22
Butternuts,	26	25	8	410 34	1226 99	1321	1243	415 86
Cherry-Valley,	24	24	7	422 88	562 92	1173	1260	427 00
Decatur,	7	7	8	115 66	128 39	352	363	115 66
Edmeston,	15	15	8	457 90	278 89	773	580	457 90
Exeter,	9	9	7	197 76	371 06	567	466	166 16
Hartwick,	15	15	8	298 29	665 20	825	755	298 29
Laurens,	16	15	8	233 50	445 62	800	699	232 48
Maryland,	13	12	7	191 50	322 03	697	615	191 70
Middlefield,	22	20	8	331 01	626 48	1082	960	346 26
Milford,	16	16	7	263 45	458 83	917	877	204 89
New Lisbon,	13	13	7	229 63	562 77	790	697	232 58
Oneonta,	9	9	7	193 16	194 73	549	574	193 16
Otego,	15	15	7	221 74	477 10	626	710	222 60
Otsego,	21	21	10	451 56	898 49	1161	1131	454 60
Pittsfield,	8	8	8	104 61	253 71	393	366	104 60
Plainfield,	9	9	7	169 42	343 59	560	482	169 42
Richfield,	12	12	8	188 35	479 91	643	484	182 67
Springfield,	14	14	8	299 82	503 35	863	836	298 40
Unadilla,	16	16	7	252 15	400 26	630	741	240 72
Westford,	8	7	7	171 38	328 79	527	476	171 38
Worcester,	16	16	7	212 69	401 20	788	685	218 10
	319	310	8	5693 21	10450 66	17319	15681	5615 69

PUTNAM COUNTY.

Carmel,	15	12	8	230 76	640 80	539	562	247 90
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PUTNAM COUNTY, (CONTINUED.)

Cities and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.	
Kent,	10	10	8	286 53	386 43	457	592	301 35	
Patterson,	11	11	8	160 00	374 92	455	424	160 06	
Phillipstown,	20	18	7	436 60	1004 67	859	1330	501 80	
Southeast,	12	12	8	212 78	1181 78	613	564	212 78	
	68	63	8	1276 67	3538 55	3023	3492	1423 89	
QUEENS COUNTY.									
Flushing,	8	6	9	296 06	590 64	194	602	296 06	
Hempstead,	17	17	9	671 76	1360 38	1090	1847	654 28	
Jamaica,	8	8	10	278 48	918 78	414	781	246 34	
Newtown,	7	7	10	262 22	1174 26	410	667	272 62	
North Hempstead,	10	8	10	342 44	697 53	330	754	317 46	
Oyster Bay,	26	19	10	743 30	1875 85	999	1399	795 94	
	76	65	10	5294 26	6617 44	3437	6050	2582 71	
RENSSELAER COUNTY.									
Berlin,	9	9	8	214 26	435 68	683	555	210 16	

RENSELAER COUNTY, (CONTINUED.)

[Assem. No. of]	15	15	8	274 32	1198 62	832	646	266 92
Brunswick,	12	11	8	384 25	652 58	564	838	333 42
Greenbush,	10	10	7	173 54	257 00	474	520	173 54
Grafton,	18	18	7	533 31	882 53	1463	1853	371 38
Hoosick,	3	3	7	274 37	239 58	357	804	274 72
Lansingburgh,	15	15	8	334 57	718 76	1022	965	337 36
Nassau,	16	16	6	205 80	342 61	682	588	209 54
Petersburgh,	15	14	9	363 78	1245 51	990	1085	363 81
Pittstown,	19	19	8	378 81	1020 93	1046	1122	378 54
Sand-Lake,	12	11	8	283 33	875 94	592	884	311 24
Schaghticoke,	21	16	9	390 59	945 28	822	916	393 47
Schodack,	19	19	8	271 60	569 27	862	739	281 60
Stephentown,	5	5	8	1203 29	531 34	952	2963	1203 20
Troy city,	189	181	8	5235 73	9915 68	11281	14178	5128 90

RICHMOND COUNTY.

Castleton,	5	5	10	278 26	278 26	274	790	278 26
Northfield,	6	6	10	223 96	1030 83	365	693	223 96
Southfield,	5	5	9	168 89	375 00	215	539	168 89
Westfield,	4	4	9	175 45	652 35	371	523	175 45
	20	20	9	866 56	2336 44	1295	2545	866 56

ROCKLAND COUNTY.

Clarkstown,	8	8	19	238 10	1240 66	492	620	238 25
Haverstraw,	7	7	9	238 92	802 04	414	572	239 08
Orangetown,	8	7	12	169 79	616 92	239	375	201 86

ROCKLAND COUNTY, (CONTINUED.)

Committee and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Ramapo,	13	10	9	296 38	976 31	471	737	292 12
	36	33	10	943 19	3835 93	1616	2304	971 33

SARATOGA COUNTY.

Ballston,	11	11	9	219 16	692 26	761	586	220 18
Charlton,	9	8	9	211 88	210 79	593	590	210 76
Clifton-Park,	13	12	8	274 46	685 58	921	717	259 86
Corinth,	10	9	6	145 77	152 32	377	333	147 12
Day,	5	5	6	90 88	71 90	257	248	93 98
Edinburgh,	12	11	6	209 37	173 60	492	417	202 23
Galway,	16	16	6	282 36	737 63	829	743	282 38
Greenfield,	22	21	7	328 16	684 41	1000	840	328 34
Hadley,	6	6	5	86 39	66 84	255	262	86 38
Half-Moon,	10	10	8	211 74	416 58	610	654	206 39
Malta,	8	8	9	158 06	418 28	517	501	158 06
Milton,	12	12	9	434 99	699 69	706	800	320 84
Moreau,	12	12	7	176 10	389 14	649	503	176 10

Northumberland,	10	9	8	185 38	418 72	488	477	166 92
Providence,	11	11	5	164 54	323 30	533	459	164 54
Saratoga,	11	11	9	264 80	782 41	665	664	274 00
Saratoga-Springs,	8	8	8	229 64	432 12	668	606	229 68
Stillwater,	13	13	8	271 02	640 29	837	721	271 02
Waterford,	3	3	12	163 48	542 92	593	536	230 22
Wilton,	6	6	8	136 06	346 62	342	361	153 48
	207	202	8	4282 93	8995 39	11698	11101	4182 50

SCHENECTADY COUNTY.

Duanesburgh,	18	18	8	295 60	716 44	1047	1093	295 60
Glennville,	13	13	9	259 33	508 67	640	807	261 10
Niskayuna,	3	3	10	45 01	197 47	81	132	46 48
Princetown,	5	5	8	95 32	241 00	238	276	85 34
Rotterdam,	9	8	7	145 56	240 22	343	537	154 22
Schenectady city,	3	3	8	66 50	281 16	133	211	42 36
	51	50	8	897 32	2182 96	2472	3050	895 10

SCHOHARIE COUNTY.

Blenheim,	14	13	7	236 41	667 01	904	686	236 39
Broome,	22	22	7	322 52	624 94	1207	1190	328 35
Carlisle,	9	9	9	191 93	437 73	520	589	201 63
Cobleskill,	15	15	8	215 54	385 29	761	991	269 79
Fulton,	12	12	7	198 09	169 22	501	562	165 03
Jefferson,	13	13	7	180 52	438 07	647	524	180 71
Middleburgh,	16	16	7	347 97	177 19	805	967	338 62
Schoharie,	24	24	6	824 13	1321 87	1264	1466	533 42

SCHOHARIE COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Sharon,	20	20	9	440 18	1335 65	1132	1396	440 63
Summit,	14	14	6	175 85	241 33	537	626	199 00
	159	158	8	2920 14	6248 30	8278	8945	2933 57

SENECA COUNTY.

Covert,	13	13	8	456 43	441 98	624	553	456 51
Fayette,	16	16	8	893 00	758 10	1190	1106	736 47
Junius,	9	9	8	214 43	518 14	491	500	214 43
Lodi,	9	9	9	474 40	477 76	597	567	474 47
Ovid,	11	11	9	650 54	577 50	719	816	680 99
Romulus,	13	13	9	420 74	809 47	719	626	431 96
Seneca-Falls,	12	12	9	330 48	831 96	781	968	380 48
Tyre,	8	8	7	194 38	308 29	528	504	194 88
Varick,	10	10	8	521 69	678 28	884	795	400 23
Waterloo,	10	8	8	232 82	516 56	492	526	190 44
	111	109	8	4368 91	5917 94	6975	6961	4110 37

ST. LAWRENCE COUNTY.

Brasher,	9	7	5	94 82	57 17	219	221	129 42
Canton,	17	17	8	541 27	423 06	927	754	548 94
De Kalb,	10	10	7	325 16	151 42	590	421	802 99
De Peyster,	8	7	6	120 42	189 05	362	274	120 42
Edwards,	6	6	6	100 43	84 49	221	268	98 04
Fowler,	11	11	6	258 59	204 12	559	460	258 59
Gouverneur,	13	12	6	393 56	123 44	574	571	379 12
Hammond,	9	9	6	116 84	204 96	303	328	155 30
Heron,	5	5	6	125 26	75 03	299	271	116 68
Hopkinton,	8	8	7	200 58	89 40	338	266	182 62
Lawrence,	9	9	6	208 90	195 24	416	332	177 22
Lisbon,	13	12	6	221 83	189 33	516	745	233 77
Louisville,	8	8	6	186 35	133 30	345	395	196 80
Madrid,	23	22	7	469 55	752 66	1021	1219	607 51
Massena,	13	13	7	325 50	508 67	677	770	323 55
Morristown,	13	13	7	302 90	312 00	574	655	302 90
Norfolk,	8	8	8	186 11	275 90	457	458	281 18
Oswegatchie,	19	17	7	698 39	383 98	761	1393	657 49
Parishville,	13	13	7	231 80	388 43	596	563	230 60
Pierrepoint,	7	7	7	139 02	196 54	346	325	133 22
Potsdam,	31	31	7	850 10	758 07	1429	1331	802 86
Rossie,	7	6	7	192 71	190 98	249	203	123 83
Russell,	8	8	6	172 56	124 34	246	220	151 64
Stockholm,	22	19	7	371 73	406 03	741	724	384 34
	290	278	7	6754 78	6367 61	12766	13167	6899 93

STEBEN COUNTY.

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1883.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Addison,	11	9	5	115 01	113 86	370	313	183 87
Bath,	23	23	7	326 51	767 16	1051	1096	552 93
Cameron,	23	9	6	209 14	275 07	390	321	144 38
Campbell,	6	6	6	169 76	186 31	383	229	109 76
Canistota,	5	4	4	95 36	57 08	147	173	96 89
Cohocton,	19	19	7	493 59	569 75	1241	991	282 48
Dansville,	16	14	6	272 07	278 97	741	720	355 09
Erwin,	6	6	5	87 00	149 93	199	269	82 84
Greenwood,	11	8	6	128 21	167 88	328	244	138 09
Hornby,	8	7	5	187 72	176 86	330	208	136 26
Hornellsville,	12	11	6	262 12	350 45	527	590	213 18
Howard,	20	20	6	385 29	345 52	950	966	517 17
Jasper,	11	10	5	97 28	140 11	314	290	129 16
Jersey,	15	15	6	230 76	385 25	658	803	249 14
Painted Post,	10	10	7	135 76	515 07	404	411	152 25
Prattsburgh,	16	16	7	246 77	538 13	926	797	249 98
Pultney,	10	10	7	180 20	272 43	488	545	180 20
Reading,	9	9	8	163 38	434 80	595	536	163 38

Troupsburgh,	10	9	6	103 41	100 86	385	379	104 09
Tyrone,	12	12	8	195 90	506 17	804	709	195 90
Urbana,	9	9	7	134 30	896 32	561	482	134 30
Wayne,	7	7	7	121 69	322 04	500	428	122 12
Wheeler,	12	12	7	216 88	214 70	556	525	217 10
Woodhull,	7	7	5	78 29	103 14	234	223	78 35
	288	262	6	5326 80	7317 08	12982	12209	4753 82

SUFFOLK COUNTY.

Brookhaven,	33	31	9	631 97	2098 08	1936	1899	632 04
East-Hampton,	6	6	10	173 09	545 01	306	370	173 07
Huntington,	25	23	8	580 84	1804 42	1335	1558	578 64
Islip,	6	6	9	102 77	439 49	389	443	171 39
Riverhead,	12	12	9	211 60	597 84	638	568	207 01
Shelter-Island,	1	1	7	34 21	.....	90	90	34 27
Smithtown,	11	11	8	201 93	499 82	535	457	174 81
Southampton,	19	16	9	463 42	1034 12	1110	1301	502 84
Southold,	14	14	9	300 67	1150 22	956	825	300 67
	127	120	9	2760 50	8169 00	7290	7506	2774 74

SULLIVAN COUNTY.

Bethel,	8	7	8	188 04	214 80	390	396	188 04
Cochecton,	7	3	6	44 00	73 56	88	85	68 46
Fallsburgh,	10	10	7	243 90	329 92	458	445	243 90
Liberty,	9	9	6	201 83	180 88	471	365	199 59
Lumberland,	7	4	6	130 53	142 20	169	200	171 60
Mamakating,	13	13	7	501 22	561 36	855	1075	159 53

SULLIVAN COUNTY, (CONTINUED.)

Countries and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Neversink,	12	8	6	188 89	76 42	347	404	196 62
Rockland,	6	6	6	92 85	94 31	210	176	109 65
Thompson,	19	14	7	387 46	529 73	682	763	384 33
	91	74	7	1878 72	2203 18	3670	3904	1721 73

TIOGA COUNTY.

Barton,	11	10	6	156 49	128 85	364	409	101 28
Berkshire,	6	6	7	90 09	453 45	326	265	90 08
Bigflatts,	6	6	7	178 01	87 30	264	323	119 42
Catlin,	20	16	7	230 40	463 94	779	652	243 37
Cayuta,	6	5	7	65 17	145 11	186	210	91 90
Candor,	19	19	7	414 64	582 90	944	994	419 34
Catharines,	10	10	7	324 14	465 36	673	647	322 59
Chemung,	18	7	7	161 11	408 39	448	445	228 51
Elmira,	17	15	7	306 34	323 92	844	970	307 00
Erin,	11	9	5	89 39	186 90	251	266	152 29
Newark,	8	8	6	114 12	209 59	337	353	107 21
Nichols,	8	8	8	146 84	297 81	464	503	146 84

Owego,	26	21	7	419 46	768 88	682	1089	481 41
Richford,	9	7	7	84 84	126 39	277	242	82 86
Southport,	7	7	9	227 25	378 51	463	450	227 25
Spencer,	11	11	6	221 61	284 97	486	467	125 84
Tioga,	11	10	7	212 25	215 72	556	519	239 43
Veteran,	12	12	7	177 67	412 90	593	531	168 91
	215	187	7	3619 71	5875 84	2217	9315	3055 46

TOMPKINS COUNTY.

Caroline,	16	14	8	208 81	686 65	689	772	411 63
Danby,	19	19	7	387 70	456 27	660	847	387 70
Dryden,	30	30	8	1333 61	426 92	2304	1844	1336 06
Enfield,	16	16	8	497 43	523 09	661	605	488 80
Groton,	21	21	8	610 23	596 13	1308	1130	610 23
Hector,	32	32	9	1342 59	916 01	2115	1674	1249 12
Ithaca,	15	15	8	957 71	363 86	1195	1617	1039 50
Lansing,	23	25	8	977 89	740 99	1438	1261	825 87
Newfield,	20	20	7	432 28	510 36	1034	1023	416 34
Ulysea,	14	14	9	654 44	692 77	1682	665	619 24
	206	206	8	7462 69	5862 95	13157	12036	7384 89

ULSTER COUNTY.

Esopus,	7	7	9	175 36	477 16	355	479	184 44
Hurley,	6	6	9	146 14	300 32	345	454	146 72
Kingston,	9	9	8	448 30	537 35	660	1282	447 37
Marbletown,	13	13	8	835 16	569 10	639	977	384 76
Marlborough,	9	9	9	236 03	703 98	695	739	236 70

[Assem. No. 2.]

ULSTER COUNTY, (CONTINUED.)

Committee and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as during the year 1833.	Amount paid for teachers' wages, boarders public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
New-Paltz,	21	20	9	530 33	1561 25	939	1375	531 94
Olive,	9	9	7	162 22	182 13	309	566	170 43
Plattekill,	10	9	9	212 26	472 74	521	557	213 96
Rochester,	10	10	9	263 44	424 89	544	845	263 44
Saugerties,	15	15	10	398 01	1009 56	889	1183	390 76
Shandaken,	6	6	5	150 98	80 33	261	339	152 02
Shawangunk,	17	16	7	357 61	947 53	806	1068	383 56
Wawarsing,	14	14	7	284 21	415 22	564	857	279 58
Woodstock,	7	7	8	143 40	263 23	334	474	143 40
	153	150	8	3852 45	7944 79	7861	11155	3929 08

WARREN COUNTY.

Athol,	11	11	4	71 86	140 53	352	256	94 71
Bolton,	15	11	6	153 56	210 68	485	428	162 64
Caldwell,	6	6	6	98 35	168 71	262	211	98 35
Chester,	16	12	5	155 22	150 95	456	354	145 00
Hague,	8	5	6	112 50	92 73	179	171	112 67

Johnsburgh,	6	8	6	108 51	170 34	296	324	102 72
Luzerne,	11	11	5	141 81	209 83	468	418	141 81
Queensbury,	23	18	7	287 46	632 30	787	699	316 13
Warrensburgh,	8	8	4	121 00	114 65	408	368	121 00
	106	90	6	1250 27	1890 72	3699	2480	1295 03

WASHINGTON COUNTY.

Argyle,	18	18	8	360 91	651 20	1057	984	863 44
Cambridge,	12	12	8	242 36	722 91	604	582	242 48
Dresden,	10	5	5	37 45	95 51	144	138	48 48
Easton,	21	21	8	390 45	727 23	926	870	891 06
Fort-Ann,	23	22	7	335 72	747 35	1022	939	333 54
Fort-Edward,	7	7	7	189 22	372 08	517	530	189 22
Granville,	23	21	9	436 20	867 09	1967	1145	436 31
Greenwich,	15	15	8	431 43	979 76	1041	1133	401 16
Hampton,	8	7	7	111 38	202 00	817	282	111 38
Hartford,	17	15	7	236 52	522 17	786	598	252 16
Hebron,	22	22	7	307 99	745 62	887	745	279 78
Jackson,	11	11	9	211 65	451 94	569	480	214 04
Kingsbury,	12	12	8	271 54	874 88	850	717	271 54
Putnam,	7	7	6	74 82	176 49	285	257	74 82
Salem,	19	19	7	313 11	750 65	942	840	309 68
Whitecreek,	12	11	8	254 86	602 84	654	555	255 00
Whitehall,	10	16	7	300 92	617 55	930	817	300 92
	252	241	7	4506 51	10108 17	12938	11612	4475 01

WAYNE COUNTY.

Cities and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years, residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Arcadia,	22	22	8	584 46	1122 31	1350	1376	587 92
Butler,	12	12	7	277 65	474 05	656	673	274 79
Galen,	18	18	7	563 32	817 39	1228	1267	568 95
Huron,	11	10	6	161 16	336 94	445	446	113 31
Lyons,	14	14	8	373 56	965 82	1269	1120	373 56
Macedon,	14	13	6	189 66	607 84	729	528	309 96
Marion,	9	9	7	237 35	555 38	913	649	205 36
Ontario,	11	10	8	165 00	383 10	589	502	164 56
Palmyra,	18	17	7	357 39	1022 20	984	935	356 10
Rose,	8	8	7	245 75	204 54	517	492	255 04
Savannah,	8	8	7	185 47	151 79	341	369	184 28
Sodus,	23	23	7	859 69	617 51	1358	1246	549 56
Williamson,	10	10	8	166 37	569 88	607	661	185 37
Wolcott,	7	7	7	111 64	384 84	448	446	111 64
Walworth,	12	12	9	808 12	859 31	1150	910	184 65
	187	193	7	4284 61	9272 90	12794	11640	4424 64

WESTCHESTER COUNTY.

Bedford,	13	13	9	286 50	732 12	608	768	286 50
Cortland,	13	13	6	386 89	515 79	581	928	386 89
Eastchester,	2	2	9	104 89	97 11	211	272	104 89
Greenburgh,	9	9	10	226 30	1178 84	482	668	226 30
Harrison,	4	4	10	111 31	386 54	218	254	111 31
Mamaroneck,	3	3	10	87 39	329 50	177	278	87 39
Mount-Pleasant,	13	13	9	513 28	1128 12	656	1159	513 28
New-Rochelle,	3	3	9	130 00	398 00	183	304	130 00
Newcastle,	7	7	8	127 53	241 97	309	280	127 53
North-Salem,	9	9	7	172 04	465 45	390	464	172 04
North-Salem,	7	7	9	126 71	92 65	304	330	126 71
Pelham,	1	1	12	34 80	205 00	94	98	34 80
Poundridge,	7	7	8	140 74	332 16	338	355	140 74
Rye,	5	5	9	165 35	719 50	316	430	165 35
Scarsdale,	1	1	9	33 00	75 00	36	76	33 00
Somers,	8	8	9	230 36	652 34	473	536	230 36
South-Salem,	8	8	10	203 98	480 17	399	361	203 98
Westchester,	4	4	12	244 60	1438 34	427	632	240 60
White-Plains,	4	4	9	79 06	512 70	133	191	79 06
Yonkers,	5	5	10	183 48	943 66	310	462	183 48
Yorktown,	8	8	8	223 07	738 60	471	497	223 07
	134	134	9	3831 28	11654 56	7056	9363	3827 28

YATES COUNTY.

Barrington,	13	13	8	374 48	466 75	691	653	286 32
Benton,	17	17	8	403 09	802 62	1294	1168	409 58

YATES COUNTY, (CONTINUED.)

Counties and Towns from which returns have been received.	Whole number of school districts in said town.	Number of districts from which returns have been received.	Average No. of months in year.	Amount of public money received and expended in said districts, as stated in said returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught therein during the year, as stated in said returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the school districts in April, 1834.
Italy,	9	9	7	113 70	230 19	501	398	113 06
Jerusalem,	16	16	7	427 42	559 61	984	980	295 79
Middlesex,	8	8	7	152 95	305 54	524	479	176 53
Milo,	18	18	9	349 60	943 23	957	1219	375 02
Potter,	10	10	7	196 61	438 08	644	601	211 61
Starkey,	12	12	8	236 61	736 11	731	744	236 61
	103	103	8	2154 45	4491 11	6326	6192	2104 52

(B.)
 Summary of the preceding Abstract, made from the returns of Common Schools, in the year
 1834.

COUNTIES.	Number of towns and wards in each county.	Whole number of school districts in the towns which have made re- turns.	Whole number of school districts which have made reports.	Average No. of months in which schools have been taught in the counties.	Amount of public money received and expended in the district, as stated in the returns, during the year 1833.	Amount paid for teachers' wages, besides public money.	No. of children taught in the school districts which have made re- turns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said re- turns.	Amount of public money distributed to the dis- tricts by the com- missioners in April, 1834.
Albany,	14	159	155	9	6977 59	10222 96	11115	15414	6842 67
Allegany,	26	259	241	6	3497 11	6405 12	11119	10291	3747 43
Broome,	11	146	126	8	2084 66	3763 70	5569	5668	2127 04
Cattaraugus,	21	184	160	7	2542 01	4042 98	7005	5875	2650 11
Cayuga,	22	258	257	8	7602 35	10900 80	15388	14381	7295 67
Chautauque,	24	295	271	6	5132 24	8942 84	14909	12921	5121 29
Chenango,	19	280	271	7	5947 08	7126 01	13300	11496	5771 35
Clinton,	8	111	103	6	3122 58	2561 55	5412	5930	3150 56
Columbia,	19	185	182	9	3998 98	10443 03	9713	10933	3945 96
Cortland,	11	163	162	7	3495 55	4628 46	8614	7485	3580 51
Delaware,	18	244	239	7	3641 63	7411 83	11875	10310	3533 93
Dutchess,	18	205	196	9	5455 80	13968 76	9684	12804	5410 52
Erie,	22	229	217	7	4883 86	7350 86	19031	13753	4900 51
Essex,	15	143	132	6	2369 73	4228 40	6444	5913	2274 76
Franklin,	12	88	86	6	1844 40	1970 63	3828	3726	1875 11

COUNTIES.

COUNTIES.	Number of towns and wards in each county.	Whole No. of school districts in the towns which have made returns.	Whole No. of school districts which have made reports.	Average No. of months in which schools have been taught in the counties.	Amount of public money received and expended in the districts, as stated in the returns, during the year 1834.	Amount paid for teachers' wages, besides public money.	No. of children taught in the school districts which have made returns.	No. of children between the ages of 5 and 16 years residing therein, as stated in said returns.	Amount of public money distributed to the districts by the commissioners in April, 1834.
Genesee,	24	334	327	8	6399 58	14577 75	20518	17783	6437 69
Greene,	11	150	148	8	3478 89	6789 19	7893	8499	3372 80
Herkimer,	18	193	186	8	3932 47	8614 27	11023	10662	3686 14
Jefferson,	19	296	283	7	6118 99	11526 03	17400	15829	6584 96
Kings,	14	20	17	11	1947 28	3800 81	2024	5392	2087 78
Lewis,	11	112	106	7	1619 06	3164 93	4856	4727	2272 09
Livingston,	12	166	154	8	3952 55	8007 80	9682	9121	3683 00
Madison,	13	226	222	7	5281 71	7422 54	12382	11386	5401 01
Monroe,	21	241	231	9	6582 28	13688 25	16380	17202	7161 03
Montgomery,	19	220	211	8	4492 99	10431 69	11620	14019	4682 13
New-York,	15	48	48	12	93980 41	.....	7781	.....	93980 41
Niagara,	11	122	110	7	2326 53	5204 97	6806	7073	2515 23
Oneida,	29	357	344	8	8193 14	13492 92	19523	21013	8309 69
Onondaga,	17	290	280	8	9484 81	10616 59	18348	17583	9441 47
Ontario,	14	213	206	8	4575 36	11599 73	12466	11980	4687 37
Orange,	14	184	177	9	5058 71	14691 43	11398	12952	5197 51
Orleans,	8	120	116	8	2685 61	5110 86	7568	6067	2761 21
Oswego,	20	216	198	6	3746 70	4821 08	9702	9601	3953 16
Otsego,	22	319	310	8	5693 21	10450 66	17319	15681	5615 69

Putnam,	5	65	63	8	1276 67	3538 55	3023	3493	1423 69
Queens,	6	76	65	10	5294 26	6617 44	3437	6050	2592 71
Rensselaer,	19	189	181	8	5235 78	9915 63	11281	14178	5128 90
Richmond,	4	20	20	9	866 56	3336 44	1225	9545	866 56
Rockland,	4	36	32	10	943 19	3685 93	1616	2304	971 33
Saratoga,	20	207	202	8	4233 93	8695 39	11698	11101	4182 50
Schenectady,	7	51	50	8	897 32	3182 96	2472	8056	885 10
Schoharie,	10	159	158	8	2920 14	6248 30	8278	8945	2933 57
Seneca,	10	111	109	6	4368 91	5917 94	6975	6981	4110 37
St. Lawrence,	24	290	278	7	6754 78	6367 61	12766	13167	6899 98
Steuben,	24	288	262	6	5326 30	7317 98	12209	12209	4783 82
Suffolk,	9	127	120	9	2760 50	6169 00	7290	7506	2774 74
Sullivan,	9	91	74	7	1978 72	2203 18	3670	3904	1721 73
Tioga,	18	215	187	7	3619 71	5375 84	9217	9315	3655 46
Tompkins,	10	206	206	6	7462 69	5862 95	13157	12038	7354 39
Ulster,	14	153	150	6	3852 45	7944 79	7861	11155	3929 06
Warren,	9	106	90	6	1250 27	1890 72	3699	3429	1295 03
Washington,	17	252	241	7	4506 51	10108 17	12938	11612	4475 01
Wayne,	15	197	193	7	4264 61	9272 90	12794	11640	4424 64
Westchester,	21	134	134	9	3831 28	11654 56	7056	9363	3827 28
Yates,	8	103	103	8	2154 45	4491 11	6326	6192	2104 52
	635	9665	9392	6	316153 93	398137 04	531240	524002	314806 36

[Assem. No. 8.]

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(C.)
 A comparative view of the returns of Common Schools, from 1816 to 1835, inclusive.

The year in which the report was made to the legislature.	No. of towns from which the returns were made.	Whole number of school districts in the said towns.	No. of school districts from which returns were received.	Amount of public money received in said towns.	Amount pd. for teachers' wages, over & above public money.	No. of children taught in the school districts making returns.	No. of children 15 or 16 years of age, residing in those districts.	Proportion of the number of children taught to the number of children reported, between the ages of 5 and 15 or 16 years.
1816	338	2755	2631	\$55720 99	.....	140106	178449	14 to 15
1817	355	3713	2873	64834 88	.....	170385	198440	6 to 7
1818	374	3264	3228	73235 42	.....	183253	218969	5 to 6
1819	402	4614	3844	93010 54	.....	210316	235871	8 to 9
1820	515	5763	5118	117151 07	.....	271877	302708	9 to 10
1821	545	6332	5489	146418 08	.....	304559	317633	24 to 25
1822	611	6659	5892	157195 04	.....	332979	339258	42 to 43
1823	649	7051	6255	173420 60	.....	351178	357029	44 to 45
1824	656	7382	6705	182820 25	.....	377034	373208	94 to 93
1825	698	7642	6876	182741 61	.....	403940	383500	101 to 96
1826	700	7773	7117	182790 09	.....	425586	395586	100 to 98
1827	721	8114	7550	185720 46	.....	431601	411256	21 to 20
1828	742	8296	7806	222995 77	.....	441856	419216	96 to 91
1829	757	8609	8164	232343 21	.....	466205	449113	25 to 24
1830	773	8672	8292	214840 14	\$297048 44	480041	468257	40 to 41
1831	785	9063	8631	238641 36	346807 20	499424	497503	250 to 249
1832	703	9339	8841	244998 85	374001 54	507105	509967	165 to 166
1833	811	9600	8941	305592 78	358320 17	494959	508878	36 to 37
1834	820	9690	9107	307733 08	369996 36	512475	523618	50 to 51
1835	835	9665	9392	316153 93	398137 04	531240	534002	

(D.)

STATEMENT,

Showing the increase and diminution of the School Fund, during the year ending September 30th, 1884.

	Bonds for lands.	Bonds for loans of the capital.	Loans of 1786.	Loans of 1792.	Loans of 1806.	Public stock.	Bank stock.	Money in the treasury.	Total.
Amount of the fund, per last statement,	\$651510 80	\$24650 00	\$3394 65	\$215037 93	\$299453 46	\$330000	\$230000	0 00	\$1754046 84
Increased, as stated below,.....	190376 84	19200 00	0 00	0 00	0 00	000	000	173281 42	362860 26
Diminished, as stated below,.....	841889 64	43850 00	3894 65	215037 93	299453 46	330000	230000	173281 42	2186907 10
	40248 44	3195 00	567 78	14037 27	14260 42	100000	000	173281 42	345585 33
Balance Sep. 30, 1884,	\$601646 20	\$40655 00	\$2896 87	\$201000 66	\$285193 04	\$230000	\$230000	0 00	\$1791321 77

Increase of the Fund.

Bonds for lands taken this year, viz:	
For sales of the lands by the Surveyor-General,	\$35,598 55
do do by the Attorney-General, under foreclosure of mortg's,	698 87
Transferred from the General Fund to discharge the amount due from that fund to the capital of this,	154,081 42
	<u>\$190,378 84</u>

Bonds for loans taken this year, viz:	
For sales of premises by the Attorney-General, under foreclosure of mortg's,	0 00
For loans of the capital of the fund,.....	\$19,200 00
	<u>19,200 00</u>

Moneys received into the treasury this year, viz:	
For principal of bonds for lands,	\$30,771 89
do do for loans,.....	3,195 00
do loan of 1786,.....	567 78
do loan of 1792,.....	14,037 27
do loan of 1808,.....	13,587 16
For first payments on sales of lands,.....	9,976 46
For canal stock sold to the Commissioners of the Canal fund,	100,000 00

\$172,135 56

For principal of bonds for lands sold for arrears of consideration in 1832,	1,145 86
	<u>173,281 42</u>
	<u>\$362,860 26</u>

Diminution of the Fund.

Extinction of principal of bonds for lands, viz:	
By payments into the treasury,.....	\$30,771 89
By reversion under the Surveyor-General's resales for non-payment of consideration,	6,489 87
By foreclosure of mortgages by the Attorney-General, exclusive of first payments,	1,297 31
By redemption of lands sold for arrears of consideration in 1831-2,.....	1,145 86
By sales for taxes, the premises being bid in for the State,.....	276 51

Carried forward,.... \$

Brought forward,.... *		
By transfer to book of doubtful debts in 1833, balance due on foreclosed mortgages,	262 00	
		\$40,243 44
Extinction of principal of bonds for loans, viz:		
By payments into the treasury,.....	\$3,195 00	
By foreclosure of mortgages by the Attorney-General, exclusive of first payments,	0 00	
		3,195 00
Extinction of principal of		
Loan of 1786, by payments into the treasury,	567 78	
do 1792, do do	14,037 27	
do 1808, do do \$13,587 16		
By foreclosure of mortgages bought in for State,.....	673 26	
		14,260 42
Canal stock sold to the Commissioners of the Canal fund,		100,000 00
Moneys paid out of the treasury this year, viz:		
For bonds belonging to the General Fund, transferred to this, to discharge the amount due from that fund to the capital of this,.....	\$154,081 42	
For loans of the capital,	19,200 00	
		173,281 42
		\$345,585 33

(E.)

Common School Fund.

	Capital.	Estimated revenue for 1835.
Bonds and mortg's for lands sold,	\$800,869 73	48,000 00
do do for loans from the capital,	40,655 00	2,500 00
Balance due on loan of 1786,....	2,826 87	300 00
do do 1792,....	201,000 66	12,000 00
do do 1808,....	285,193 04	19,000 00
Canal stock, bearing an interest of 5 per cent,.....	230,000 00	11,500 00
3,600 shares in the stock of the Merchants' bank,.....	180,000 00	11,500 00
1,000 shares in the stock of the Manhattan company,	50,000 00	3,500 00
Clerk's fees, .....	.....	100 00
	\$1,790,545 30	\$108,400 00

To this fund also belong all the unappropriated lands owned by the State on the first of January, 1923, and yet remaining unsold.

Estimated revenue and actual receipts on account of the revenue of the School Fund, for 1834.

	Estimated revenue for 1834.	Actual receipts for year ending Sept. 30, 1834.
Interest on bonds and mortgages for school fund lands sold,	40,000 00	37,663 77
do on bonds for loans from the capital,	1,700 00	1,379 04
do on the loan of 1786,.....	500 00	319 13
do do 1792,.....	13,000 00	12,305 67
do do 1808,.....	20,000 00	20,124 45
do on canal stock,.....	16,500 00	16,500 00
Dividend on stock of the Merchants' bank,	11,500 00	12,060 00
do do Manhattan Co.	3,500 00	3,750 00
Rents of land,.....	.....	288 72
Clerk's fees,.....	100 00	
Interest on money in the treasury,.		
	\$106,800 00	\$104,390 78

(F.)

Common School Fund, from 1806 to 1835.

The following table exhibits the capital of the School Fund, according to the annual reports of the Comptroller, from the foundation of the fund in 1805-6 to 1835; also the annual interest or revenue derived from the fund; the amount annually apportioned from the State treasury, and the increase and decrease of the capital each year, for 29 years.

	Capital.	Annual revenue or interest.	Sum annually paid from State treasury.	Increase of capital from year to year.
1806	58757 24	Not stated.	[No distribu-	
1807	183162 96	"	tion to be made	124405 72
1808	307164 56	"	until the reve-	124001 60
1809	390637 15	24115 46	nue amounted	63472 59
1810	428177 91	26480 77	to \$50,000.]	37540 76
1811	483326 29	36427 64	.....	55148 38
1812	558464 69	45216 95	.....	75138 40
1813	636758 07	47612 16	.....	78293 38
1814	822064 94	57248 39	.....	185306 87
1815	861457 89	57539 88	.....	39392 95
1816	934015 13	64053 01	60000 00	72557 24
1817	982242 26	69555 29	60000 00	48227 18
1818	971361 31	68770 00	60000 00	*
1819	1103949 09	70556 04	60000 00	182587 78
1820	1229076 00	78944 56	70000 00	125126 91
1821	1215526 00	77144 56	80000 00	†
1822	1152630 57	77417 86	80000 00	†
1823	1155827 40	72515 09	80000 00	8196 83
1824	1172913 28	75315 05	80000 00	17085 86
1825	1288309 47	81815 41	80000 00	115396 19
1826	1319886 40	86429 93	80000 00	31576 99
1827	1353477 64	81381 90	100000 00	33591 18
1828	1611096 80	89034 96	100000 00	257619 16
1829	1684628 80	94626 25	100000 00	73532 00
1830	1661081 24	100678 60	100000 00	§
1831	1696743 66	80043 86	100000 00	35662 42
1832	1704159 40	93755 31	100080 00	7415 74
1833	1735175 28	109117 77	100080 00	31015. 86
1834	1754046 84	104390 78	100080 00	18871 58
1835	1790545 30	.....	.....	36498 46
			\$1500240 00	1842662 00
		* Loss,.....	\$10,880 95	
		† "	13,550 00	
		‡ "	62,895 43	
		§ "	23,547 56	
				110673 94
				1731788 06

The sums placed in the column of "revenue or interest," in the foregoing table, are generally estimates, prior to the year 1825; from 1825 to 1834 inclusive, the sums actually received into the treasury on account of revenue are given. The deficiencies in the annual revenue of the School fund to meet the apportionment have been paid from the General fund, and are as follows:

1819,	\$13,500 00
1820,	7,000 00
1822,	9,309 81
1823,	8,000 00
1824,	9,000 00
1825,	2,630 26
1827,	18,618 10
1828,	10,965 04
1829,	5,373 75
1830,	19,956 14
	<hr/>
	\$104,353 10

The total amount paid from the General fund to make up deficiencies in the revenue of the School fund for the annual distribution to the schools, is \$104,353.10 cents. Of this sum, \$22,000 has been refunded, in compliance with laws of 1820 and 1823. The loss to the General fund by contributions to the School fund revenue, after deducting the latter sum, is \$81,853.10.

(G.)

The commissioners of school money of the city and county of New-York, in compliance with the requisition of the statute,

RESPECTFULLY REPORT:

That the balance at their credit in the Mechanics' bank, at the date of their last report, was two hundred and seven dollars and forty-seven cents, from which was drawn, on the 6th of December last, to defray the expenses of visitation, eighty-one dollars and eighteen cents; leaving a balance in bank of one hundred and twenty-six dollars and twenty-nine cents. That on the 7th of June last there were deposited in the Mechanics' bank, to their credit, the following sums, viz:

Ten thousand five hundred and seventy-six dollars and fifty-six cents, being the quota of the State School fund for the city and county of New-York, and ten thousand five hundred and seventy-six dollars and fifty-six cents by the corporation of the city of New-York, being an equivalent to the quota of the State School fund, and the further sum of seventy-two thousand six hundred and fifty-one dollars, the amount of special tax raised by the corporation of the city of New-York; making in all (including the balance above mentioned,) ninety-three thousand nine hundred and thirty dollars and forty-one cents, received by the commissioners during the last year, and which has been distributed in conformity to the ordinance of the common council of the city of New-York, designating the schools which are to participate therein, as follows, viz:

	Scholars.	Amount.	Scholars on register
To the trustees of the public school society, for the average attendance of.....	6421	\$75,703 59	11265
Manumission society,.....	699	8,241 21	1608
Greenwich orphan asylum society,..	164	1,933 56	164
Roman Catholic orphan asylum,....	136	1,603 44	139
Trustees of the institution for instructing the blind,.....	9	106 11	15
Trustees of the Yorkville school,...	71	837 09	64
Trustees of the Harlaem schools,...	123	1,450 17	180
Trustees of the Manhattanville school,	59	695 61	83
Trustees of the Hamilton school,...	15	176 85	24
Mechanics' society,.....	34	400 86	46
Total distribution,.....	7731	\$91,148 49	13588

The commissioners further report, that as the school on Long-Island farms is beyond the limits of the city and county of New-

York, and in which 234 scholars were educated during the last year, and for which the public school society claimed a distribution of two thousand seven hundred and fifty-eight dollars and eighty-six cents, it was decided by the commissioners that this sum should be retained and left subject to the determination of the Superintendent of Common Schools, to whom, in conformity with the statute in such cases provided, it was supposed an appeal would be made by the parties claiming the same. This amount, together with a fractional balance of twenty-three dollars and six cents, making in all two thousand seven hundred and eighty-one dollars and ninety-two cents, now remains at the credit of the commissioners in the Mechanics' bank, and unless otherwise directed by the Superintendent of Common Schools will form part of the fund for distribution the ensuing year. Reference being had to the foregoing statements of distribution, it will be perceived that the number of scholars on the registers of the schools is nearly double that of the number in actual attendance. This difference is owing to the irregularity of the scholars, for which, if a remedy could be devised, it would be desirable.

The commissioners cannot close their report without expressing their entire satisfaction and approbation of the assiduity and attention of the trustees of the public school society in their efforts to extend to all who will avail themselves of the opportunity of receiving that education so well calculated to qualify them for the various relations in life and future usefulness. They would also congratulate them on the speedy prospect of having it in their power, by the means of their primary schools, and the erection and establishment of larger schools in those sections of the city where they may be required, fully to accomplish the laudable design of those benevolent citizens who first projected the plan of the public school society, and that they will have the satisfaction of knowing their labor has not been in vain. Nor would it be just on the part of the commissioners to withhold that meed of praise which is due to each and every society having charge of other schools in our city, and to each of the benevolent individuals having the care of those best of charitable institutions, the asylums for the orphans, in which schools have been established, and which alike participate in the fund, for their care and attention, which is fully evinced, not only in the increased number of scholars, but also in the improvement manifest at the recent examinations made at their visitations.

In conclusion, the commissioners would congratulate the honorable corporation and the Superintendent of Common Schools, on the progress of education in this city, the increase of schools, and, as far as examination can test the progressive advancement of the scholars, the selection of teachers, the improved and extended system of education, afford ample testimony of the care and attention of the trustees of the several schools under their supervision.

New-York, Nov. 20, 1834.

By order of the Board.

WILLIAM THOMPSON, Ch'n.

SAML. N. DODGE, Sec.

I, Abraham Asten, clerk of the city and county of New-York, do hereby certify, that the foregoing is a true copy of the report of the commissioners of school money of the city and county of New-York, received and filed in my office on the 29th day of November, 1834.

In testimony whereof, I have hereunto set my hand and
 [L. s.] affixed the seal of the said county, this first day of
 December, 1834.

ABM. ASTEN, Clerk.

(H.)

Local School Fund.

Lots reserved for the support of the gospel and schools, and the funds arising therefrom.

The act passed in 1789, for the sale of the lands belonging to the people of this State, required the Surveyor-General to reserve in each township one lot for the support of the gospel, and one lot for the use of schools in such township.—3 R. S. p. 242.

The following is a list of the principal reservations of this nature, viz:

One lot of 550 acres in each of the 28 townships in the Military tract.

Forty lots of 250 acres each in the twenty townships west of the Unadilla river, being 10,000 acres.

One lot of 640 acres in each of the townships of Fayette, Clinton, Greene, Warren, Chenango, Sidney and Hampden, in the counties of Broome and Chenango.

Ten lots of 640 acres each in the townships along the St. Lawrence.

Sixteen lots of 640 acres each in Totten and Crossfield's purchase.

In the township of Plattsburgh, 400 acres were reserved for the use of a minister of the gospel, and 460 acres for the use of a public school or schools in the said township.

In the township of Benson, 640 acres were reserved for gospel and schools.

The Local School fund, established by the sale or renting of these lots, as well as from other sources, are given in the reports of the commissioners of the several towns, and are as follows:

ALLEGANY COUNTY.

<i>Andover</i> —From town fund,.....	\$4 40
<i>Eagle</i> —From poor fund,.....	24 17
<i>Grove</i> —From town fund,.....	9 49
<i>Independence</i> —From town fund,.....	27 21
<i>Rushford</i> —From overseer of the poor,.....	10 00

975 37

BROOME COUNTY.

<i>Colesville</i> —From gospel and school lands,.....	\$91 23
<i>Sanford</i> —From town fund,.....	77 00
<i>Union</i> —From town fund,.....	24 04
<i>Windsor</i> —From gospel and school lands,	56 44
	<hr/>
	\$248 71

CATTARAUGUS COUNTY.

<i>Hinsdale</i> —From town fund,	\$14 39
<i>Little-Valley</i> —From overseers of the poor,.....	23 99
<i>Muchias</i> —From town fund,.....	2 10
<i>New-Albion</i> —From town fund,.....	18 59
<i>Olean</i> —From town fund,.....	19 27
	<hr/>
	\$78 34

CAYUGA COUNTY.

<i>Auburn</i> —From public lands,	\$19 23
<i>Aurelius</i> —From public lands,.....	17 87
<i>Brutus</i> —From town lands and funds,.....	127 45
<i>Cato</i> —From gospel and school lands,.....	26 60
<i>Conquest</i> —From gospel and school lots \$32.12; from town fund, \$0.92,.....	33 04
<i>Fleming</i> —From school lot, \$10.77; from supervisor, \$5.73.....	16 50
<i>Genoa</i> —Interest of town funds,	425 87
<i>Ira</i> —From gospel and school fund, \$36.05; from poor fund, \$6.80,.....	42 85
<i>Ledyard</i> —From town fund,.....	213 13
<i>Locke</i> —From gospel and lot,.....	72 65
<i>Mentz</i> —Interest on bonds and mortgages, \$34.73; from gospel and school lots, \$240.50,	275 23
<i>Moravia</i> —From gospel and school lot,	60 00
<i>Niles</i> —From gospel and school lot,.....	83 62
<i>Owasco</i> —From town lot,	100 00
<i>Scipio</i> —Interest on town sureties,	232 54
<i>Sempronius</i> —From gospel and school lot,.....	36 36
<i>Sennet</i> —From town fund,.....	146 23
<i>Springport</i> —Interest of town moneys,.....	48 16
<i>Sterling</i> —Interest on school fund,	18 89
<i>Summer-Hill</i> —From school lot,	107 30
<i>Venice</i> —Interest on bonds and mortgages,	183 93
<i>Victory</i> —From gospel and school lands,	19 41
	<hr/>
	\$2,306 88

CHAUTAUQUE COUNTY.

<i>Busti</i> —From overseers of the poor,.....	\$38 18
<i>Ellery</i> —From overseers of the poor,	19 49

<i>Gerry</i> —From town fund,.....	\$11 40
<i>Harmony</i> —From overseers of the poor,.....	90 35
<i>Mina</i> —From town fund,.....	5 68
<i>Portland</i> —From town fund,.....	25 48
<i>Sherman</i> —Interest from town fund,.....	0 29
<i>Villanova</i> —From overseers of the poor,.....	73 69
	<hr/>
	\$253 16

CHENANGO COUNTY.

<i>Bainbridge</i> —From gospel and literature lands,.....	\$238 11
<i>Columbus</i> —From gospel and school lots,.....	98 94
<i>Coventry</i> —From school lands,.....	39 13
<i>Guilford</i> —From gospel and school lots,.....	46 12
<i>Greene</i> —From town lands,.....	98 00
<i>Macdonough</i> —From town agents,.....	105 34
<i>New-Berlin</i> —From gospel and school fund,.....	114 75
<i>Otselic</i> —From school land,.....	80 71
<i>Oxford</i> —From gospel and school fund,.....	45 60
<i>Pharsalia</i> —From gospel and school lands,.....	78 52
<i>Plymouth</i> —From land agent,.....	85 38
<i>Preston</i> —From gospel and school funds,.....	54 71
<i>Sherburne</i> —Interest on bonds and mortgages,.....	108 21
<i>Smyrna</i> —From school lands,.....	105 42
	<hr/>
	\$1,298 94

CLINTON COUNTY.

<i>Champlain</i> —Interest of poor fund,.....	\$68 88
<i>Chazy</i> —From town fund,.....	19 76
<i>Ellenburgh</i> —From town fund,.....	11 90
<i>Mooers</i> —From town fund, \$12.54; from school lot, \$12.50,.....	25 04
<i>Plattsburgh</i> —From town fund,.....	74 62
	<hr/>
	\$200 20

CORTLAND COUNTY.

<i>Cincinnatus</i> —From school lot,.....	\$87 06
<i>Cortlandville</i> —From gospel and school lot,.....	181 87
<i>Freetown</i> —From gospel and school lot,.....	19 90
<i>Homer</i> —From gospel and school lot,.....	124 00
<i>Marathon</i> —From gospel and school lot,.....	48 88
<i>Prèble</i> —From public lands,.....	118 55
<i>Scott</i> —Interest of town fund,.....	95 51
<i>Solon</i> —From public lands,.....	90 59
<i>Truxton</i> —From public lands,.....	241 55
<i>Virgil</i> —Rent of public lot,.....	141 96
	<hr/>
	\$1,099 87

DELAWARE COUNTY.

Franklin—From overseers of the poor,..... \$3 50

ERIE COUNTY.

Buffalo—Interest on bond and mortgage,..... \$31 55
Concord—From overseers of the poor,..... 20 26
Collins—From poor fund, 100 00
Eden—From overseers of the poor,..... 7 59
Holland—Excise money, 24 84
Sardinia—From school fund, 54 00

\$238 24

ESSEX COUNTY.

Keene—From overseers of the poor, \$39 16
Lewis—From overseers of the poor, 90 86
Minerva—From overseers of the poor,..... 22 72

\$152 74

FRANKLIN COUNTY.

Dickinson—From town fund,..... \$21 85
Duane—From various sources,..... 11 39
Moir—From town fund, 56 08

\$89 32

GENESEE COUNTY.

Bethany—From town fund,..... \$23 27
Bergen—Poor money, 40 00
Java—From supervisor of Java,..... 22 89
Perry—Interest of school money, \$1.74; from overseer
of the poor, \$4.24, 5 98
Wethersfield—From town fund,..... 3 88

\$96 02

HERKIMER COUNTY.

Fairfield—From Hiram Knowlton, esq.,..... \$6 41
Frankfort—From town fund, 15 90
Warren—From town fund, 14 73

\$37 04

MADISON COUNTY.

Brookfield—From school lands,..... \$227 35
Eaton—From school lands, \$78.80; from John Far-
well, \$4.09,..... 82 89

<i>Georgetown</i> —From gospel and school lands,	\$74 88
<i>Hamilton</i> —From school agents,	63 41
<i>Lebanon</i> —From school lands,	58 87
<i>Madison</i> —From gospel and school lands,	182 54
<i>Nelson</i> —From school agent,	104 64
<i>Smithfield</i> —From overseers of the poor,	58 03
	<hr/>
	\$853 42

MONTGOMERY COUNTY.

<i>Lake-Pleasant</i> —From town fund,	\$5 39
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NIAGARA COUNTY.

<i>Hartland</i> —From town fund,	\$13 65
<i>Lockport</i> —From town fund,	51 39
<i>Newfane</i> —Town moneys,	30 94
<i>Porter</i> —From town fund,	30 52
<i>Wilson</i> —From overseers of the poor,	50 00
	<hr/>
	\$176 50

ONEIDA COUNTY.

<i>Boonville</i> —From town fund,	\$77 94
<i>Bridgewater</i> —From town fund,	50 00
<i>Remsen</i> —From town fund,	112 63
<i>Sangerfield</i> —From school lands,	112 00
<i>Trenton</i> —From town fund,	22 75
	<hr/>
	\$375 32

ONONDAGA COUNTY.

<i>Cicero</i> —From gospel and school lots,	\$118 98
<i>Clay</i> —From gospel and school lots,	159 67
<i>Fabius</i> —From gospel and school lot,	134 36
<i>La Fayette</i> —From town fund,	232 21
<i>Lysander</i> —From public lot,	35 00
<i>Manlius</i> —From town lot,	612 78
<i>Marcellus</i> —From town fund,	214 37
<i>Otisco</i> —From gospel and school fund,	153 87
<i>Pompey</i> —From town lot,	301 11
<i>Skaneateles</i> —From gospel and school lots,	318 85
<i>Spafford</i> —From gospel and school fund,	186 69
<i>Sakina</i> —From gospel and school lots,	137 27
<i>Tully</i> —From gospel and school lots,	103 73
	<hr/>
	\$2,708 89

ORANGE COUNTY.

<i>Minisink</i> —From overseers of the poor,	\$75 65
<i>Monroe</i> —From town fund,	25 00

<i>Newburgh</i> —By vote of town,	334 69
<i>Walkill</i> —From supervisor,	23 36
	<hr/>
	\$458 90

ORLEANS COUNTY.

<i>Ridgeway</i> —From town fund,	\$45 14
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OSWEGO COUNTY.

<i>Granby</i> —From gospel and school lot,	\$108 70
<i>Hannibal</i> —From gospel and school lot,	151 00
<i>Oswego</i> —From gospel lot,	175 88
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	\$435 58

OTSEGO COUNTY.

<i>Edmeston</i> —From town fund,	\$240. 05
<i>Exeter</i> —From school fund, ..	10 08
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	\$250 13

QUEENS COUNTY.

<i>Oyster Bay</i> —From the sale of marsh grass,	\$259 64
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SARATOGA COUNTY.

<i>Day</i> —From town fund,	\$15 00
<i>Edinburgh</i> —From town fund,	38 53
<i>Waterford</i> —By vote of town,	76 74
	<hr/>
	\$130 27

SENECA COUNTY.

<i>Covert</i> —From town fund,	\$265 95
<i>Fayette</i> —From town fund,	401 37
<i>Junius</i> —From bonds and mortgages,	39 30
<i>Lodi</i> —From bonds and mortgages,	288 37
<i>Ovid</i> —From town fund,	394 29
<i>Romulus</i> —From town funds,	214 31
<i>Seneca-Falls</i> —From gospel and school lot,	60 16
<i>Tyre</i> —From gospel and school fund,	39 94
<i>Varick</i> —From town fund,	203 34
	<hr/>
	\$1,907 03

ST. LAWRENCE COUNTY.

<i>Canton</i> —From public lands,	\$162 00
<i>De Kalb</i> —From public lands,	107 12
<i>Fowler</i> —From poor fund,	32 52

<i>Gouverneur</i> —From gospel and school lot,	\$136 54
<i>Hammond</i> —From town fund,	22 20
<i>Heron</i> —From overseers of the poor,	10 28
<i>Hopkinton</i> —From poor fund,	51 28
<i>Lawrence</i> —From overseers of the poor,	5 77
<i>Lisbon</i> —From town funds,	36 78
<i>Louisville</i> —From public lands,	28 62
<i>Madrid</i> —From public land, \$40.67; from school fund, \$17.21,	66 88
<i>Merristown</i> —From overseers of the poor, \$25.38; from school land, \$24.62,	50 00
<i>Norfolk</i> —From supervisor and school fund, \$11.14; from public land, \$50.53,	61 67
<i>Oswegatchie</i> —From school land,	42 61
<i>Potsdam</i> —From gospel and lot,	228 83
<i>Rossie</i> —From school fund, ...	22 22
<i>Russell</i> —From school fund,	48 85
<i>Stockholm</i> —From school fund,	80 50
	<hr/>
	\$1,205 32

STEUBEN COUNTY.

<i>Bath</i> —By vote of town,	\$200 00
<i>Dansville</i> —From overseers of the poor,	83 13
<i>Jasper</i> —From overseers of the poor,	26 58
	<hr/>
	\$309 71

SULLIVAN COUNTY.

<i>Fallsburgh</i> —Poor money,	\$60 57
<i>Rockland</i> —From town fund,	24 15
	<hr/>
	\$84 72

TIOGA COUNTY.

<i>Cayuta</i> —From overseers of poor,	\$25 00
<i>Tioga</i> —From overseers of poor,	18 86
	<hr/>
	\$43 86

TOMPKINS COUNTY.

<i>Dryden</i> —From gospel and school lot,	\$793 60
<i>Enfield</i> —From gospel and school lot,	245 47
<i>Groton</i> —From public lands,	132 44
<i>Hector</i> —From town fund,	706 17
<i>Ithaca</i> —From gospel and school lot,	490 39
<i>Lansing</i> —From town fund,	417 44
	<hr/>
	\$2,785 51

ULSTER COUNTY.

<i>Kingston</i> —From receiver of Middle District bank,....	\$12 85
<i>Marbletown</i> —From receiver of Middle District bank,..	49 02
<i>Rochester</i> —From receiver of Middle District bank,....	11 28
	<hr/>
	\$73 15

WARREN COUNNY.

<i>Bolton</i> —From overseers of poor,	\$9 90
<i>Chester</i> —From town fund,	11 20
	<hr/>
	\$21 10

WASHINGTON COUNTY.

<i>Argyle</i> —From late supervisor,	\$3 02
<i>Granville</i> —From supervisor,.....	31 81
	<hr/>
	\$34 83

WAYNE COUNTY.

<i>Galen</i> —From gospel and school lot,	\$192 50
<i>Savannah</i> —From school fund,	92 42
	<hr/>
	\$284 92

RECAPITULATION.

Allegany,	\$75 27
Broome,	248 71
Cattaraugus,.....	78 34
Cayuga,.....	2,306 88
Chautauque,.....	253 16
Chenango,.....	1,298 94
Clinton,.....	200 20
Cortland,	1,099 87
Delaware,.....	3 50
Erie,	238 24
Essex,	62 74
Franklin,	89 32
Genesee,	96 02
Herkimer,.....	37 04
Madison,.....	853 42
Montgomery,	5 39
Niagara,	176 50
Oneida,	375 82

Carried forward,..... *

Brought forward,..... \$	
Onondaga,	2,708 89
Orange,.....	458 90
Orleans,	45 14
Oswego,	435 58
Otsego,	251 13
Queens,.....	259 64
Saratoga,	130 27
Seneca,	1,907 03
St. Lawrence,	1,205 32
Steuben,	309 71
Sullivan,	84 72
Tioga,	43 66
Tompkins,	2,785 51
Ulster,	73 15
Warren,	21 10
Washington,	34 83
Wayne,.....	284 92
	\$18,538 56

(I.)

Abstract of the Reports of the Commissioners of Common Schools, of the School Books most in use in the several Towns which have made Returns.

[The figures represent the number of towns in each county in which the books named at the head of the column are in general use.]

COUNTIES.	Spelling Books.				Arithmetics.					Grammars.			Geographies.					Readers and other books.																					
	Webster.	Cobb.	Marshall.	Crandall.	Bentley.	Daboll.	Adams.	Ostrander.	Pike.	Willitt.	Colburn.	Rugers.	Murray.	Kirkham.	Greenleaf.	Brown.	Woodbridge.	Olney.	Willitt.	Morse.	Peter Parley.	Cummings.	Walker's Dictionary.	Webster's Dictionary.	English Reader.	Testament.	History U. S.	Cobb's Juvenile Reader.	American Preceptor.	Webster's El. Sp. Book.	Irving's Columbus.	Easy Lessons.	Historical Reader.	New English Reader.	American Reader.				
Albany,.....	7					9	1						5	2			2	3	8	1	1		1	1	7	4	3	1											
Allegany,.....	11	14				21	4						14	9			15	8	8					2	1	15	2	1	1										
Broome,.....	3	5	5			7	1						5	3			4	6						2	1	9	3	1	9	2									
Cattaraugus,.....	12	10				11							13	6			11	9						1	2	16	2	1	1										
Cayuga,.....	7	13				19							18	9			8	9						1	2	17	4	6	3										
Chautauque,.....	16	12				16	4						11	8			13	9						2	3	19	3	6	2	4									
Chenango,.....	5	11	16			17							15	9			14	13						2	7	17	6	1	3										
Clinton,.....	7					11	2						13	1			7	1						1	2	16	2	6											
Columbia,.....	7					11							6	1			4	7						1	3	14	4	4											
Cortland,.....	4	9	2			11							11	3			8	10						1	2	14	2	4											
Delaware,.....	11	8	6			12							6	3			9	8						3	5	14	6	2	3										
Dutchess,.....	4					8							13	3			4	11						3	4	12	3	7											
Erie,.....	7	13				12	3						5	1			6	12						2	3	8	2	1											
Essex,.....	11	3				9							8	1			5	2						1	1	11	4	1											
Franklin,.....	8		1			8	1						8				8							2	1	8	1	1											

Geneese,	9	15	..	..	..	2	..	6	17	5	..	18	18	..	2	..	6	11	19	1	..	1
Greene,	6	0	..	..	..	..	..	10	4	3	..	5	5	..	..	..	1	2	9	..	..	1
Hartford,	10	..	..	..	..	..	..	7	11	..	..	10	4	2	..	..	2	1	9	..	..	1
Jefferson,	6	12	..	..	..	24	..	10	13	4	..	14	8	..	4	..	4	4	16	1	..	1
King, .....	..	5	..	..	..	2	..	3	6	4	1	1	1	..	..	..	2	2	3	7	..	1
Lewis,	6	6	..	..	..	2	..	7	7	2	2	5	9	..	..	..	1	1	6	2	..	1
Livingston,	6	6	..	..	..	2	..	6	8	..	..	8	10	..	..	..	2	1	7	2	..	1
Madison,	6	1	..	..	..	4	..	3	2	..	..	7	6	..	..	..	..	2	2	3	..	1
Monroe,	6	2	..	..	..	2	..	2	10	2	1	4	7	..	..	..	2	2	10	1	..	1
Montgomery,	14	..	..	..	..	1	..	5	6	2	..	10	7	2	1	4	2	1	14	..	..	1
New-York,	7	5	..	..	..	..	..	3	4	2	..	4	2	..	..	..	1	8	..	..	..	1
Niagara,	17	..	..	..	..	1	..	18	8	..	..	11	18	4	..	..	2	1	7	5	..	1
Oneida,	18	8	..	..	..	1	..	7	6	1	1	10	11	3	1	..	2	2	10	2	..	1
Ontario,	8	1	..	..	..	2	..	6	6	1	4	6	6	..	..	..	1	6	6	1	..	1
Orange,	8	..	..	..	..	1	..	2	5	2	..	8	2	..	..	..	1	5	1	2	..	1
Orleans,	18	5	..	..	..	3	..	4	4	3	4	5	6	..	..	..	2	1	7	..	..	1
Oswego,	2	1	..	..	..	1	..	16	10	..	..	14	10	2	1	..	2	1	15	5	..	1
Putnam,	5	..	..	..	..	1	..	3	..	..	..	1	1	..	..	..	1	3	1	..	..	1
Queens,	2	..	..	..	..	1	..	8	..	1	2	1	1	..	..	..	1	1	1	..	..	1
Rensselaer,	7	..	..	..	..	2	..	6	2	1	..	5	5	..	..	..	1	9	..	..	..	1
Richmond,	1	..	..	..	..	..	..	3	..	..	..	..	..	..	..	..	1	2	..	..	..	1
Rockland,	5	..	..	..	..	2	..	7	2	2	..	9	8	1	1	..	1	2	8	2	..	1
Saratoga,	4	..	..	..	..	..	..	5	2	..	..	1	1	..	..	..	2	5	5	..	..	1
Schenectady,	6	..	..	..	..	..	..	5	1	..	..	3	4	..	..	..	2	9	1	..	..	1
Schoharie,	6	9	..	..	..	1	..	5	4	1	..	..	6	..	..	..	1	7	2	..	..	1
Seneca,	15	4	..	..	..	2	..	19	9	3	..	16	5	4	1	1	2	1	19	3	..	1
St. Lawrence,	12	15	..	..	..	2	..	13	2	..	..	11	5	1	1	2	2	17	4	1	..	1
Steuben,	7	..	..	..	..	..	..	7	..	2	..	2	1	..	..	..	2	7	4	..	..	1
Suffolk,	7	1	..	..	..	..	..	5	5	..	..	3	2	..	..	..	2	7	4	..	..	1
Sullivan,	2	12	..	..	..	..	..	9	5	4	..	4	4	..	..	..	3	4	2	1	..	1
Tioga, .....	..	6	..	..	..	..	..	2	2	..	..	4	4	..	..	..	1	2	2	..	..	1
Tompkins,	8	1	..	..	..	2	..	3	2	5	..	4	4	..	..	..	4	5	1	2	..	2
Ulster,	3	..	..	..	..	..	..	8	2	..	..	4	6	..	..	..	4	12	7	..	..	1
Warren,	10	..	..	..	..	4	..	16	6	2	..	4	4	..	..	..	1	3	8	..	..	1
Washington, .....	..	..	..	..	..	..	..	..	6	2	..	10	8	..	..	..	1	13	..	..	..	1

Alexander's Grammar is used in one town in Franklin and one in Washington=2.

American History is used in one town in Otsego=1.

American First Class Book is used in one town in Columbia and one in Essex=2.

American Instructor is used in three towns in Rensselaer and one in Schenectady=4.

Blake's Chemistry is used in one town in Montgomery=1.

The Bible is used in one town in Albany, two in Delaware, one in Franklin, one in Montgomery, one in Oneida, one in Orange, one in Queens, one in Steuben, and one in Tioga=10.

Bentley's Instructor is used in one town in Albany=1.

Butler's History is used in one town in Chautauque=1.

Blair's Rhetoric is used in one town in Chenango, one in Clinton, one in Dutchess, one in Greene, one in Herkimer, one in Schenectady, and one in Wayne=7.

Bartlett's English Reader is used in one town in Cortland and one in Lewis=2.

Blake's Philosophy is used in one town in Dutchess, one in Erie, one in Livingston, one in Putnam, and one in Saratoga=5.

Blake's Dictionary is used in one town in Erie=1.

Bowditch's Navigation is used in one town in Kings and one in Suffolk=2.

Bennet's Book-Keeping is used in one town in Kings=1.

Babcock's Arithmetic is used in one town in Oneida=1.

Baldwin's Primary Arithmetic is used in one town in Orange=1.

Burhans' Nomenclature is used in one town in Queens=1.

Burhans' Spelling-Book is used in one town in Ulster=1.

Brief Remarker is used in three towns in Columbia, one in Delaware, one in Greene, one in Livingston, one in Ontario, and one in Ulster=8.

Bonnycastle's Mensuration is used in one town in Kings=1.

Child's Instructor is used in one town in Dutchess and one in Suffolk=2.

Child's Guide is used in one town in Rensselaer=1.

Cobb's Dictionary is used in one town in Chautauque, two in Chenango, one in Cortland, one in St. Lawrence, one in Tioga, one in Tompkins, and one in Wayne=8.

Cobb's Arithmetic is used in two towns in Chenango and one in Seneca=3.

Cobb's Sequel is used in one town in Delaware and one in Tioga=2.

Cobb's Reader is used in one town in Queens, one in Tioga, four in Tompkins, one in Ulster, and one in Wayne=8.

Clute's Geography is used in one town in Kings=1:

Coleman's Mental Arithmetic is used in one town in Montgomery=1.

Columbian Orator is used in one town in Franklin, one in Montgomery, one in Orange, two in Rensselaer, one in Saratoga, and one in Ulster=7.

Comstock's Philosophy is used in one town in Chenango, one in Allegany, one in Seneca, and one in Wayne—4.

Comstock's Chemistry is used in one town in Columbia, one in Seneca, and one in Wayne—3.

Comley's Grammar is used in one town in Dutchess and one in Washington—2.

Comley's Spelling-Book is used in one town in Westchester—1.

Columbian Reader is used in one town in Niagara—1.

Cumming's Spelling-Book is used in one town in Rensselaer—1.

Dwight's Geography is used in one town in Seneca and one in Suffolk—2.

Dowling's Book-Keeping is used in one town in Kings—1.

Dilworth's Arithmetic is used in one town in Orange and two in Rockland—3.

Dabbit's Arithmetic is used in one town in Queens—1.

Eaton's Philosophy is used in one town in Columbia—1.

Emerson's Arithmetic is used in one town in Livingston and one in St. Lawrence—2.

Euclid's Elements is used in one town in Kings—1.

First Book of History is used in one town in Allegany—1.

Flint's Surveying is used in one town in Columbia, one in Delaware, one in Greene, one in Kings, one in Montgomery, and one in Otsego—6.

Gibson's Surveying is used in one town in Kings—1.

Gillebrand's Trigonometry is used in one town in Kings—1.

Goodrich's Geography is used in one town in Chautauque, one in Dutchess, one in Ontario, one in Rockland, one in St. Lawrence, and one in Steuben—6.

Goodrich's Spelling-Book is used in one town in Saratoga—1.

Gough's Arithmetic is used in one town in Kings—1.

Griffin's Geography is used in two towns in Saratoga and one in Washington—3.

Hazen's Spelling-Book is used in one town in Chautauque—1.

Hazen's Speller and Definer is used in one town in Delaware, one in Lewis, and one in Onondaga—3.

Hawney's Mensuration is used in one town in Kings—1.

Hart's Geography is used in one town in Erie, four in Monroe, and one in Orleans—6.

Hall's Primer is used in one town in Montgomery—1.

History of South-America and Mexico is used in one town in Orange—1.

History of the State of New-York is used in one town in Orleans—1.

Historical Dictionary is used in one town in Schoharie—1.

Holbrook's Geometry is used in one town in Saratoga—1.

Ingersoll's Grammar is used in one town in Dutchess, one in Queens, and one in Saratoga—3.

Jackson's Book-Keeping is used in one town in Kings—1.

Jack Halyard is used in two towns in Genesee, one in Niagara, one in Onondaga, and one in Queens—5.

Johson's Dictionary is used in one town in Essex and one in Otsego=2.

Jones' Chemistry is used in one town in Montgomery=1.

Jones' Natural Philosophy is used in one town in Herkimer=1.

Juvenile Expositor is used in one town in Westchester=1.

Juvenile Spelling-Book is used in one town in Dutchess, one in Orange, three in Rockland, and one in Ulster=6.

Juvenile Philosopher is used in one town in Livingston=1.

Kirkland's Grammar is used in one town in Cortland=1.

Lore's Survey is used in one town in Suffolk=1.

Matte Brun's Geography is used in one town in Chautauque, one in Columbia, one in Erie, one in Essex, one in Livingston, one in Montgomery, and one in Oneida=7.

Mackey's Navigation is used in one town in Kings and one in Suffolk=2.

McCay's Book-Keeping is used in one town in Kings=1.

Moore's Geography is used in one town in Dutchess=1.

Moore's Navigation is used in one town in Kings and one in Suffolk=2.

Murray's Sequel is used in one town in Cayuga, three in Putnam, one in Schenectady, and one in St. Lawrence=6.

Murray's Introduction is used in one town in Lewis, one in Niagara, one in Oneida, one in Orange, two in Putnam, and one in Ulster=7.

Murray's Manual is used in one town in Oswego=1.

National Preceptor is used in two towns in Greene=2.

National Reader is used in one town in Monroe, one in Rensselaer, one in Seneca, one in St. Lawrence, one in Suffolk, and two in Washington=7.

National Orator is used in one town in Orleans=1.

New-York Reader is used in one town in Ontario, one in Queens, one in Ulster, and one in Westchester=4.

Parker's Arithmetic is used in one town in Delaware and one in Greene=2.

Parker's Progressive Exercises is used in one town in Saratoga=1.

Parker's Composition is used in one town in Schenectady=1.

Paley's Philosophy is used in one town in Chenango and one in Orleans=2.

Parley's Stories is used in one town in Erie, one in Franklin, one in Montgomery and one in Oswego=4.

Parley's Magazine is used in one town in Rensselaer=1.

Perry's Dictionary is used in one town in Washington=1.

Picket's Class Book is used in one town in Kings, one in Orange, one in Rockland, and one in Sullivan=4.

Picket's Spelling-Book is used in two towns in Kings, three in Orange, and one in Westchester=6.

Picket's Grammar is used in three towns in Orange and one in Sullivan=4.

Picket's Juvenile Mentor is used in one town in Orange=1.

Popular Lessons is used in one town in Montgomery, three in Orange, one in Otsego, two in Ulster, and two in Westchester=9.

Roman History is used in one town in Clinton=1.

Root's Arithmetic is used in one town in Delaware, one in Madison, and one in Steuben=3.

Scientific Class Book is used in one town in Clinton=1.

Scott's Lessons is used in one town in Essex, one in Kings, one in Montgomery, and one in Orange=4.

Sears' Spelling-Book is used in two towns in Livingston, five in Monroe, one in Orleans, and one in Putnam=9.

Severants' Reader is used in one town in Oneida, one in Onondaga, one in Seneca, and two in Wayne=5.

Severants' American Manual is used in one town in Onondaga=1.

Sequel to Easy Lessons is used in one town in Orleans=1.

Small's Arithmetic is used in one town in Ontario=1.

Smith's Grammar is used in two towns in Allegany, one in Dutchess, one in Essex, one in Herkimer, one in Oneida, one in Ontario, one in Saratoga, one in Steuben, three in Suffolk, one in Wayne, and one in Westchester=14.

Smith's Arithmetic is used in one town in Cattaraugus, one in Cayuga, one in Chenango, two in Livingston, one in Ontario, one in Orange, one in Seneca, one in Ulster, one in Washington, and one in Westchester=11.

Tales from American History is used in one town in Otsego=1.

The Young Reader is used in one town in Madison=1.

Thompson's Arithmetic is used in one town in Essex, one in Franklin, and one in Washington=3.

Todd's Grammar is used in one town in Chautauque=1.

Tytler's History is used in two towns in Chenango, one in Clinton, two in Dutchess, one in Herkimer, one in Putnam, one in Queens, two in Saratoga, and one in Steuben=11.

Tyro's Instructor is used in one town in Queens=1.

Union Spelling-Book is used in one town in Delaware=1.

Universal Preceptor is used in one town in Saratoga=1.

Walker's Elementary is used in one town in Niagara=1.

Webster's Grammar is used in one town in Madison=1.

Webster's American Selection is used in one town in Montgomery=1.

Whelpley's Compend is used in one town in Orange=1.

William's Spelling-Book is used in one town in Broome, two in Chenango, three in Madison, and three in Tioga=9.

Willam's Geography is used in one town in Yates=1.

Willard's Geography is used in one town in Chautauque and one in Rensselaer=2.

Willett's Grammar is used in one town in Dutchess=1.

Woodruff's Geography is used in one town in Cortland=1.

Woodberry's Geography is used in one town in Onondaga=1.

Woodbridge's Dictionary is used in one town in Steuben=1.

The following table shows the total of the principal Books used, as they appear in the reports of the Superintendent for 1827, 1830, 1832, 1833, 1834, and 1835, from which the increase and decrease of the towns using the different books can be ascertained.

BOOKS.	Towns in 1827.	Towns in 1830.	Towns in 1832.	Towns in 1833.	Towns in 1834.	Towns in 1835.
English Reader, used in....	434	584	547	549	563	536
Daboll's Arithmetic,	349	473	469	472	465	481
Murray's Grammar,	389	472	466	462	459	400
Webster's Spelling-Book,...	302	417	400	433	418	388
Testament,	168	216	200	166	169	142
Woodbridge's Geography, ..	110	309	412	375	398	349
Walker's Dictionary,	133	141	131	95	126	102
Willet's Geography,	117	120	121	98	90	63
Morse's Geography,	108	98	72	50	35	19
American Preceptor,	93	63	32	27	17	12
Adams' Arithmetic,	91	96	102	91	95	85
Pike's "	80	61	46	36	29	25
Cumming's Geography,	76	68	50	33	15	16
Olney's " .....	....	....	80	183	271	334
Marshall's Spelling-Book,...	60	85	64	61	59	35
Cobb's "	59	269	240	235	234	222
Crandal's "	55	62	60	62	52	55
Greenleaf's Grammar,	35	76	88	96	93	72
Irving's Columbus, .....	....	....	....	....	....	38
American Reader,	21	....	17	19	24	15
Bentley's Spelling-Book,	16	41	42	36	32	35
Ostrander's Arithmetic,	16	45	50	48	51	40
History of the United States,	6	33	52	83	105	149
Willet's Arithmetic,	10	16	23	24	23	20
Colburn's "	1	8	26	17	26	33
Kirkham's Grammar, .....	...	28	72	111	179	242
Leavitt's Easy Lessons,	6	15	26	22	17	17

STATE OF NEW-YORK.

No. 9.

IN ASSEMBLY,

January 8, 1835.

ANNUAL REPORT

Of Hiram F. Randolph, Inspector of Sole Leather
for the county of Tompkins.

To the Hon. the Legislature of the State of New-York.

Enclosed is my annual report of sole leather inspected within
the county of Tompkins, from January 1st, 1834, to January the
1st, 1835.

	Number.	Weight.	Per hund.	Total worth.	Fees at 4 cents.
Sides good,	2,275	32,202	20	\$6,440 40	\$91 00
do damaged,	406	5,261	15	789 15	16 24
do bad,	36	374	10	37 00	1 44
	2,717	37,837		\$7,266 55	108 68

HIRAM F. RANDOLPH,
Inspector of Sole Leather.

Rhaca, January 1, 1835.

[Assem. No. 9.]

STATE OF NEW-YORK.

No. 10.

IN ASSEMBLY,

January 8, 1835.

ANNUAL REPORT

**Of Robert Barnes, Inspector of Hops in the city of
New-York.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

In conformity with former practice on the subject of inspection, I herewith transmit a statement of all the hops that have passed through my hands, as inspector of the article, during last twelve months, ending 12 mo. 31, 1834, including western and eastern growth; the latter, say eastern, exceeds in quantity about a third more than our western, the last two crops: Also, obtains a preference in the French market, which I should expect would stir up more diligence in our western farmers, in point of cultivation and management, acquiring at the same time a more scientific knowledge of the nature and properties of the vine.

There is one part of the process in curing the hops not sufficiently understood, or else very carelessly managed; I allude to drying the hops on the kiln, as some bales come to market too slightly dried, consequently liable to heat in the bale. The effect however of drying too much on the kiln, is more to be guarded against, as it dissipates the juices and vitals of the hop, that in moving from the kiln and bagging, they are trod to pieces without applying the screws sufficiently, separating the outside leaves from the vitals of the pod, injuring its flavor and lessening its substance and weight, which it never recovers.

My having been a brewer upwards of thirty years in this city, and since, seven more as inspector, a sufficient time to complete a thorough knowledge of its necessary duties, and respectfully solicits a continuance in office, which would confer a lasting obligation on your friend.

ROB. BARNES, *Inspector.*

4,235 bales of hops, containing 810,350 lbs. at 16 cts. \$129,656 00
 Inspectors fees at 10 cts. per 100 lbs. 810 35

Amount of sales, \$128,845 65

Inspector's fees, whole amount, \$810 35
 Extra labor and other incidental expenses, 255 90

Inspectors nett fees, \$554 45

ROB. BARNES, *Inspector.*

The aforesaid Rob. Barnes, personally known to me, has affirmed to the foregoing statement, as just and true.

SILAS M. STILWELL,

Ald. 15th Ward.

New-York, 2d January, 1835.

No. 11.

IN ASSEMBLY,

January 9, 1835.

REPORT

Of the committee on privileges and elections, on the petition of David G. Seger.

Mr. Wilcoxson, from the committee on privileges and elections, to whom was referred the petition of David G. Seger, praying that he may be permitted to take his seat as a member in this House,

REPORTED:

That your committee, before proceeding to the investigation of the claims of Mr. Seger to a seat as a member in this House, caused a written notice to be served on Henry G. Wheaton, whose seat is sought to be vacated, apprising him of the time and place the committee would meet to determine the claim of Mr. Seger to a seat; to which Mr. Wheaton replied, in writing, in substance as follows:

That he, Mr. Wheaton, was satisfied that Mr. Seger is entitled to a seat in preference to himself, as having received the greatest number of votes; that he would be the last person to seek to hold that, or any other office, without being called to it by the free suffrages of his fellow citizens, and had nothing to say against Mr. Seger's taking his seat.

That the testimony of James Gourlay, one of the inspectors of election in the Second Ward of the city of Albany at the last general election, held in said ward, on the third, fourth and fifth

days of November last past, and the testimony of Josiah W. Carry, clerk of said board, both of whom were sworn before your committee, established the following facts:

That David G. Seger was a candidate for the office of Member of Assembly, at the election aforesaid, and that he received for that office, during that election, in the second ward of the city of Albany, four hundred and thirty-six votes. That the inspectors in said ward, in making out their certificates of the candidates voted for, and the number of votes given to each, inserted therein, by mistake, the name of *Daniel G. Seger* for David G. Seger, and forwarded their certificate, (thus erroneous,) to the county canvassers; and also filed a duplicate thereof in the proper office; and that there was no such person as Daniel G. Seger voted for in said ward during said election.

That upon examining the certificate of the inspectors aforesaid, exhibited to your committee by the clerk of the county of Albany, and proven by the oath of James Gourlay to be the certificate of said inspectors, it appears that Daniel G. Seger received, in said second ward, four hundred and thirty-six votes for the office of Member of Assembly, and David G. Seger none.

That, upon examining the official canvass of the county canvassers, of the votes taken at the election aforesaid, in the several towns and wards in the city and county of Albany, produced and proven to your committee by the oath of Conrad A. Ten Eyck, clerk of the county of Albany aforesaid, it appears, that the whole number of votes given for Henry G. Wheaton, in the several wards and towns aforesaid, for the office of Member of Assembly, is four thousand eight hundred and eighty-two: for David G. Seger, for the same office, four thousand four hundred and eighty-five: and for Daniel G. Seger, for the same office, in the second ward of the city of Albany, four hundred and thirty-six; and in the same ward for David G. Seger none.

Your committee are satisfied that the votes returned by the inspectors of the second ward, as being given for Daniel G. Seger, were so returned by mistake; that no such votes were given in said ward, but that they were given for the petitioner, David G. Seger, and that the same ought to have been canvassed, by the inspectors aforesaid, and by the county canvassers aforesaid, as

so many votes given to David G. Seger; and that if so canvassed he would have had a majority over Mr. Wheaton of thirty-nine.

Your committee therefore offer the following resolution:

Resolved, That David G. Seger be permitted to take his seat as a Member of the House of Assembly, duly elected for the county of Albany, in the room of Henry G. Wheaton, the Member returned; and that the seat of the said Henry G. Wheaton be vacated.

No. 12.

IN ASSEMBLY,

January 8, 1835.

ANNUAL REPORT

Of the Superintendent and Inspector of Salt in Onondaga County.

SUPERINTENDENT'S OFFICE, }
SALINA, JANUARY 2, 1835. }

The Hon. SPEAKER
of the Assembly.

SIR—

Herewith I send you the report of the Superintendent and Inspector of salt in the county of Onondaga.

I am, with respect,

Your obedient servant,

NEHEMIAH H. EARLL,
Superintendent of Onondaga Salt Springs.

REPORT, &c.

In obedience to the sixteenth section of chapter ninth, title ten, of the first part of the Revised Statutes, the Superintendent of the Onondaga salt springs, and the Inspector of salt in the county of Onondaga,

RESPECTFULLY REPORT:

That during the year 1834, there has been inspected in the town of Salina, 1,943,252½ bushels of salt, of which the annexed table exhibits the quantity inspected in each village in the several months during said year.

There has been expended in the engineer department during said year, \$4,616.46; and there has been collected from that source \$3,886.10.

Since the last annual report there has been a considerable expenditure in excavating a large reservoir on the high ground about midway between the villages of Salina and Liverpool, made to accommodate the manufactories at the later place; also in searching for a better supply of salt water; and also in repairing the two old pumps at the village of Salina.

One of these pumps failed in the month of September last, and was repaired (by making it mostly new,) and put in operation early in November after. Since the close of the canal navigation, the other one was examined and found so near worn out, that it was deemed advisable to repair it to prevent a failure at a season of the year when it would be inconvenient or impossible to supply the manufactories with salt water, without the efficient operation of all the pumps. This one has, therefore, also been repaired, and now all the public pumps are in good order.

The number and extent of the salt manufactories, as exhibited in the annexed table, (shewing the present number and capacity,) it will be seen, are enlarged and increased during the year.

Last spring, after the reduction of the duties on the salt manufactured in this State, the undersigned were admonished of the necessity of procuring more brine of the best quality, for the use of the manufacturers who receive their supply from the springs in the village of Salina, than the one spring there producing such brine will yield. For the purpose of enabling us so to supply them, we commenced boring a new well, several rods northerly of the other wells in Salina village, and have penetrated the earth about one hundred and seventy-five feet, but have failed in procuring a good quality of brine, and have abandoned that place.

Some part of the last summer the best spring at Salina did not afford sufficient brine for the use of the several manufactories usually receiving their supply from that source. To remedy that deficiency as far as we were able, we were compelled to raise brine of an inferior quality, and mingle with the best. And after adopting this course, there was still a deficiency, which caused a suspension in the operation of nearly all the manufactories located in the village of Liverpool, for about one month in the best part of the season. The manufacturers of that village formerly received their supply of brine from a spring on the margin of the Onondaga lake, adjacent to their manufactories. But some time after that period, brine of a better quality was discovered in the village of Salina; after which the manufacturers of Liverpool found it impossible to compete with their neighbours, while using salt water of an inferior quality. They abandoned their spring, and sought salt water from other places. They have, for the last three years, been supplied from Salina, except about one month last summer, as before stated.

The manufacturers at Liverpool manifest an anxiety to have a well bored near their old spring in that village, to the depth of those in the village of Salina, believing water of the same quality of that found at Salina, would be found there. The Superintendent has not acceded to their request, inasmuch as there would be no water power there which he could use to raise the brine if discovered, as he is not invested with authority to take water from that level of the Oswego canal. To obviate this, we are informed the manufacturers of that village intend petitioning your honorable body to pass a bill authorizing the Superintendent to take the water from that level, as he now is authorized to take it from the Salina level; and also making it the duty of the Canal Commission-

ers to take the Onondaga creek into said level, (if it shall be ascertained to be necessary,) to propel a pump to be erected there, in case good salt water shall be discovered. We think it reasonable that their prayer should be granted.

The present erections for manufacturing salt in the town of Salina, (with a sufficient supply of brine,) in our opinion, are capable of producing three millions of bushels of salt.

The springs at the village of Geddes have produced an abundant supply of salt water of the best quality for the use of the manufacturers of that place: And if like brine could be discovered in the villages of Syracuse and Liverpool, and thereby relieve the springs at Salina from furnishing salt water for those two villages, a very desirable object would be attained.

NEHEMIAH H. EARLL,
THOMAS ROSE.

DOCUMENTS.

The Table accompanying the Annual Report for 1834.

VILLAGES.	No. manufactories.	No. kettles & pans.	No. superficial feet of vats.	No. gallons in ket. tea.
Salina, F. S.	69	1,822	.....	174,415
do. C. S.	8	148	34,271	13,780
Syracuse,	15	390	189	36,190
Liverpool,	25	600	.....	54,710
Geddes, F. S.	15	463	3,170	45,680
do. - C. S.	1	2	5,175	15,000
	133	3,423	42,805	339,775

Coarse Salt Companies' Vats.

Onondaga Salt Company,	618,000
Syracuse do do	668,488
H. Gifford's do	119,808
S. C. Brewster's do at Geddes,	67,198

1,473,494 superficial feet.

A Table shewing the quantity of Salt inspected in each village, each month, during the year 1834.

MONTHS.	Salina.		Syracuse.		Liverpool.		Geddes.		Aggregate.	
	Bushels.	lbs.	Bushels.	lbs.	Bushels.	lbs.	Bushels.	lbs.	Bushels.	lbs.
January,	5,582	48	6,011	31	1,373	14	980	14	13,947	51
February,	883	38	609	42	678	08	203	10	2,374	42
March,	323	22	652	54	89	22	67	36	1,132	23
April,	26,015	08	10,087	49	43,670	48	5,842	52	85,616	45
May,	71,849	27	17,167	08	63,232	40	19,175	30	171,424	49
June,	133,218	44	24,915	16	64,875	19	24,364	26	247,373	49
July,	200,924	27	41,819	07	27,478	54	30,402	14	300,624	46
August,	148,496	45	48,261	41	47,811	20	28,239	22	272,809	16
September,	116,805	16	54,234	26	51,777	12	37,069	24	259,866	23
October,	156,245	80	63,957	20	57,654	18	35,649	48	313,507	04
November,	121,522	47	44,824	30	36,583	20	33,686	03	236,616	43
December,	13,863	10	12,188	52	5,782	48	6,602	34	37,937	32
	995,230	26	324,530	40	401,007	43	222,283	32	1,943,252	29

No. 13.

IN ASSEMBLY,

January 10, 1835.

REPORT

Of the select committee on the petition of the supervisors of Kings county, relative to building a jail and clerk's office.

Mr. Phillips, from the select committee to which was referred the memorial of the supervisors of Kings county, for permission to raise money to build a county jail and clerk's office in said county, and for other purposes,

REPORTED:

The memorialists set forth in their memorial, that a court-house and jail, according to the provisions of the act entitled "An act for the erection of a court-house and jail in the county of Kings," passed April 25th, 1833, have not as yet been erected: That since the passage of the said act, the situation of the county has been very materially changed, in consequence of the town and village of Brooklyn having become a chartered city: That it is contemplated by the common council of said city, to proceed forthwith to the erection of a city hall; and by a mutual arrangement between them and the said board of supervisors, all the courts of the county are to be held and accommodated in such hall, as soon as the same shall be completed; and that it is contemplated that the said jail, and also a fire-proof clerk's office, shall be county buildings separate and distinct from the city hall. The memorialists therefore ask for authority to procure by purchase or otherwise, two suitable separate sites in the said city of Brooklyn, the one for a county jail, and the other for a clerk's office, and to cause said buildings

to be erected thereon; and for that purpose, they ask to be authorized to raise by loan, on a pledge of the credit of the county, and the taxes thereof, a sum not exceeding twenty-five thousand dollars, for such purposes, and to issue public stock for the same.

The memorialists further represent, that the July term of the court of common pleas and general sessions operates peculiarly hard on the farming interest of the county, as it takes place in the midst of the harvest season; and they therefore request that the said term may be altered to the second Tuesday of August.

The memorialists further state, that the county courts are now held at the Apprentices' Library in the city of Brooklyn; that the court room in that building is often found to be inconvenient, and is by some thought to be unsafe; and they therefore suggest the propriety of vesting a power in the judges of the court of common pleas, and supervisors of the county, or a majority of them, to designate from time to time such other place in the said city as they may think proper, for the better accommodation of the said courts, until the court rooms in the said city shall be completed.

The memorialists also represent, that the lot of land on which the court-house and jail at Flatbush, lately destroyed by fire, was situated, is now laying vacant; and pray for authority to sell and convey the said lot, and apply the proceeds thereof to the erection of a hospital on the county farm, for the use of the county.

The committee having had the said memorial under consideration, and believing from the representations of the memorialists, as well as from other sources of information to which they have had recourse, that the interest of the said county of Kings will be promoted by granting the prayer of the said memorial, and not being aware that there is any opposition to the same from said county, are of the opinion that the prayer of the memorialists ought to be granted; and they have therefore instructed their chairman to ask leave to introduce a bill for that purpose.

No. 14.

IN ASSEMBLY,

January 10, 1835.

REPORT

Of the select committee on the memorial of the supervisors of the county of Genesee.

Mr. Tyrrell, from the select committee, to whom was referred the memorial of the supervisors of the county of Genesee, praying for an act authorizing said county to relinquish certain lands in the village of Batavia, to the Holland Land company, and for other purposes therein contained,

REPORTED:

That in taking the subject of the memorial under consideration, the committee find, by reference to an act of the Legislature, passed 13th April, 1819, entitled, "An act relating to the court-house lands, and public buildings in the county of Genesee," it appears that certain propositions were made by the agent of the Holland Land company, to the county of Genesee, which were confirmed by said act. It also appears from the statement of the petitioners, that among said propositions now ratified, is a stipulation that the said Holland Land company should lay out and give a street called "Court-street," east of the court-house in Batavia, six rods wide. Mr. Evans, the present local agent of the said company, has united his name with that of the said supervisors, in stating that said Court-street is unnecessarily wide, and also in praying for an act authorizing the county to relinquish a part of said street, to the Holland Land company, upon condition that the said company shall convey by deed, such portion of said street to the owners of lands

adjoining its eastern boundary. The object that appears sought for in the petition, is to enable the owners of lots adjoining said street, to erect their buildings with square fronts. Court-street, as now located, runs in a diagonal direction from Main-street. But by granting the prayer of the petitioners, it will be made to pass from Main-street at right angles.

The committee are of opinion that the prayer of the petitioners ought to be granted, and have accordingly instructed their chairman to ask leave to introduce a bill accordingly.

No. 15.

IN ASSEMBLY,

January 10, 1835.

REPORT

Of the select committee upon the petition of Nathan Williams, one of the clerks of the Supreme Court, for an appropriation to complete the clerk's office at Geneva.

Mr. M. H. Sibley, from the select committee, to whom was referred the petition of Nathan Williams, one of the clerks of the supreme court, for an appropriation of money to complete the clerk's office at Geneva,

REPORTED:

That by an act passed March 21st, 1831, the predecessor of the petitioner was authorized to purchase a lot of ground in the village of Geneva, in the county of Ontario, to erect a good and sufficient fire proof clerk's office thereon, and to procure suitable paper cases for the safe keeping of the papers appertaining to that office. For all these purposes a sum not exceeding twelve hundred dollars was appropriated.

The petitioner now represents, (and personal observation has made known to one of your committee,) that the building erected in pursuance of the said act, is yet incomplete, being without window-shutters, wood-shed or any other out-house, and the lot on which it is situated uninclosed.

The petitioner also states that there is no ground belonging to the State for a passage way on either side of the building, to con-

vey wood or any other articles into the back yard, which is inaccessible from the public street, except through the office.

This statement of the petitioner is corroborated by an inspection of the deed of the said lot of ground on file in the office of the Secretary of State.

The clerk entrusted with the expenditure of the money appropriated by the act of the 21st March, 1831, having rendered his accounts and produced vouchers for the same to the Comptroller, it appears that all the money drawn from the treasury under the said act has been expended, and that it was inadequate to complete the building.

Your committee being of opinion that the additions and improvements suggested by the petitioner are necessary for the security of this public property, recommend that his prayer be granted.

The preservation and appearance of the building also require that it should be painted, which has never been done. To avoid another application to the Legislature for this purpose, your committee recommend an appropriation of a sum not exceeding four hundred dollars, which, in their opinion, will be sufficient to accomplish all the aforesaid objects. And they ask leave to introduce a bill for this purpose.

No. 16.

IN ASSEMBLY,

January 10, 1835.

REPORT

Of the select committee on the petition of Justin Smith.

Mr. Moore, from the select committee to whom was referred the petition of Justin Smith, praying for an act to enable him to complete and protect from injury a certain aqueduct, in the village of Whitehall,

REPORTED:

That it appears, from the said petition, which is signed not only by the said Smith but by a number of highly respectable citizens of the village and town of Whitehall, that the said Smith, for the purpose of supplying himself and others with pure and wholesome water, has, by means of certain pipes and aqueducts, conducted the water from certain fountains into the said village, and now discharges at a number of convenient places for the use of the inhabitants thereof: and it appears that an act of the Legislature is necessary to enable the said Smith to complete the said works, and to protect them from injury.

It also appears, from the Journal of the Assembly of 1834, that a bill upon this subject went through the ordinary forms of Legislation, and was ordered to the Senate for concurrence. Under this state of facts the committee are of the opinion that the prayer of the petitioner ought to be granted; and have instructed their chairman to ask leave to present a bill accordingly.

IN ASSEMBLY,

January 10, 1835.

Standing Committees of the Assembly.

JANUARY, 1835.

Committee on Ways and Means.

Mr. Dayan,	Mr. Shafer,
Mr. Cash,	Mr. King.
Mr. Pettit,	

Committee on Grievances.

Mr. Adams,	Mr. Mallory,
Mr. Hough,	Mr. Moore.
Mr. Brooks,	

Committee on Privileges and Elections.

Mr. Wilcoxson,	Mr. J. Haskell,
Mr. Anthony,	Mr. McNeil.
Mr. Shepard,	

Committee on the Judiciary.

Mr. Livingston,	Mr. Krum,
Mr. Roosevelt,	Mr. Dayan.
Mr. M. H. Sibley,	

Committee on Expiring Laws.

Mr. Stetson,	Mr. A. Hascall,
Mr. Moseley,	Mr. Kent.
Mr. Warren,	

Committee on Claims.

Mr. M. H. Sibley,	Mr. A. Woodworth,
Mr. Burhans,	Mr. Benjamin.
Mr. Cuykendall,	

Committee on Colleges, Academies and Common Schools.

Mr. Wetmore,	Mr. Van Bergen,
Mr. Burke,	Mr. P. W. Paddock.
Mr. Clinch,	

Committee on Engrossed Bills.

Mr. Suffern,	Mr. Crowell,
Mr. Peck,	Mr. Niles.
Mr. Plumb,	

Committee on the Erection and Division of Towns and Counties.

Mr. Palmer,	Mr. Ingersoll,
Mr. Griswold,	Mr. W. Woodworth.
Mr. Harvey,	

Committee on the Incorporation of Cities and Villages.

Mr. Jackson,	Mr. Tomlinson,
Mr. Ringgold,	Mr. Wylie.
Mr. Tillinghast,	

Committee on Agriculture.

Mr. Healy,	Mr. Crary,
Mr. Beecher,	Mr. Horton.
Mr. Conklin,	

Committee on the Incorporation of Charitable and Religious Societies.

Mr. Thorn,	Mr. T. Lewis,
Mr. Coe,	Mr. Bennet.
Mr. Wheeler,	

Committee on the Incorporation and Alteration of the Charters of Banking and Insurance Companies.

Mr. Wilkinson,	Mr. Van Benthuisen,
Mr. Adams,	Mr. Denniston.
Mr. Davis,	

Committee on the Petitions of Aliens.

Mr. Patterson,	Mr. Tyrrel,
Mr. J. Clark,	Mr. E. Strong.
Mr. Philo,	

Committee on Canals and Internal Improvements.

Mr. Wager,	Mr. Crain,
Mr. Baker,	Mr. W. S. Paddock.
Mr. A. Clark,	

Committee on Rail-Roads.

Mr. Roosevelt,	Mr. Eldred,
Mr. Ogden,	Mr. Hutchinson.
Mr. Preston,	

Committee on the Establishment and Improvement of Roads and Bridges, and the Incorporation of Turnpike Companies.

Mr. Anthony,	Mr. Hicks,
Mr. Phillips,	Mr. Blatchley.
Mr. C. Strong,	

Committee on State Prisons, and the Penitentiary System.

Mr. Stevens,	Mr. Cadwell,
Mr. Crosby,	Mr. J. W. Lewis.
Mr. Groom,	

Committee on the Militia and the Public Defence.

Mr. Lockwood,	Mr. Stetson,
Mr. Fisher,	Mr. Wetmore.
Mr. Crain,	

Committee on Indian Affairs.

Mr. Moseley,	Mr. Barnum,
Mr. Lytle,	Mr. M'Kie.
Mr. Jones,	

Committee on the Manufacture of Salt.

Mr. Parker,	Mr. A. Brown,
Mr. Seger,	Mr. Hillyer.
Mr. Barnes,	

Committee on Medical Societies and Colleges.

Mr. Judd,	Mr. Murphy,
Mr. Rice,	Mr. Waldron.
Mr. Williams,	

Committee on Two-third Bills.

Mr. Gray,	Mr. Suffern,
Mr. Herttell,	Mr. Wager.
Mr. Burr,	

Committee on Public Lands.

Mr. King,	Mr. Powers,
Mr. Woodbury,	Mr. Hildreth.
Mr. Odell,	

Committee on Trade and Manufactures.

Mr. Quackenboss,	Mr. Woodward,
Mr. Springer,	Mr. McCluer.
Mr. Hiller,	

Select Committees on the Governor's Message.

Committee on so much as relates to State Prisons.

Mr. Carr,	Mr. C. Clark,
Mr. Burhans,	Mr. Williams,
Mr. Griswold,	Mr. Wilkinson,
Mr. Loomis,	Mr. D. Sibley.

Committee on so much as relates to Poor-Houses.

Mr. Ostrom,	Mr. Richmond,
Mr. Simmons,	Mr. Hendee.
Mr. Farwell,	

Committee on so much as relates to Insane Poor.

Mr. Herttell,	Mr. Tillinghast,
Mr. Ogden,	Mr. Woodbury,
Mr. Van Bergen,	Mr. Coe,
Mr. Beecher,	Mr. Plumb.

Committee on so much as relates to the Blind.

Mr. Cash,	Mr. Gray,
Mr. J. Haskell,	Mr. Carpenter,
Mr. Livingston,	Mr. Cuykendall,
Mr. Moore,	Mr. G. Brown.

No. 18.

MEMBERS AND OFFICERS

Of the Assembly of the State of New-York,

THEIR RESIDENCE IN THE CITY OF ALBANY, AND NEAREST POST-OFFICE TO THEIR PERMANENT RESIDENCE.

Hon. CHARLES HUMPHREY, Speaker, (Ithaca, Tompkins county,) Congress-Hall.

<i>Names of Members.</i>	<i>County.</i>	<i>Post-Office.</i>	<i>Boarding-House.</i>
Adams, Henry,	Montgomery,	Fort-Plain,	Mansion House.
Anthony, Theodore V. W., ..	Dutchess,	Fishkill,	Fort Orange Hotel.
Baker, Jeremiah,	Steuben,	East-Canistota,	Fort Orange Hotel.
Barnes, David, junior,	Dutchess,	Hyde-Park,	Columbian Hotel.
Beecher, Ely,	Saratoga,	Edinburgh, P. M.	Adelphi Hotel.
Benjamin, Elisha,	Wayne,	Wolcott,	Western Hotel.
Bennet, Green,	Tioga,	Havana,	Fort Orange Hotel.
Blatchly, Neri,	Broome,	Windsor,	Western Hotel.
Brasher, Philip,	Kings,	Brooklyn,	Mansion House.
Brooks, Merit,	Oneida,	Steuben,	Temperance House.
Brown, Aaron,	Cortland,	Scott,	Western Hotel.
Brown, George,	Monroe,	Chili,	

Burhans, Dubois,.....	Delaware,.....	Roxbury, P. M.....	Congress Hall.
Burke, Albert G.,.....	Cattaraugus,.....	Perea,.....	American Hotel.
Barnum, Caleb,.....	Seneca,.....	Junius,.....	Franklin House.
Burr, Alvin,.....	Allegany,.....	Angelica,.....	Western Hotel.
Cadwell, Dan P.,.....	Oneida,.....	Holland Patent,.....	Mansion House.
Carpenter, Joseph,.....	Otsego,.....	Jacksonboro',.....	Adelphi Hotel.
Carr, Thomas N.,.....	New-York,.....	New-York,.....	American Hotel.
Cash, Merit H.,.....	Orange,.....	Ridgeway,.....	Columbian Hotel.
Clark, Asa,.....	Orleans,.....	Murray, P. M.....	American Hotel.
Clark, Calvin,.....	Jefferson,.....	Belleville,.....	Temperance House.
Clark, Joseph,.....	Madison,.....	Brookfield,.....	Franklin House.
Clinch, Charles P.,.....	New-York,.....	New-York,.....	Eagle Tavern.
Coe, John D.,.....	Seneca,.....	Romulus,.....	Franklin House.
Conklin, George L.,.....	Suffolk,.....	Matituck,.....	American Hotel.
Crain, Hendrick,.....	Chenango,.....	Pharsalia, P. M.....	Mansion House.
Crary, Henry,.....	Chenango,.....	Columbus Centre,.....	Fort Orange Hotel.
Crosby, Edwin,.....	Westchester,.....	Somers,.....	133 Washington-street.
Crowell, Jesse,.....	Oswego,.....	Sandbank,.....	City Hotel.
Cuykendall, Cornelius,.....	Cayuga,.....	Owasco,.....	Franklin House.
Davis, Henry J.,.....	Ulster,.....	Kingsston,.....	Fort Orange Hotel.
Dayan, Charles,.....	Lewis,.....	Lowville,.....	Mansion House.
Denniston, Robert,.....	Orange,.....	Salisbury Mills,.....	Columbian Hotel.
Eldred, James,.....	Sullivan,.....	Lumberland,.....	Fort Orange Hotel.
Farwell, Eli,.....	Jefferson,.....	Watertown,.....	Temperance House.
Fisher, George,.....	Tioga,.....	Spencer,.....	Franklin House.
Gray, Charles,.....	Herkimer,.....	Herkimer,.....	Mansion House.
Griswold, Chester,.....	Rensselaer,.....	Nassau, P. M.....	City Hotel.
Groom, Andrew,.....	Cayuga,.....	Scipio,.....	Misses Fitch.

Hall, Henry,	New-York,	New-York,	Adelphi Hotel.
Harvey, Henry,	Otsego,	Springfield,	Temperance House.
Hascall, Asa,	Franklin,	Malone,	Columbian Hotel.
Haskell, Job,	New-York,	South-Dansville,	Fort Orange Hotel.
Healy, Joshua,	Steuben,	West-Bloomfield,	Temperance House.
Hendee, Ariel,	Ontario,	New-York,	Misses Fitch.
Hertell, Thomas,	New-York,	Luzerne,	Adelphi Hotel.
Hicks, Truman B.,	Warren,	Phelps,	Western Hotel.
Hildreth, William,	Ontario,	Sharon,	Mansion House.
Hillier, John F.,	Schoharie,	Richmond Village,	American Hotel.
Hillyer, Lawrence,	Richmond,	Greenwich,	Adelphi Hotel.
Horton, Jonathan K.,	Washington,	Cazenovia,	Mansion House.
Hough, William L.,	Madison,	West-Bloomfield,	Temperance House.
Hutchinson, Hollom,	Livingston,	Hunter, P. M.,	Bement's Hotel.
Ingersoll, David,	Greene,	Hempstead,	American Hotel.
Jackson, Thomas B.,	Queens,	Exeter,	Adelphi Hotel.
Jones, Cornelius,	Otsego,	Clove,	Columbian Hotel.
Judd, Stoddard,	Dutchess,	Towners,	133 Washington-street.
Kent, Daniel,	Putnam,	Ogdensburg,	Mansion House.
King, Preston,	St. Lawrence,	Brakabeen,	American Hotel.
Krum, Jonas,	Schoharie,	Schodack,	American Hotel.
Lewis, Jacob, W.,	Rensselaer,	Orangeville,	American Hotel.
Lewis, Truman,	Genesee,	Albany,	Hudson-st. Hotel.
Livingston, Edward,	Albany,	Poundridge,	55 North Pearl-st.
Lockwood, Horatio,	Westchester,	Johnstown,	Columbian Hotel.
Loomis, Ashbel,	Montgomery,	Canal,	Mansion House.
Lytie, David C.,	Onondaga,	Penn-Yan,	American Hotel.
Mallory, Meredith,	Yates,		Bement's Hotel.

McCluer, Orren,	Chautauque,	Fredonia,	American Hotel.
McKie, George,	Washington,	South-Easton,	Adelphi Hotel.
McNeil, Hiram,	Niagara,	Cambria,	Western Hotel.
Moore, Allen R.,	Washington,	Granville,	Adelphi Hotel.
Moseley, William A.,	Erie,	Buffalo,	American Hotel.
Murphy, Peter P.,	Herkimer,	Starksville, P. M.	J. H. Loucks.
Niles, Barak,	Cortland,	Cincinnati,	Temperance House.
Odell, Collins,	Montgomery,	Mayfield,	Hudson-st. Hotel.
Ogden, William B.,	Delaware,	Walton, P. M.	Congress Hall.
Ostrom, David,	Schenectady,	Glennville,	La Fayette House.
Paddock, Prince W.,	St. Lawrence,	Massena,	Mansion House.
Paddock, William S.,	Westchester,	Yonkers,	Columbian Hotel.
Palmer, Noyes,	Cayuga,	Cayuga,	Misses Fitch.
Parker, Sanford C.,	Onondaga,	Marcellus,	City Hotel.
Patterson, George W.,	Livingston,	Greigsville,	Temperance House.
Peck, Joseph,	Otsego,	New-Lisbon,	Adelphi Hotel.
Pettit, George,	Onondaga,	Fabius,	City Hotel.
Phillips, George S.,	Suffolk,	Smithtown, P. M.	American Hotel.
Philo, Asahel,	Saratoga,	North-Middletown,	Adelphi Hotel.
Plumb, Ralph,	Erie,	Lodi,	American Hotel.
Powers, Jason W.,	Madison,	Canistota,	Mansion House.
Preston, Andrews,	Cayuga,	Cato,	Franklin House.
Quackenboss, Herman I.,	New-York,	New-York,	Bement's Hotel.
Rice, Christopher C.,	New-York,	New-York,	Congress Hall.
Richmond, Samuel,	Genesee,	Bergen,	Western Hotel.
Ringgold, Benjamin,	New-York,	New-York,	Eagle Tavern.
Roosevelt, James I.,	New-York,	New-York,	Congress Hall.
Seger, David G.,	Albany,	Salemville,	La Fayette House.

Shafer, Jacob,	Columbia,	Claverack,	City Hotel.
Shepard, Riley,	Oneida,	Augusta,	Mansion House.
Sibley, Derick,	Monroe,	Rochester,	Temperance House.
Sibley, Mark H.,	Ontario,	Canandaigua,	Bement's Hotel.
Simmons, Daniel,	Rensselaer,	Brunswick,	Payne's Tavern, Troy.
Springer, Martin,	Rensselaer,	Troy,	City Hotel.
Stetson, Lemuel,	Clinton,	Keeseville,	Mansion House.
Stevens, Horace,	Columbia,	Clermont,	City Hotel.
Strong, Charles,	Jefferson,	Carthage,	Temperance House.
Strong, Enoch,	Monroe,	Fairport,	Western Hotel.
Suffern, Edward,	Rockland,	Ramapo,	Western Hotel.
Thorn, Stephen,	Dutchess,	Milan,	Columbian Hotel.
Tillinghast, Henry,	Herkimer,	Norway,	J. H. Loucks'.
Tomlinson, Thomas A.,	Essex,	Keeseville,	Temperance House.
Tyrrel, Amos, junior,	Genesee,	Pembroke,	Western Hotel.
Van Benthuisen, William B.,	Saratoga,	Dean's Corners,	Adelphi Hotel.
Van Bergen, Anthony,	Greene,	Coxsackie,	Bement's.
Wager, David,	Oneida,	Utica,	Congress Hall.
Waldron, Tobias E.,	Albany,	Coeymans,	J. H. Loucks'.
Warren, Woodward,	Chenango,	Coventryville,	Franklin House.
Wetmore, Prosper M.,	New-York,	New-York,	Congress Hall.
Wheeler, Andrew G.,	New-York,	New-York,	American Hotel.
Wilcoxson, Julius,	Columbia,	Kinderhook,	City Hotel.
Wilkinson, John,	Onondaga,	Syracuse, P. M.,	Congress Hall.
Williams, Parvis A.,	Tompkins,	Enfield,	American Hotel.
Woodbury, Caleb,	Tompkins,	Murray,	American Hotel.
Woodward, John, junior,	Chautauque,	Clear Creek,	American Hotel.
Woodworth, Amos,	Oneida,	Florence,	Mansion House.

Woodworth, William,.....	Ulster,.....	Glasgow,.....	Columbian Hotel.
Wylie, William D.,.....	Wayne,.....	Walworth,	Western Hotel.

PHILIP REYNOLDS, JR., Clerk, Mansion House.

DANIEL GOULD, Deputy Clerk, Congress Hall.	DANIEL DYBERT, Sergeant-at-Arms, Mansion House.
LYMAN R. LYON, Deputy Clerk, Mansion House.	NATHAN MANSON, JR., Doorkeeper, Mansion House.
CHARLES I. RICHARD, Deputy Clerk, Mansion House.	JAMES M. D. CARR, Assistant Doorkeeper, Western Hotel.

No. 19.

IN ASSEMBLY,

January 9, 1835.

REPORT

Of the select committee on the petition of Nathaniel Parish.

Mr. Jackson, from the select committee to whom was referred the petition of Nathaniel Parish, collector of taxes in the town of Bushwick, in Kings county,

REPORTED:

The petitioner represents that in consequence of serious illness, he has not been able to collect and make return of the taxes of said town within the period limited by law for that purpose.

The petitioner therefore prays that the time allowed for collecting and making return of such taxes, may be extended until the first day of March next.

The committee having full confidence in the representation of the petitioner, and also information received from other sources, are satisfied that the petitioner was prevented from collecting the taxes and making his return in consequence of this providential visitation; they are therefore of the opinion, that the prayer of the petitioner is reasonable and ought to be granted: They have prepared a bill for that purpose, and ask leave to introduce the same.

IN ASSEMBLY,

January 12, 1835.

REPORT

Of the select committee on the petition of the supervisors of the county of Herkimer.

Mr. Gray, from the select committee to whom was referred the petition of the supervisors of the county of Herkimer,

REPORTED:

That the committee have examined the said petition, and find that by an act of the Legislature, passed March 5, 1833, a new jail was authorized to be built in the said county of Herkimer, and that the same act authorized a loan of \$6,000 to be made upon the credit of the county, to defray the expense thereof: that pursuant to said act a new jail was erected, and the said sum of \$6,000 expended thereon: that before the completion of the said jail building it was ascertained that the appropriation provided by the said act was insufficient to complete the same: that on an application made by the said board of supervisors to the Legislature, for a further loan on account of said jail, the Legislature passed an act at the last session, authorizing the Comptroller, out of the monies belonging to the capital of the Common School fund, to loan to the county of Herkimer, upon the credit of the said county, the sum of \$2,300, to be applied in payment of the expenses of the said jail and the purchase of the lot upon which the same is erected: that since the passage of the said last mentioned act the said jail building has been entirely completed; and it has been ascertained that a further loan of \$2,100 will be required, to pay off the debts and interest thereon now remaining due and unpaid on account of the said jail and

lot: that to enable the said county to discharge this debt the petitioners ask the passage of a law authorizing them to borrow, upon the credit of the county, this additional sum of \$2,100, and to repay the same by a tax upon the inhabitants of the said county.

The committee would further state, that by the said acts authorizing the said loans the said board of supervisors are authorized, by a tax upon the county, to raise annually the sum of one thousand dollars, for the purpose of repaying these loans: that about one half of this sum is required to pay the interest on these loans, leaving but about \$500 to be applied annually in payment of the principal: that the board of supervisors are desirous to repay these loans more speedily than they are now authorized, and ask that the said acts may be so amended as will authorize the said board to raise, by tax upon the said county, annually, and until the extinguishment of the said debt, such a sum as the said board may deem proper, not exceeding, however, the sum of \$5,000 in any one year.

The committee are of the opinion that the prayer of the petitioners ought to be granted; and have directed their chairman to prepare a bill, and to ask leave to introduce the same.

No. 21.

IN ASSEMBLY,

January 12, 1835.

REPORT

Of the select committee on the petition of sundry inhabitants of Yates county.

Mr. Mallory, from the select committee, to which was referred the petition of sundry inhabitants of the county of Yates, to increase the number of commissioners to superintend the building of a court-house and jail in said county,

REPORTED:

That on the 5th of May, 1834, an act of the Legislature of this State was passed, authorizing and requiring the supervisors of the county of Yates, to raise by tax, a sum not less than five thousand dollars, nor exceeding eight thousand, for the purpose of building a court-house and jail in said county: that John Spicer and Joel Dorman, esquires, were, by said act, appointed commissioners to superintend and contract for the building of said court-house and jail.

Your committee have ascertained from said petition, that the said commissioners so appointed, have made considerable progress in the erection of a stone building for a jail in said county; but in consequence of a difference of opinion existing between said commissioners, nothing has hitherto been done by them towards the erection of a court-house, of which said county stands greatly in need.

The petitioners pray for the passage of a law appointing the Hon. Abel Peck, formerly one of the judges of said county, and now a resident thereof, an additional commissioner, with full power to enable him to act with the said Spicer and Dorman, in the erection and completion of the buildings aforesaid.

Your committee can see no reason why the prayer of the petitioners should not be granted, and have instructed their chairman to prepare a bill, which they ask leave to introduce.

STATE OF NEW-YORK.

No. 22.

IN ASSEMBLY,

January 10, 1835.

MESSAGE

From the Governor, transmitting a communication
from the Executive of the State of Maryland.

TO THE ASSEMBLY.

Enclosed I transmit to you the proceedings of the Legislature of the State of Maryland, on the resolutions and report of the Legislature of this State relative to the organization of the Militia.

W. L. MARCY.

Albany, Jan. 10, 1835.

[Assem. No. 22.]

1

1835

RESOLUTIONS AND REPORT

Of the Legislature of Maryland relative to the organization of the militia of the several States of the Union.

EXECUTIVE DEPARTMENT.

Annapolis, June 5, 1834.

SIR,

In compliance with the request of the General Assembly of this State, I transmit the foregoing copy of a Report of a committee of the House of Delegates, and of Resolutions passed by the General Assembly, which I respectfully request that your Excellency will lay before the Legislature of New-York.

With the highest consideration,

I have the honor to be

Your Excellency's ob't. servant,
JAMES THOMAS.

His Excellency
the Governor of New-York.

HOUSE OF DELEGATES, }
March 15, 1834.

Mr. Heard, Chairman of the committee on the Militia, delivered the following report:—

The committee on the Militia, to whom was referred a communication from the Governor of New-York, transmitting a report and resolutions passed by the legislature of that state, submit the following report:—

The subject referred to in the report and resolutions above mentioned, relates to some of the provisions of the law of the United States, passed on the 8th May, 1792, organizing the Militia of the United States. Under that law, all able bodied free white male citizens, between the ages of eighteen and forty-five, are to be enrolled for the public defence, and when so enrolled, they are required to arm and equip themselves at their own expense.

Your committee fully concur in the reasons set forth in the report referred to, shewing why so large an enrolment was necessary at the time of the passage of that law, and also concur in the reason contained in that report which goes to prove that so large an enrolment of the militia is not necessary for the public defence at this time. Your committee are of opinion, that an enrolment, embracing all able bodied white male citizens, between the ages of twenty-one and forty years, would embody a number of men

fully competent to the defence of the nation. The great object of our militia system, being the efficient defence of the country, there is more to be apprehended from the want of proper organization and discipline, than from any deficiency of numbers.

Exempting from enrolment all below the age of twenty-one, and above the ~~age of forty years~~, will ~~throw out a large~~ number of citizens who can be well spared from militia service, and who would be better employed in the peaceful avocations of life; even in time of war it would be necessary to leave at home some able bodied citizens to take care of the ordinary concerns of life, and none could be better selected than those who will come within the ages proposed to be exempted. Your committee therefore concur in the opinion contained in the report referred to, that the enrolment of the militia should be confined, in future, to the able bodied white male citizens between the ages of twenty-one and forty years.

But your committee cannot concur in the sentiment contained in the latter part of the sixth paragraph of the report referred to, which inculcates the idea that the militia are only to be employed on sudden emergencies, and until a more permanent force can be provided. As it is contrary to the policy of free governments to make offensive war, your committee are of opinion that a properly organized and disciplined militia would be adequate to the defence of the country, and should be mainly relied upon as the only safe and efficient resort in the event of hostilities.

It will be necessary for the general government to keep up a military force sufficient to garrison the fortifications erected by that government for the national defence, but when the soil of our country shall be invaded, the militia should be relied upon to defend it, and to expel such invaders.

While the people retain the sword, they can control the destinies of their country, and it will be safe. We have the experience of nations gone before us to prove this position; so long as the citizens of Greece and Rome defended their country in person, they were free, independent and powerful, and when that high and honorable duty was devolved upon mercenaries, they lost their liberties and became the slaves of those whom they hired to defend them—let us avail ourselves of the sad experience of those nations, and endeavor to avoid those errors which brought upon them such signal misfortunes. There is no truth better substantiated by history than that large standing armies are hostile to, and destructive of free institutions.

Your committee concur fully with the sentiment contained in the report referred to in relation to that provision of the law of '92, which requires every militiaman to arm and equip himself at his own expense; the report says it is wrong in principle and oppressive in practice.

To carry into effect the foregoing views, your committee recommend the adoption of the following resolutions:

Resolved by the General Assembly of Maryland, That our Senators in Congress be instructed, and our Representatives be re-

quested, to use their exertions to procure such amendments of the act of Congress organizing the militia, as shall relieve the people, as far as practicable, from the burdens of the system without impairing its efficiency.

Resolved, That his Excellency the Governor, be requested to transmit copies of these resolutions and report to our Senators and Representatives in Congress, and also to the Governors of the several States, with a request that they may be laid before the Legislatures thereof.

No. 23.

IN ASSEMBLY,

January 13, 1835.

REPORT

Of the select committee on the petition of Samuel H. Newell, to change his name.

Mr. Carr, from the select committee to which was referred the petition of Samuel H. Newell, to change his name to John Stark,

REPORTED:

That your committee have examined the said petition, and find the following to be the principal reasons: That the said Samuel H. Newell, of the city of New-York, is a grandson of Major Caleb Stark, and a great-grandson of General John Stark, both of the revolutionary army; that the said Caleb Stark has no grandson bearing the name of Stark; and that it is the wish and request of the said Caleb Stark, that your petitioner may take and bear the name of John Stark. Your committee are unanimously of opinion that the reasons set forth in the petition are reasonable and sufficient, and have accordingly prepared a bill, and directed their chairman to ask leave to introduce the same.

No. 24.

IN ASSEMBLY,

January 13, 1835.

REPORT

Of the select committee on the petition of Karman Levy and Catharine B. Levy, to change their surname.

Mr. Livingston, from the select committee to which was referred the petition of Karman Levy and Catharine B. Levy, his wife, praying to be permitted to change their surname,

REPORTED:

That the petitioners allege that they have been residents of the city of New-York for several years past, during which time the said Karman Levy has been engaged in business as a merchant: That they are the parents of a female child named Adelaide Levy, of about the age of five years, and that they make this application from considerations of a pecuniary character, deeply affecting them and their said child, and from a conviction that the name borne by them and their said child is an impediment to an acquisition of property, which they might acquire if such impediment was removed.

The said Karman further alleges, that he has suffered and still continues to suffer serious inconveniences and embarrassments in his business, owing to the names so borne by himself and his wife and child.

The petitioners, for the reasons stated, pray that their surname may be changed to Perier.

[Assem. No. 24.]

Your committee have carefully considered the merits of this application, and find that the petitioners have not, in the opinion of the committee, stated any definite reason which should operate upon the Legislature to induce them to grant the prayer of the petition.

They urge in favor of their application, that they are actuated in making it by considerations of a pecuniary character, and say that the name of Levy is an impediment to their acquisition of property. But they do not state by what considerations of a pecuniary nature they are actuated, nor do they state in what manner or why their bearing the name of Levy forms an impediment to their acquisition of property.

Such statements, it seems to your committee, are too loose and general in their nature to form a proper ground work for a Legislative act.

And as several petitions for change of names have been referred to your committee, they take this occasion to observe, that if great caution is not used by the Legislature in requiring particular and strong and cogent reasons before granting such applications, we shall probably, owing to the caprice of individuals, fill a considerable share of our statute book with legislative acts of this character.

Your committee recommend, for the reasons above stated, that the prayer of the petitioners be denied.

No. 25.

IN ASSEMBLY,
January 12, 1835.

REPORT

Of the select committee on the petition of James Battelle and others.

Mr. Livingston, from the select committee to which was referred the petition of James Battle and others, praying for the passage of an act to authorize them to assume the surname of Battell,

REPORTED:

That the only reason assigned for the proposed alteration, is that the petitioners are generally considered pugnacious, because their surname is spelled *Battle*; and they state that for that reason they are desirous to be permitted to alter the orthography of their surname to *Battell*. The change of name asked for is very slight, and is not, in the opinion of your committee, supported by any sufficient reason which should induce legislative action in relation to it.

Your committee recommend that the prayer of the petitioners be denied.

No. 26.

IN ASSEMBLY,

January 13, 1835.

REPORT

Of the Commissioners of the Land-Office on the petition of Samuel S. Lush.

The Commissioners of the Land-Office, on the reference from the Assembly, of the petition of Samuel S. Lush, of the city of Albany,

RESPECTFULLY REPORT AS FOLLOWS:

It appears by the books in the public offices, as represented by the petitioner, that he purchased at a sale of lands, held by the Surveyor-General, lot No. 312, of township No. 11, Old Military tract, in the county of Essex; and on the 11th day of December, 1805, the petitioner paid into the treasury the sum of \$63, having previously paid \$10 on making the purchase, being a total of \$73 paid for the lot. On the 11th day of September, 1806, a patent was granted to him for the said lot No. 312, which lot was represented in the patent, as containing, exclusive of water, 107 acres.— Two lots were granted to the petitioner in the same patent, viz: Numbers 236 and 312; on condition as set forth in the patent, “that within the term of seven years, to be computed from the first day of January next, ensuing the date hereof, (Sept. 11, 1806,) there shall be one actual settlement made on the hereby granted premises,” otherwise the letters patent, and the estate thereby granted, become void. It is not known, whether or not, the petitioner complied with this condition in the grant; but it is supposed

he did not, and subsequent laws were passed, releasing these and other lands, from forfeiture. See, reference to these laws, p. 347, Senate Journal of 1829.

The lot in question, No. 312, is represented in Thomas' survey, made in 1804, as being partly covered with the waters of Placide lake; the number of acres thus covered, as near as could be ascertained from the original map, at the time of the sale, was fifty-three acres. In 1832, John Richards was employed to re-survey township No. 11, and from the survey and map made by him, and filed in the Surveyor-General's office, it appears that lot No. 312 is covered with the waters of the Placide lake, excepting about 30 acres, there being 77 acres less of land, than the quantity patented to the petitioner, and paid for by him.

For this deficiency, he presents a claim against the State, of \$52.53, for principal paid in 1805, and the interest on this sum at 7 per cent, for twenty-nine years, making a total of \$158.32.

Assuming that Thorn's map is erroneous, that Placide lake is not truly delineated upon it, and this is clearly shown by the new survey of the township made in 1832, it would seem to be just, that the petitioner should have the 77 acres, which appear to be covered with water, made up to him. This can be done, by giving him a grant of 77 acres out of lot No. 292, contiguous to the 30 acres now owned by him. Lot No. 292 is unpatented, and belongs to the School Fund; but the Commissioners of the Land-Office might be authorized to grant the lot, or a portion of it, to the petitioner, and the School Fund could be remunerated by a payment from the General Fund, of the appraised value of the land thus conveyed.

If the Legislature should determine to remunerate the petitioner, by a direct payment from the treasury, of the sum paid by him in 1805, and the interest thereon to the present time, the amount would be as follows, viz:

Paid for 77 acres (at the rate of \$73, for 107, acres,) Dec.	
11, 1805,	\$52 53
Interest on the same at 6 per ct. 29 y. to Dec. 11, 1834,	91 66
	<hr/>
Total amount of principal and interest,....	\$144 19

All which is respectfully submitted.

A. C. FLAGG,
GREENE C. BRONSON,
JOHN A DIX.

Albany, Jan. 13, 1835.

STATE OF NEW-YORK.

No. 27.

IN ASSEMBLY,

January 12, 1835.

ANNUAL REPORT

Of Abraham A. Slover, Inspector of Lumber in the
city of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

Agreeable to the Revised Laws, chapter 17, I, as an inspector
of lumber, make the following returns. From the 1st of January,
1834, to first of January, 1835, I have inspected the following par-
cels:

15,825	feet ash plank,.....	worth from \$16 to 22 per M.
3,758	“ oak plank,	“ 23 to 25 “
522,097	“ pine boards,.....	“ 12 to 18 “
35,823	“ white wood plank,..	“ 12 to 18 “
21,290	“ maple joist,.....	“ 15 to 18 “
4,340	“ cherry,	“ 20 to 30 “
804,600	“ St. Domingo and bay mahogany,	
	bay,	from 10 to 7 cts. per foot.
	St. Domingo,.....	“ 12 to 35 “
42,617	“ Spanish cedar,.....	“ 5 to 7 “

Amount of earnings,..... \$1,097 55

ABM. A. SLOVER,
Inspector.

New-York, January 8, 1835.

[Assem. No. 27.]

1

STATE OF NEW-YORK.

No. 28.

IN ASSEMBLY,
January 8, 1835.

MESSAGE

From the Governor, transmitting the Annual Report
of the Commissary-General.

TO THE ASSEMBLY.

GENTLEMEN:

I herewith transmit to you the Annual Report of the Commissary-General.

W. L. MARCY.

Albany, Jan. 7, 1835.

[Assem. No. 28.]

1

REPORT, &c.

STATE OF NEW-YORK, }
Commissary-General's Office. }

New-York, December 31, 1834.

WILLIAM L. MARCY, Commander-in-Chief of the militia of the
State of New-York:

SIR—

In compliance with a provision of the Revised Statutes of this State, found at section fifteen, of article second, of title eight, of chapter tenth, relating to the militia and public defence, I respectfully submit the following statements, with the tables annexed, as the annual report of this office to you and the Legislature; shewing in them, as far as I am able from actual examination and information received, “the actual situation and disposition of all the ordnance, arms, ammunition and other munitions of war, property and things, which in any wise appertain to, or respect the department confided to the keeping of the Commissary-General.”

The State property at forts Richmond and Tompkins, remain in the same condition as when last reported; which I must remark is also the case of the property in all the arsenals, except those at New-York and Albany. It had been my intention to overhaul the arsenals and their contents at Batavia, Elizabethtown, Watertown and Russell, during the last season, but my personal services and presence have been required at the New-York and Albany arsenals, so constantly, that I have been obliged to defer the labor which I had contemplated to have performed at those places. Another season may prove more propitious.

One of the out-buildings of the arsenal at Batavia, has, as I am informed, been burned down. Of the circumstances of the case, I know nothing further than what is detailed in a letter received by me from N. Follett, esq., keeper of the arsenal at that place, which is annexed.

The 24 pounder, which had been lying on Rockaway beach for many years, has been got out of its bed, and has been removed from thence to the arsenal yard, New-York, by my directions. This piece of ordnance is in a better state of preservation than has been supposed, but it will require some labor to remove the incrustations of sand and rust from it, and to fit it for service again, of which it is evidently susceptible.

At the Albany arsenal, over twelve thousand muskets have been oiled, and much other labor has been performed. The gable ends and roof of this building have been repaired this season.

At the New-York arsenal, over twelve thousand cartridge-boxes have been oiled and varnished, together with as many bayonet scabbards and cross belts. The verdigris with which the brass mountings of the equipments was mostly covered, required them to be separated from their belts, in order to be cleaned separately in a proper manner. The labor of scraping these mountings has been found much greater and severer than was anticipated. They are now all cleaned. About twelve thousand belts remain to be oiled and varnished, the labor of which is proceeding, and when finished, the leather articles of this arsenal will have received a thorough overhauling, cleaning, oiling and varnishing, such as, in my opinion, they have never before received, and which they stood so much in need of, that their utter loss would have proved a consequence of their further neglect, or delay to be taken in hand.

Many arms have had to be overhauled and cleaned several times, and the regular business of cleaning delayed, this season, in consequence of occurrences of a public nature, at one of which, three hundred muskets were forcibly seized and taken out of the arsenal, none of which, after cleaning, have been restored to their racks again in as good condition as they were when taken from them. At another, during the riots of July last, arms and stores were issued to uniformed corps, on requisitions of the chief magistrate of the city of New-York. I granted these issues with reluctance, fully persuaded, that nothing but the extraordinary exigency of the case could warrant their being issued, and aware that there are no provisions of law to authorize them. Of these issues I will present a special statement to you. Owing to these circumstances, and the performance of other labor, there are se-

veral thousand muskets, therefore, that have not yet been overhauled and cleaned at this arsenal.

Much additional labor, and some expense, has been incurred by the department, from the loan to and use of the camp stores of the State, by parties for encampments during the season. And as the prospect of these excursions is increasing, and it appearing to me to be the business of Congress to provide camp stores for the militia, and not the State, I would respectfully recommend some regulation on the subject of loaning the few camp stores of this State which it now possesses. These camp stores are all at the New-York arsenal, except thirty-one wall tents; and, therefore, accommodations to the corps in this city may be proportionally greater than to the other corps of the State, many of which, in the interior, seem desirous to share of the privilege, if the practice is to be continued to loan these stores for encampments.

I would also remark, that additional labor has been bestowed for the cleaning of, and keeping in good repair, the ordnance and harness, in possession of artillery companies, *and issued to them, but housed at this arsenal*; and in addition to this, say, that rather than see the public property, in the care of others, but under my eye, exhibited to the public in a condition which might shame the pride of ownership, I have caused the material frequently to leave the arsenal yard in a condition creditable to the State, while its brightened aspect, instead of awakening a sense of pride in the companies from the lesson, as intended, appears to have impressed the sense of the served with the bright idea only, that "it is the duty of the Commissary-General to clean their guns!" Some of these parties do not seem to comprehend the difference between their being in possession of the public ordnance, and bound for its good order, as sections of the State law of April 8th, 1808, still in force, prescribe, and the ordnance which is in the State arsenals *unappropriated*, and under the special care of the Commissary-General.

There are exceptions to these remarks in captains George W. Chapman, Thomas H. White and John G. Rohr, who have expressed their willingness to comply with regulations on this head. Always ready and willing to render service where service is due, promptly and zealously, unfounded pretensions to gratuitous labor which has commenced, is increasing and ought to be diminished, it appears to me should be opposed.

The iron 18 pounders, 12 pounders and 9 pounders, and the brass 12 pounders and 9 pounders, have been dismantled from their carriages during the summer, and placed on skids in the arsenal yard, to make room within the building for new pieces received from the United States, and for the 6 pounder brass ordnance, to which the sheds did not afford, in my opinion, *as the times were*, sufficient safety and protection. The old carriages of the larger field pieces have been placed under the shed, and the shed roofs so repaired that protection from the elements is afforded to them.

The carriages, implements and equipments of the *two brass 18 pounders*, have been overhauled, repaired and painted, and percussion locks fixed on the guns this season. The carriages were built on the English system of the block trail carriage, but their limbers were not constructed in accordance with that system. Having the pole only, and no shafts annexed at the sides of the pole, the weight of the limber, therefore, under draught falls entirely on the necks of the pole horses, and the unsteadiness of the motion of the limber during transportation, at which no lashing chain can be applied to bear the weight of the pole, by means of a lashing ring at the trail of the gun carriage, are causes which render the best draught horses restive in drawing these guns, and those of heavy caliber mounted in a similar manner. The gearing will be changed by adding shafts at the sides of the pole, and by bearing chains to connect the pole and shafts across the horses backs.

Tumbrel harness will be used in part for the double shafts thus constructed, instead of double pole harness as at present. I presume that these alterations will obviate the difficulties existing in the movement of these large guns, and increase their active transportation and manœuvre. These two 18 pounders have this fall been exchanged with the veteran corps for two brass 12 pounders, which they had in possession.

Seventy iron 6 pounder pieces of field artillery, with carriages, implements and equipments for their service, and fifty percussion cannon locks, and twenty hand or stock locks, have been received during the season from the War Department of the United States, under the "act of Congress of April, 1808, for arming the whole body of the militia."

Of this number, twenty-two new pieces have been issued, together with twenty-two percussion cannon locks, to artillery companies, others being promised.

One of these new guns was exchanged for an old brass 6 pounder, with lieutenant Simon D. Paddock, of Amboy, Onondaga county, attached to the 29th artillery. After he had received the new gun, he gave information that the company had no gun house. The carriage of this old brass 6 pounder, with the implements returned, were found useless, and the piece itself worn out, and fit to be recast into a new gun only. This piece, I have no doubt, has been much exposed and neglected. Similar are the circumstances of a brass 6 pounder exchanged for a new iron piece with captain John H. Martin of Catskill, attached to the 5th regiment of artillery. These pieces were cast in this country about the commencement of the revolutionary war, by James Bryars, and with the four and three pounders now in possession of some artillery companies, are the pieces referred to by me in my last year's report, as the pieces issued previous to 1820, which should be recalled, to be recast, if deemed proper, to the end that the public weal, should it require the ordnance of the State for actual service, may find its material of ordnance in a serviceable, instead of an unserviceable condition, in which, in my opinion, a large part of the State ordnance is at present.

These guns are generally worn out for their caliber, and are unequal in their bore, though the metal of which they are composed may be as good as ever it was for cannon. The unfitness for service of a piece of brass artillery of good casting, is made so by the enlargement of the diameter of the bore above its proper caliber, caused by friction from use. I have thought, and still think, that all pieces of this description, when and wheresoever found, should be returned to the arsenals of the State.

There is some difficulty in obtaining, at present, perfect brass ordnance of new castings. It is presumed that this is owing to a want of experience and encouragement of the foundries of our country in this particular art. Time and the public wants, it is supposed, will improve the casting of brass guns, so much preferred for appearance sake for field artillery, over the iron gun, which, however, is deemed the best for cannon ball practice.

The iron guns which the State has received, are certainly a superior article, both as relates to the guns and their carriages, which are of the best materials and workmanship.

There are now twenty-two pieces in the possession of artillery companies, equipped with fixed cannon locks, all applied to them during this season, viz: the pieces of the 11th regiment, sixteen; independent veteran corps, two; 5th artillery, captain John F. Strain, two; 25th artillery, captain James Darrow, one; and 33d regiment, colonel Hinman, for brass piece number 100, at Auburn, one. The patterns of these locks have been well tested, and approved by lieutenant colonel Talcott of the United States ordnance service, and the War Department, and their utility, economy and superiority over the old practice of firing field artillery, conceded and established.

There are now about two hundred and fifteen companies of artillery in this State, having among them two hundred and thirty-seven pieces of field artillery of different calibers, from 2 to 18 pounders, besides the 2d, 3d, 9th and 27th regiments of artillery, which are at this time doing duty with muskets as infantry. These are by law all entitled to ammunition stores for practice, from the State. Those having pieces are by law directed, that "the commandants shall annually report to the Commissary-General, the situation and state of the pieces of ordnance, arms, implements and accoutrements, the property of the State entrusted to their charge respectively." Of the two hundred and fifteen commandants having pieces, *one hundred* have *not reported* to this office; of fifteen reported, the state of repair has *not* been mentioned; eighteen have been reported in *want* of repairs; and fifty-nine have been reported in good order. Twenty-two pieces have been *repaired* in 1834, and twenty-three new issues and exchanges have been made, besides the two brass 18's exchanged with captain Chapman, of the veteran corps, for two 12 pounders. Twenty-two of the number issued are of the new iron guns, and one brass 6 pounder, repaired at the Albany arsenal. The stores issued to these companies and regiments during the year, for practice, amount to three hundred and thirty-two and a half quarter casks of powder, and twelve hundred and ninety cannon balls on requisitions, and by order of the Commander in Chief. The tables, it is presumed, will explain satisfactorily other details.

I would beg leave to offer a few remarks on the organization of the artillery, which I would respectfully refer to the commander in chief and the Legislature.

The organization of the artillery of our State, both in relation to its material and personal, require alterations and amendments, in my opinion; and should the improvements of European powers in this arm of an army be considered worthy of attention, as examples suggested by the experience of twenty years of war, it appears to me we ought not to neglect the instruction till the hour of war is announced to us at our threshold.

The British government had given a construction to their field artillery carriages, which for mobility, or activity of service, was deemed superior to the French Gribeauval system, after which, our carriages have of late years been modelled; but whether the carriages of the British system are so superior I am not prepared to say. The French have of late remodelled their system of construction, and have adopted the English plan, as their basis for their field carriages; and while they have improved them and their ordnance, as they suppose, they have limited the ordnance to two calibers of metal for field service for their cannon, and two for their howitzers. They have now brass 8 and 12 pounder cannon, and 6 and 8 inch howitzers. The wheels of the French carriages are all alike, and of the same height, or diameter, for the limber wheels, and ammunition wagon wheels, as for the gun carriage wheels. The ammunition wagon limber is of the same model as the gun carriage limber, and may be used for either the wagon or field gun carriages. The 6 inch howitzer fits the gun carriage of the 8 pounder brass gun, and the 8* inch the 12 pounder gun carriage. Their whole system is thereby simplified, and arranged in such complete order for service, that the greatest possible means of activity is secured to the system, and to such calibers of metal as will be of forcible effect, as the French ordonnance or law determines it.

We have all the calibers of 2, 3, 4, 6, 9 and 18 pounders, attached to different companies of artillery, without order, or limitation as to weight of metal used, or position, and without any arrangement into batteries, as organized units for field service established by law. The various denominations of fixed ammunition required for

* See Note No. I. annexed.

so many calibers, would alone confuse a service, and a loss of a battle; nay, in critical cases, liberty itself might be the consequences of misinstruction, misdirection or misunderstanding of the caliber of ammunition wanted for the guns in service at a particular position, from the use of so many different calibers of field ordnance.

It appears to me that the 6 pounder cannon is the proper gun for our country, for ordinary field service, and to which and the 6 inch howitzer we should limit our field batteries, having 12 pounders and 8 inch howitzers however in reserve. The British use the 6 pounder. We have the most field guns of this caliber, and it appears the best adapted to our service for activity or mobility. It is light enough to be handy, and not too heavy to be quick, and for field service better than the heavy nine, nearly two shots for one—and as regards range and execution very little different from the nine—and the killed with the 6 pounder will not complain that they have not been as well killed as if killed with a 9 pounder, as general Allix, of the French service, pertinently remarks in his critique on the new French system of artillery.

In relation to the number of guns of the two calibers required, circumstances must govern them. Disciplined infantry are supposed to require a force of artillery less large than bad or indifferent infantry. I believe the latest opinions of the Emperor Napoleon gave to a corps d'armee of 40,000 men, 120 pieces of cannon, 18 of which were to be 12 pounders and 30 howitzers. Such a number of pieces would organize twenty batteries of 6 pieces each.

In all services of Europe the number of cannon and howitzers intended to compose a battery of field artillery are limited to fixed numbers. The British and French have theirs of six, and the Russians theirs of eight. The pieces with an ammunition wagon or caisson attached to each piece, are, by the French, termed the *material* of the battery. To manoeuvre the battery and transport it is the business of the *train* of the battery, or an organized and disciplined corps of drivers and horses, and to these two parts are added the personal of horsemen for horse artillery, or foot artillerymen, in charge of whom, and under the direction of the chief of whom, the manoeuvres and duty of the field battery are executed.

Battalions of the train* were introduced into the French service about the 8th year of the French Republic. Colonel Cotty.

* See Note No. II.

in his *Encyclopédie Methodique*, calls their creation "a happy idea from which all advantages have been derived since their origin." Special regulations were established in that service for the "Train D'Artillerie." In the new French system, the train is a component part of the personal of the batteries; the distinction between the soldiers of the train and those of the personal is made by the terms of *cannonier aid* for the matross, and *cannonier conducteur* for the driver. The uniform of the soldiers is the same, except a trifling distinction which denotes the train soldiers. I believe there is no analogous institution in the United States army to the train corps of the artillery arm in Europe, at least I have not heard of any such. Without such corps in the artillery of the United States, and the militia artillery arm, it appears to me that, how great soever the intelligence of the personal of the field artillery may be, and good the material, the value of the arm for its capacity of motion, and celerity of execution, will be much lessened, if not in some cases paralyzed. An artillery with disciplined train corps demonstrates the truth of the desideratum of discipline of Marshal Saxe, that "the mystery of discipline lies in the legs," for without the legs and mechanical action of a well disciplined train, annexed to our field artillery, our batteries will lack the necessary tout ensemble of action for efficiency in the field. I would, therefore, recommend the institution of a unit force of the artillery arm in our militia volunteers, by the organization of *batteries of field artillery*, (instead of companies with one field piece, and regiments of four, five, six, seven or eight companies of artillery with as many pieces,) of *six or eight pieces*, of denominated calibers of cannon and howitzers, having in view the territory and topographical locality of the State where they are organized—the personal and train of batteries to be component parts of the same command, whether of horse or foot artillery—the train of the foot artillery to have all the privileges of horse artillery, and to receive the utmost limit of legislative encouragement, to induce the intelligent to take part in the establishment of an efficient artillery system, in the place of the nominal corps of that name, which are now prevalent, and of little value as artillery or a system.

Congress has power to establish laws to organize the militia, and "subject to such laws, the Commander-in-Chief may alter, divide, annex and consolidate the divisions, brigades, regiments, battalions, squadrons, troops and companies in such manner as in his opinion the proper organization of the same shall require." Con-

gress has not authorized the horse artillery, and train corps in the militia, it is true, nor in the regular army; but the arm of horse artillery has been established, and is known to our State laws; and "the proper organization" of our artillery, horse and foot, now requires necessarily, train corps, as a component part of our artillery system, to give celerity of action and promptness of execution to the unit force of the field battery, when ordered to execute at a determined position. Congress acted on the militia law, and established a general outline of organization on the 8th May, 1792, at which time, although the horse artillery had been introduced into the armies of Prussia, by Frederic the 2d, and was perfected during the wars of the French Revolution, yet such corps were little or not known in the United States at that time. Train corps are a subsequent institution, and their organization in the horse and foot artillery in France, added a power to their disciplined infantry conjointly, which gave superiority to the French arms in many of their most splendid achievements in the wars of the revolution and subsequently.

Should the proper organization of the artillery of this State be thought to require *train corps*, I would respectfully again recommend to the Commander-in-Chief, and the Legislature, to organize the field ordnance of this State, *of proper calibers to be so arranged*, into field batteries of artillery, and the train corps for their service, to be attached to the companies of artillery, which will require to be re-organized for the service of the field batteries. Under this change, legislative encouragement should certainly provide sufficient inducement to enlist an able train and personal, in order to make the organization efficient, and the New-York State artillery a volunteer corps of capacity and respectability, as a military body.

Believing that the comfort and health of the soldier will be promoted by a well constructed knapsack, to contain his necessaries conveniently and securely, if made of materials impervious to water, such a knapsack will be submitted to your examination during the present session of the Legislature, constructed of materials, and of a model, prepared by my directions, and will be submitted with accompanying "observations on the Hanoverian knapsack," of which the one to be presented is presumed to be a close pattern.

I would close these remarks by annexing the following extract from the report of the late Commissary-General Muir, under date of January 20th, 1829:

“ The duties required of the Commissary-General, under the Revised Statutes, (by the organization of artillery companies and corps, issues of ammunition, constant accession of arms, ordnance and other property,) have been so very much increased, that he submits, with great deference to his Excellency the Governor, and through him, to the Legislature, his claim to an increase of salary, adequate to the services required of him, and of his responsibilities in the amount of property entrusted to his keeping.”

Persuaded, from my own experience, that the representations in this extract are well grounded, I respectfully renew them through you to the Legislature, and beg an indulgent consideration of the suggested proposition at this time.

I have the honor to be, with the greatest respect,

Your Excellency's ob't servant,

HENRY ARCULARIUS,

Com. Gen.

DOCUMENTS.

(Note I.)

The new cannon of the French system are nearly the model of the Gribeauval, adopted in 1785. But the new howitzer differs essentially from that of the Gribeauval 6 inch howitzer, which, in the bore, chamber included, are but 2 feet 4½ lines, whilst the new, of the same caliber, have a length of bore of 5 feet 6 inches, 5½ lines. The 6 inch Gribeauval howitzer weighs 650 lbs., the new, 1,800 lbs.

The lengthening of the howitzers now in use, has been adopted, 1st. To give greater range and more accuracy to this species of fire arms. 2d. Because the same carriage serves at once for the cannon and correspondent howitzer.

The augmentation of the weight resulting from an increased length of bore, is not an inconvenience, because the howitzers do not weigh more than the cannon with which they ought to form battery. Thus their respective weights are,

For the 12 pounder cannon,.....	1,808 lbs.
For the lengthened howitzer of 8 inches,.....	1,800 "
For the 8 pounder cannon,.....	1,186 "
For the lengthened howitzer of 6 inches,	1,200 "

The chamber of the lengthened howitzer has the same diameter as the bore of the cannon with which they are respectively placed in battery; the same sponge serves for both pieces, only that the rammer of the howitzer has its end hollow, in cup form, to receive the fuze of the shell when loading the howitzer.

The caliber of the cannon is 4 inches, 5 lines, 9 points for the 12 pounder, and 3 inches, 11 lines for the 8 pounder, (French measure.) Their balls are one line less in diameter, which is termed their windage; the length of the bore of the cannon is seventeen diameters of the ball, and their weight 150 times that of the ball.— [Translated from a French work.]

(Note II.)

The qualities signalized in the new French system of artillery, and of which the mode of actual warfare augments the importance, imposed the obligation to simplify the organic forms of the personal, and to introduce in its constitution modifications, which

might give the necessary degree of activity, to profit advantageously of the perfections obtained.

Under other considerations the necessity of important changes in the constitution of the personal of the artillery, had been for a long time acknowledged. In the place of forming one and the same corps, animated by the same spirit, directed by identical interests, the personal of the artillery was composed of two distinct parties, which had to be united at the moment of war, since their co-operation could alone perform the duties of the arm in the field. One of these parties was exclusively charged with the service duty of the piece; this was the artillery properly so called: the other, under the denomination of the train of artillery, was uniformly appointed to conduct the pieces and the stores. These two classes of agents, almost strangers to each other in times of peace, were, in time of war, when their agreement became indispensable, rather opposed than amalgamated, because each had its particular chief, a different organization, and a separate administration. From thence grew interior collisions, which too often became hurtful to the service.

The new organization has given a turn to these inconveniences, by admitting in principle—

1. That every man who figures before the enemy, either as an artillery aid or a conductor of a field piece, is a party of one class of cannoniers. Those who serve the pieces are the *cannoniers aids*, those who conduct the pieces are the *cannoniers conductors*. They have both the same rank, wear the same uniform, except some slight differences which the special nature of the service requires.

2. In time of peace, as in time of war, the part of the personal attached to the duties of the piece, and those attached to conduct them, form only one and the same whole, designated under the name of battery.

By thus effacing all disparity among the men doing duty in the same arm, where their concurrence is necessary, the new organization has united interests up to that period divided. It has established unity in the command, concert in the manoeuvres, and has caused the difficulties which presented themselves in a transition from peace to war to disappear. [Translated from the French, same work as Note No. I.]

(Note III.]

Letter from Nathan Follet, Keeper of the Arsenal at Batavia.

BATAVIA, 21ST FEBRUARY, 1834.

SIR—

I have the unpleasant intelligence to announce to you that a fire broke out about 3 o'clock P. M. in the white house near the arsenal belonging to the State, which entirely consumed it in a few

minutes. The occupants barely had time to take the most of their effects out. The weather was very warm and pleasant, and how it could have caught fire from the small quantity of fire they must have had at the time is imposible to say, with any degree of certainty. We had a very hard blow, or it amounted to almost a gale, a few days since: it unroofed a part of the wall on the north side of the arsenal; and on the south the frame of the roof was fastened to the wall by hooks and staples, which held the frame; but the wind came with such violence that it took off one length of the roof, and carried them against the gate with such force that broke it open and considerably injured it. At that time the chimnies in the house must have been considerably racked by the wind, as it caused them to work back and forwards some inches, and must have cracked them between the plastering and the chamber floor, as the fire was first discovered at that place; the soot must have taken fire and communicated through the chimney. I can not account for it in any other probable manner: the building burnt stood within 20 feet of the yard wall, and so near the arsenal that had the wind blown from the east it would have been hard work to have preserved it: by keeping the roof of the wall and red building wet we were able to save them. The wall roof should be replaced as soon as the weather will permit. The other repairs you examined and understand, without any information from me on the subject. Yours, &c.

N. FOLLETT.

NOTE.

The additional papers accompanying this Document will be printed separately.

No. 28.

IN ASSEMBLY,

January 8, 1835.

DOCUMENTS

**Accompanying the Report of the Commissary-
General.**

[Assem. No. 28.]

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MS AND AMMUNITION.

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pr's. 9 pr's. 6 pr's. 4 pr's. and 3 pounds.

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VICE. }

RCULARIUS,

Commissary-General.

(C.)

A Statement in detail of the Ordnance, Arms, Ammunition, and other Munitions of War, the property of the State of New-York, December 31st, 1834.

At Forts Richmond, Tompkins and Hudson, Staten-Island. Major Wm. Dutton, Keeper.

Garrison Ordnance.

Iron 32 pounders, mounted, (Fort Richmond),	25
24 " "	2
24 " dismantled, (Fort Hudson),	42
32 " " (near the dock),	1

Ordnance Stores.

Garrison gun carriages,	42
Pent-houses,	42
Rammers and sponges for 32 pounders,	28
" " 24 "	103
Ladles for 32 pounders,	27
" 24 "	13
Battery handspikes,	50
Iron crowbars,	50
Loggerheads,	9
Gun scrapers,	2
Worms for 32 pounders,	28
" 24 "	35
Debel carriage,	1
Beds and quoins,	50
Iron truck wheels,	10
Small truck carriage,	1
Cannon balls for 32 pounders,	2217
" 24 "	4123
Wads, a lot.	
Last return dated January, 1834.	

Ordnance and Ordnance Stores deposited at Governor's Island.

Iron 24 pounders, dismantled,	12
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Ordnance Stores.

Garrison gun carriages for 24 pounders,	12
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*At the Arsenal in the city of New-York.**Field Ordnance.*

Iron 24 pounders, dismantled,.....	1
18 " "	4
12 " "	2
9 " "	5
6 " " mounted,	17
Brass 12 pounders, dismantled,.....	6
9 " "	6
6 " " mounted,	4
3 " " dismantled,.....	2
2 " " missing,	1
Field artillery carriages,	34
10 inch mortars,	2
8 1/2 " "	1
5 1/2 inch eprouvette,	1
Percussion cannon locks,	24
Stock or hand locks,.....	19
Pikes,	12

In the possession of Artillery Companies, housed at the Arsenal.

Brass 18 pounders, mounted,.....	2
6 " "	18
3 " "	8
Wagons,	1
Caissons,	6
Tumbrels,	9
Cannon locks,.....	23

Arms & Stores.

Muskets, in order,.....	11095
Old bayonets,	160
Old ramrods,	60
Common rifles,.....	42
Repeating rifles, complete,.....	520
North's patent carbine,	1
Common English "	2
Cavalry swords,.....	1
Pairs of pistols,	156
Artillery swords,.....	324
Cutlasses,	234
Cartridge boxes,	13927
" " belts,	13007
Bayonet scabbards,.....	12903
" " belts,	13007
Sword belts,.....	156
Gun skins,.....	1760

* Brought in from Rockaway beach.

Knapsacks,	5472
Canteens,	2727
Old field artillery carriages,	3
Wagons,	3
Caissons,	3
Tumbrils,	3
Travelling forges,	2
Sets of harness for train,	169
Incomplete sets,	5
Driver's saddles,	40
Commander-in-chief's marquee,	1
Utensils for " sets,	1
Hospital tents,	1
Tent partitions,	51
Wall tents,	136
Common infantry tents,	448
Camp stools,	99
" kettles,	58
Old and broken camp kettles, a lot.	
Tent poles, a lot.	
" pins, "	
" " bags,	60
Mallets, a lot.	
National colors,	3
Regimental "	7
Cavalry standards, .	12
Standard sockets,	6
Bugles,	4
Files,	197
Snare drums,	28
Bass "	3
Drum slings,	26
" sticks,	56
Medicine chests,	3
Garrison hammocks,	295
Old canvass caps,	1
Budge barrels,	9
Sod cutters,	4
Facine hooks,	118
Quoins,	50
Rammers and sponges,	154
Ladles,	41
Worms,	75
Trail staves,	45
Mortar handspikes,	4
" sponges,	4
Battery handspikes,	165
Prolonges,	45
Garrison drag-ropes,	29
Sets of "	412
Spare drag-rope handles, a lot.	

Bricoles, old and new,	190
Shell scrapers,	1
" hooks,	4
Shot carriers,	4
Iron ladles;	1
Linstocks,	74
Port-fire stocks,	45
Tar buckets,	18
Sponge " old,	4
Lead apron and straps, a lot.	
Tompions and collars, "	
Spare implement straps, "	
Leather haversacks,	63
" percussion lock caps,	15
" tube boxes,	37
Tin "	68
Powder-horns,	82
Tube box straps, a lot.	
Gunner's belts,	61
Powder-horn straps, a lot.	
Port-fire cases,	37
" nippers,	18
Gunner's hammers,	18
" gimlets,	31
" pincers,	15
Priming-wires for cannon,	35
Thumbstalls,	18
Tarpawlings for cannon,	48
" tent floors,	22
Spare tompions, a lot.	
" sponge heads, a lot.	
" rammer " "	
" tompion collars, "	
Sponge covers,	60
Ladle tompions,	25
Whiffletrees;	38
Gunner's quadrant,	1
Spy-glass,	1
Case of mathematical instruments,	1
Brass caliber compass,	1
" set shot gauges.	1
Wooden port-fire moulds,	1
" shot gauges,	10
Copper syringe,	1
Port-fire formers,	3
Cartridge "	18
Filling tables,	1
Tinder boxes,	1
Parts of sets of Armorer's tools,	2
Lathe wheels,	1
Emery "	3

Smith's bellows,.....	3
Small vises,	3
Anvils,	1
Musket scraper,.....	1
Boxes of gun-worms,	1
" screw-drivers,	1
Smith's tongs,	1
Sets of bullet moulds,.....	1
Small " 	30
Filing boxes,.....	12
Pieces of port-fire,.....	16
Coils of slow-match,	20
Port-fire forms,	350
Brands,	1
Cannon searcher,.....	1
Iron crowbars,.....	2
Gins,	1
" condemned,.....	1
Jacks,	1
Tackle blocks,.....	4
" falls,.....	4
Wheelbarrow,	1
Iron truck carriage,.....	1
Wooden " 	1
Old wall candlesticks,.....	28
Steelyards,	1
Wads, a lot.	
Brace and bitts,.....	7
Drawing knives,	1
Hatchets,	2
Cross cut saws,	2
Hand " 	3
Axes,.....	1
Broad axes,	1
Augurs,.....	10
Hammers,.....	1
Oil stone,	1
Glue pot,.....	1
Wrenches,	5
Sledge hammers,	1
Adze,.....	2
Square,	1
Shaving horses,.....	2
Wheelwright's iron vises,	2
Planes,	6
Grindstones,.....	1
Plank, a lot.	
Boards, " 	
Timber, " 	
Sheepskins,.....	3
Packing boxes, a lot.	

Ladders, old,	3
Cart, new,	1
" horse,	1
" harness,	1
Wagon,	1
" harness, old,	1
Curry comb and brush,	1
Iron shovels,	2
Wooden scoops,	2
Dusting brushes,	6
Brooms,	6
Whitewash brushes,	2
Desks,	2
Writing tables,	1
Office chairs,	6
Coal pans,	1
" scuttles,	3
Pokers,	2
Arsenal bell,	1
Stoves and grates,	3
Shovels and tongs,	2
Oil can,	1
Watering pots,	2
Woodsaws,	2
Locks,	5
Stone jugs,	1
Tin lanthornes,	2
Old thill shafts,	25
" fire buckets,	4
Rakes,	2
Hoes,	2
Stove fender,	1
Tin cartridge chests,	3
Sperm oil, gallons, about	25
Neat's foot oil, half a barrel.	
Harness varnish,	"
Tar,	"
Iron truck wheels,	25
Tumbril tops,	40
Shackle cuffs,	72
" bars,	17
Boarding axes,	19
Musket stamps, S. N. Y.,	2

Round Shot and Shells.

33 pounds,	2652
24 "	8
16 "	657
12 "	286
6 "	1646
4 "	80

3 pounders,.....	1679
2 "	20
10 inch shells,	347
8 "	117
8 inch howitzer shells,	75

*In the Magazine, New-York Island.**Fixed Ammunition.*

6 boxes canister shot, 8 prs. rounds,.....	174
5 " strapped " " "	163
1 " canister " 4 "	13
1 " strapped " " "	13
14 " canister " 6 "	228
20 " strapped " " "	296
14 " canister " 9 "	144
11 " strapped " " "	102
30 " canister " 12 "	186
23 " strapped " " "	182

125 boxes.

Total rounds,..... 1497

4 boxes cartridges, on wood, 18 prs. rounds,.....	48
2 " canister, not-fixed, 9 "	35

235 boxes musket cartridges, 18 to lb. 1000 each,.....	235000
8 " " " 16 " "	6000
20 " " " 20 " "	29000
23 " pistol " 500 each,.....	13200

294 boxes.

Total rounds,..... 285200

Stores.

18 boxes of canister, 18 prs. rounds,	180
1 " " " 9 "	14
18 " musket balls.	
7 " buckshot.	
1 " grape shot.	
2 " canister, 3 prs. rounds,.....	50
Boxes of fuses for shells,.....	3
" tubes for cannon, (worthless)	1
Kegs of mealed powder,.....	1
Port-fire moulds, brass,.....	3
" drifts,	4
Copper measures,.....	10
" funnels,	7
" cooper's tools,.....	3
" dredging box,.....	1
Powder sieves,.....	3
Tin scales, old,.....	1

[Assess. No. 28.]

2

Sets of small weights,.....	1
Wooden scoops,.....	1
Dusting brushes,.....	3
Pairs of moccasins,.....	2
Unfilled canisters for 12 pra.,.....	15
Paper bags for cartridges, a lot.	
Quarter-casks of powder,.....	1124

At the Arsenal in the city of Albany. Francis Costigan, Keeper.

Field Ordnance.

Iron 9 pounders, mounted,.....	3
“ 6 “ “	26
Brass 6 “ “ old,.....	3
“ powder proof,.....	1

In the possession of Artillery Companies, housed at the Arsenal.

Brass 6 pounders, mounted,.....	4
---------------------------------	---

Ordnance Stores.

Travelling forges,.....	1
Tumbrils,.....	1
Caissons,.....	3
Muskets, in order,.....	31841
Common rifles,.....	1613
Repeating rifles,.....	1
Cartridge boxes,.....	3463
“ belts,.....	3154
Bayonet scabbards,.....	1949
Gun slings,.....	490
Canteens, a lot.	
Old artillery carriages, a lot.	
Harness for train, sets,.....	3
Old artillery harness, a lot.	
Old and broken camp kettles, a lot.	
Tent poles, a lot.	
Regimental colors,.....	1
Pairs of color tassels,.....	37
Standard sockets,.....	22
Bugles,.....	31
Fifes,.....	10
Suare drums,.....	54
Drum slings,.....	129
Boxes of drum-sticks,.....	1
Barrels of soup basins,.....	2
Budge barrels,.....	4
Rammers and sponges, old and new,.....	78
Ladles,.....	56
Worms,.....	43
Trail staves,.....	93

Prolonges,.....	62
Sets of drag-ropes,	7
Bricoles, old and new,.....	408
Linstocks, "	67
Port-fire stocks, "	62
Sponge buckets,.....	35
Lead aprons and straps, old and new,	49
Tompions and collars, "	45
Implement straps,.....	90
Leather haversacks, old and new,.....	111
" tube boxes, with straps,	54
Powder-horns, old and new,	44
Gunner's belts, "	46
Small vises,	5
Musket scraper,.....	1
Boxes of gun-worms,	1
" screw-drivers,	1
Sets of brass bullet moulds,.....	15
Small " a lot.	
Sets of miner's rods,.....	1
Cannon searcher,.....	1
Iron crowbars,.....	3
Jackscrew,	1
Tackle blocks,	1
" falls,.....	1
Musket stamps, S. N. Y.,	1
Large iron vise,	1
Small timber, a lot.	
Red cedar posts, "	
Old slate, "	
Old iron, "	
Sheepskins,	7
Old drum shells,.....	4
" heads,.....	48
Bass "	32
Drum cords,.....	9
Old burnt arms, a lot.	
Packing boxes, a lot.	
Old common blankets,.....	8
Ladders,	1
Desks,	1
Wrench,	1
Hand brushes,	2
Brooms,	2
Percussion stock locks,.....	1
" lock caps,.....	18
" cannon locks,.....	4
Wall tents,	3
Mallets,.....	6
Tent pin bags,	3
" a lot.	

Camp stools,.....	6
Port-fire cases, old and new,	78

Round Shot.

For 12 pounders,.....	467
9 "	740
6 "	565
4 "	1250
3 "	1500
Boxes of grape shot,.....	8
" musket balls,	1
" buck shot,.....	5
Pounds "	3cwt.
Boxes of musket flints,.....	1

In the Magazine at Albany.

2 boxes canister shot, 6 pr. rounds,.....	28
2 " strapped " "	70
97 " fixed musket cartridges, 18 to lb. 1000 each, ...	67000
25 " " " 16 " "	25000
Quarter casks of powder,.....	49

Last return dated Nov. 25, 1834.

At Whitehall, remaining there since the war, and left in the charge of the late John Reid & Co.

Round shot for 12 pounders,	133
" 9 "	111
" 6 "	364

At Plattsburgh, returned as in the possession of a Mr. Gilleland.

Old muskets,.....	18
Ramrods,	6
Old tents,	5
Cartridge boxes and belts,	2
Camp kettles,.....	9
Canteens,	50

At the Arsenal at Elizabethtown. Augustus C. Hand, Keeper.

Arms and Stores.

Muskets, in order,.....	1631
" out of order,.....	31
Bayonets,	1362
Ramrods,	1600
Gun stocks and parts,	1
Rifles,	26
Pairs of pistols,	28
Swords,	50
Cartridge boxes,	884
" belts,.....	884

ession of Companies and Individuals,

Pairs of pistols.	Swords.	Bayonets.	Cartridge boxes & belts.	Bayonet belts.	Sword belts.	Drums and Fifes.	Infantry tents.	Wall tents.
15	18	.....	.....	.....	18	.....	.....	.....
.....	40	.....	.....	.....	40	.....	.....	.....
.....	60	.....	.....	.....	.....	.....	.....	.....
.....
7	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	73	73	73	.....	.....	.....	.....
.....	.....	2	2	2	.....	.....	.....	.....
.....	.....	.....	20	20	.....	2	.....	.....
.....	.....	25	25	25	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	16	2
.....	.....	12	12	12	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	16	4
22	118	112	132	132	58	2	32	6

OFFICE,

ARCULARIUS,

Commissary-General.



Bayonet scabbards,	868
" belts,	868
Sword belts,	39
Gun slings,	280
Knapsacks,	152
Canteens,	129
Kegs of fixed ammunition,	25
Reams of cartridge paper,	12
8 pounder shot,	12
Old harness, a lot.	
Cases of surgical instruments, not full,	2
Tournequets,	5
Linen haversacks,	20
Armorer's tools, parts,	2
Emery wheels,	1
Smith's bellows,	1
Vises,	1
Boxes of port-fire,	2
Gross cut saw,	1
Common hand saw,	1
Window glass, part of box,	1
Leaks,	1
Umbrella,	1

The Arsenal at Malone, Franklin county, has no property in it is under the care of Francis L. Harrison, as keeper.

At the Arsenal at Russell. Elisha Phelps, Keeper.

Arms and Stores.

Muskets,	436
Cartridges,	436
Bayonets,	436
Cartridge box belts,	13
Bayonet scabbard belts,	13
Boxes fixed ammunition, 1000 rounds each,	19000
Part of a box of window glass,	1

At the Arsenal at Watertown. Jason Fairbanks, Keeper.

Arms and Stores.

Muskets, in order,	1770
" not in order,	12
Bayonets,	1826
" old,	81
Cartridge boxes and pieces,	46
Cartridge boxes,	1613
" belts,	1506
Bayonet scabbards,	1645
" belts,	1645
Cartridges,	56

Knapsacks,	524
Canteens,	57
Boxes of fixed ammunition,	9
Kegs " "	1
Reams of cartridge paper,	24
Round shot for 9 pounders,	427
Incomplete sets of harness,	2
Linstocks,	1
Port-fire stocks,	1
Grindstone,	1
Old drum shells,	3
Pairs of snow shoes,	6

The Arsenal at Onondaga has no public property in it. It is under the care of Mr. George Hall.

*The Arsenal at Canandaigua. Holloway Hayward, Keeper.
Ordnance Stores.*

Iron 24 pounder cannon,	
Travelling carriages for do. complete,	
6 pounder round shot,	54
3 " "	94
Wall tents,	
Old "	
Tent poles, a lot.	
" pins, "	
" pin bags, "	
Mallets, "	
Rammers and sponges,	
Ladles,	
Worms,	
Trail staves,	
Sets of drag-ropes,	
Linstock,	
Port-fire stocks,	
Tar buckets,	
Lead apron and straps,	
Tompions and collars,	
Haversacks,	
Tin tube boxes,	
Powder-horns,	
Tube box straps,	
Gunner's belts,	
Tarpawlings,	
Old tin, a lot.	
Packing boxes, a lot.	

In the Arsenal at Batavia. N. Follett, Keeper.

Arms & Stores.

Muskets, in order,	
" out of order,	

Bayonets,	1450
Ramrods,	1435
Old musket barrels,	190
Gun stocks,	25
Cartridge boxes,	1128
Bayonet scabbards,	234
" belts,	182
Gun slings,	120
Boxes of fixed musket cartridges,	4
Rounds of fixed canister for 12 pounders,	176
Harness for train, sets,	5
Driver's saddles,	1
Camp kettles,	202
Tent poles, a lot.	
Iron pots,	2
Emery wheel,	1
Bars of lead,	4
Pounds "	50
Musket scraper,	1
Tackle blocks,	1
" falls,	1
Drawing-knife,	1
Axes,	2
Saddler's horse,	1
Barrels of old locks and parts,	1
Oil kegs,	2
Old cartridge boxes, a lot.	
Packing boxes,	10
Oil can,	1

In possession of Artillery Companies.

Iron 9 pounders, mounted,	4
6 " " 	79
Brass 9 " " 	2
6 " " 	95
4 " " 	5
3 " " 	48
2 " " 	2
Field artillery carriages,	240
Sets of implements.	
" equipments.	
Wagons for ammunition,	1
Tumbrils.	
Caissons.	
Muskets with bayonets,	111
Rifles,	7
Bayonet belts and scabbards,	132
Cartridge boxes and belts,	132
Pairs of horsemen's pistols,	22
Artillery swords,	118
Sword belts,	58

Tarpawlings for cannon,.....	66
Drums,	1
Fifes,.....	2
Rifle bullet moulds,.....	2
Common infantry tents,	26
Wall tents, with poles, pins, &c.,	6

STATE OF NEW-YORK—COMMISSARY-GENERAL'S OFFICE, }
New-York, December 31, 1824. }
 HENRY ARCULARIUS,
Commissary-General.

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General remarks.

A. General return.

B. Recapitulation of Ordnance and Stores.

C. Return in detail of property in the several Arsenals.

D. Return of Small Arms, &c. of old issues.

E. Statement of Ordnance Stores received in 1834.

F. Statement of Ammunition issued to Artillery Companies for practice, in 1834.

G. Reports from Commandants of Artillery Companies, 1834.

H. Statement of Ordnance Stores, &c. issued in 1834.

[Assem. No. 28.]

3

STATE OF NEW-YORK.

No. 29.

IN ASSEMBLY,

January 8, 1835.

ANNUAL REPORT

Of George R. Vanderlip, an Inspector of Lumber in
the city of Albany.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

George R. Vanderlip, one of the inspectors of lumber for the
city and county of Albany, respectfully reports the undersigned
to be the quantity and quality of lumber measured and inspected
for the year 1834.

<i>Feet.</i>		<i>Per M.</i>	<i>Value.</i>
577,886	pine lumber, 1st, 2d & 3d qualities, at \$22		\$12,713 49
1,550,857	“ 4th quality,	10	28,222 06
23,495	old hickory,	24	563 88
71,603	chair plank,	30	2,148 09
81,701	black walnut,	25	792 52
287,080	white wood,	15	4,305 45
87,505	oak,	20	750 10
82,323	ash,	15	1,233 34
88,461	maple,	11	973 07
76,594	cherry,	28	1,761 58
<hr/>			
2,827,455			\$53,463 58
<hr/>			

Fees, .. \$664.32.

GEORGE R. VANDERLIP, *Inspector.*

[Assem. No. 29.]

STATE OF NEW-YORK.

No. 30.

IN ASSEMBLY,

January 8, 1835.

ANNUAL REPORT

Of Isaac P. Hand, an Inspector of Lumber in the city of Albany.

To the Legislature of the State of New-York:

In compliance with an act of this State, regulating the inspection of lumber, the subscriber, an inspector of lumber for the city and county of Albany, respectfully submits the following annual statement of quantity and quality, together with the average prices sold at, the same ending 31st December, 1834.

134,209	feet	1st quality pine boards and plank,	at \$30 per M.	
244,647	"	2d " " " "	20	"
230,796	"	3d " " " "	15	"
1,363,303	"	4th " " " "	10	"
23,102	"	1st " white wood chair p'lk,	36	"
47,688	"	2d " " " "	24	"
278,066	"	whitewood boards,.....	12	"
2,690	"	bass wood plank,.....	20	"
90,211	"	maple boards, plank and joist,....	13	"
24,655	"	oak boards and plank,.....	15	"
47,957	"	cherry boards and plank,.....	24	"
41,762	"	ash boards and plank,.....	12	"
90,094	"	bass wood boards,.....	9	"
841,230	"	pine box boards,.....	9	"
83,155	"	beam timber,.....	9	"

Fees,.. \$1,172.58.

Respectfully your ob't. servant,

ISAAC P. HAND, Inspector.

Albany, January 7, 1835.

[Assem. No. 30.]

No. 32.

IN ASSEMBLY,

January 14, 1835.

REPORT

Of the select committee on the petition of Isaac Crabb, for an act authorizing him to change his name.

Mr. Ogden, from the select committee to which was referred the petition of Isaac Crabb of the town of Phelps, in the county of Ontario, for the passage of an act authorizing him to change his name from that of Isaac Crabb to Isaac Harrison,

REPORTED:

The petitioner alleges, that several of his relatives have had their names changed by acts of the Legislature of this State, from Crabb to Harrison: That there are unpleasant associations and prejudices attached to the name of Crabb, which he now bears: That it gives an advantage to the malicious tongue of an enemy, and often serves to lessen the happiness of its possessor. A certificate of many respectable gentlemen accompanying the petition, sets forth, that Mr. Crabb has been for some time past a resident of the town of Phelps, in the county of Ontario, has sustained a good moral character since their acquaintance with him, and that he is a *single man*.

Your committee, on examination, find two several acts passed by former Legislatures, authorizing different individuals of the Crabb family to change their name, to wit: An act passed April 1st, 1824, authorizing Sidney Crabb to take upon himself the sur-

name of Harrison; and an act passed March 26, 1827, authorizing Hiram Crabb to assume the name of Hiram Harrison.

And deeming it proper that members of the same family should be permitted to bear the same name, and for other reasons set forth in the prayer of the petitioner, as herein stated: And it being also intimated to your committee that the refusal on the part of the Legislature to grant the prayer of the petitioner, may seriously affect him in a very delicate and interesting relation in life, and possibly blast the consummation of his hopes of earthly bliss.

They are moved to the conclusion that the prayer of the petitioner ought to be granted, and have prepared a bill for that purpose which they beg leave to present.

All of which is respectfully submitted.

STATE OF NEW-YORK.

No. 33.

IN ASSEMBLY,

January 14, 1835.

REPORT

Of the Comptroller on the petition of the supervisors of Herkimer county, relative to a loan from the School Fund.

TO THE ASSEMBLY.

The Comptroller, to whom was referred, by the Assembly, a petition from the board of supervisors of the county of Herkimer, and a bill for loaning money to said county, from the Common School Fund, respectfully presents the following

REPORT:

The petition of the board of supervisors represents, that the sums appropriated by the several acts of the Legislature, in 1833 and 1834, are inadequate to pay the expenses of erecting the court-house and jail in said county: and the prayer of the petition is, that a further loan, of two thousand and fifty dollars be authorized, which sum is to be repaid, by levying a tax upon the inhabitants of the county. The bill provides for the repayment of this loan, in two equal annual payments, from the first day of March, 1836.

There is money in the treasury, belonging to the capital of the School Fund, and, in the opinion of the Comptroller, a better investment of it could not be made, for the security and advantage of the School Fund, than the loan in question.

Respectfully submitted.

A. C. FLAGG.

No. 34.

IN ASSEMBLY,

January 14, 1835.

PETITION

Of John Preston and others, relative to an improved manner of teaching schools.

To the Honorable the Legislature of the State of New-York:

The memorial and petition of Samuel Steele, William A. Tweed Dale, Charles Smith and others of the city and county of Albany, in reference to the modes of teaching in common schools,

RESPECTFULLY SHOWETH:

1. That as to the mode of teaching, we beg leave to recommend the monitorial plan; and advise to have it generally introduced through the State. The advantages arising from this plan appear to your memorialists to be of high importance and worthy of being obtained. We are certain that three valuable objects may thereby be produced, viz: an expeditious mode of acquiring the rudimental parts of education; a saving of time; and, consequently, a saving of money in the pursuit.

2. Permit your memorialists to prescribe a mode of operation when teaching the knowledge of the alphabet and the rudiments. In the first place, furnish every child with a slate and pencil; then let a class of children be shown the picture of an animal or something familiar and interesting, the name of which they may be taught to spell by writing it in sand or on a slate; and, having done so repeatedly, the class should be taught to read the names without seeing the pictures. Let the pictures be only such, in the

[Senate No. 34.]

present case, or instance, as are named with a monosyllable; such as man, ox, pig, dog, cat, cup, &c. &c.

3. If schools in country towns cannot be supplied with picture-books, let a child be taught mechanically; that is, let a monitor teach the learner how to mark the shape of the letters on some kind of surface, such as a black board covered with white sand; on this they may mark with a finger, a quill, or a stick; and imitate a copy suspended before their seats.

4. Permit your memorialists to describe this mode in teaching, for your honorable body to take into consideration: We would begin with the large letters of the Roman alphabet which can be most easily formed, such as I, H, L, &c.; then progress from these of direct lines and right angles, to those of acute angles; then to those of a circular formation; and when a knowledge of these shall be obtained, we would teach how to form the small letters and the italic alphabet, or written characters.

5. These italic or written characters we use in writing words of two, three, or more letters on a slate under the inspection of a monitor.

6. We are well convinced that every pupil ought to write his or her lesson on a slate, or on paper, before the time of recitation. This mechanical performance fixes ideas in the mind more permanently, or in a manner more lasting than can be obtained by the common mode of teaching.

7. We feel ourselves under an incumbent duty to urge the members of every school district to comply with these suggestions. We also pray your honorable body to pass a law for an encouragement of the same.

8. If a child of five years old attend school several months without learning the alphabet, it is a sign of poor economy; we humbly conceive that something ought to be done to remedy this loss of time.

9. The common mode of teaching a child the names of the letters four times a day, or even six times, is not a sufficient portion of teaching whereby we can pronounce that mode justifiable. Therefore your memorialists and petitioners pray for some amend-

ment, or some alteration, as your wisdom may direct, to render equal justice to small children when commencing their education.

10. Your petitioners beg leave to remark further: By experience we find that another amendment in teaching, among the larger scholars, is necessary in order to render equal justice; that is: We find arithmetical classes and grammar classes requiring an unequal attention of the teacher, whereby the small children do not receive their just share of tuition; and to remedy this evil, your petitioners ask leave to advise that classes in arithmetic have books that will enable the scholars who have a small degree of knowledge in figures, to teach new beginners in that science; for we find that this measure relieves the teacher, so that all the school can receive nearly equal attention.

11. As to parsing grammar and teaching the intricate rules in arithmetic, we beg leave to say, in our opinion, they ought to be separate from day schools in country towns, especially in the winter season. We ask liberty to suggest to your honorable body, that evening schools might be instituted for these branches of education; and, if a number of young people wish to become proficient in grammar, let them employ an itinerant teacher, and obtain a thorough knowledge in that science.

12. If your honorable body permit, let us remark that the teaching of grammar, geography, penmanship, reading and arithmetic, all in one short winter's day, creates a preposterous jargon, and frustrates the benign intention when forming the institution.

13. If the patience of your honorable body permit, suffer us to mention one thing more: The writing benches and desks in school-houses are universally too slanting; they ought to be nearly or quite level, for the better convenience of students.

14. However trifling these suggestions may appear, your petitioners pray your honorable body to place a supervisory power in the Superintendent of Common Schools, whereby he may lawfully make, amend, order and enforce rules and regulations for the advancement and improvement of common school education. And in duty bound will ever pray.

January 10, 1835.

Charles Smith,
Samuel Steele,
W. A. Tweed Dale,

H. S. Van Ingen,
Abm. Sickels,
Albert Gallup,

**Edward Small,
James W. Blackett,
Nahum P. Monroe,
Henry Morse,
John Christie,
Harm's V. Huyser,
John Preston,
John Butterfield,
C. A. De Forest,
R. Forsyth,
Jason Rudes,**

**F. Humphrey,
Samuel Brounlee,
Spencer Stafford,
Ab. Van Vechten,
E. Corning,
John Woodworth,
Jonathan Eights,
John Townsend,
John S. Walsh,
Chas. E. Dudley,
Augustus James.**

STATE OF NEW-YORK.

No. 35.

IN ASSEMBLY,

January 9, 1835.

ANNUAL REPORT

Of Robert Christie, Inspector of lumber in the city of Troy.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

A report of the amount of lumber measured and inspected by me from April 24th, to December 10th, 1834.

741,720	feet pine boards, face measure,	\$6,675 48
23,091	" pine plank, board measure,	207 81½
19,896	" pine boards and plank, first quality,...	576 98
42,842	" " " second quality,	813 09½
54,252	" " " third "	813 81
75,463	" " " fourth "	754 63
113,073	" ash plank and boards, merchantable,..	1,809 16½
8,895	" " " first quality,....	177 90
15,374	" " " second quality,..	184 48½
192,162	" thin white wood, merchantable,.....	2,498 10½
18,076	" thick white wood plank, first quality,.	303 41½
28,356	" " " second "	288 56
28,827	" white wood chair plank, face measure,	
31,619	" added to make board measure, first quality,	864 81
23,232	" white wood chair plank, face measure,	
17,424	" added to make board measure, second quality,	464 64

Carried forward.... \$

Brought forward,.... \$		
21,983	feet cherry plank and boards, merchantable,	549 57
13,135	“ black walnut boards and plank,	328 37½
4,136	“ basswood boards, first quality,.....	41 36
13,860	“ “ second quality,.....	69 30
24,615	“ maple scantling, first quality,.....	344 61
11,092	“ “ second quality,.....	107 02½
15,718	“ “ merchantable,	188 61½
4,523	“ maple plank and boards,.....	90 46
5,572	“ hemlock timber, first and second quality,	50 14
429	“ hemlock boards,	3 60
3,804	“ spruce timber,	38 04
4,624	“ oak timber, cubic measure,.....	786 08
178	“ pine timber, “	23 14
10,735	“ oak plank, first and second quality,...	214 70
2,891	“ oak scantling, first and second quality,	47 82
1,515	“ Butternut plank and boards,.....	13 63½
12,690	“ pine flooring timber,	253 80
<hr/>		
1,560,702		<hr/> \$19,579 06

Received fees for inspection, \$488.87½.

ROBERT CHRISTIE,
Inspector.

Troy, January 9, 1835.

IN ASSEMBLY,

January 14, 1835.

ANNUAL REPORT

Of Francis Peckwell, Inspector-General of Staves
and Heading in the city of New-York.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.

Annual report of the Inspector-General of staves and heading for the city and county of New-York, stating the number of staves and heading culled in the city and county of New-York, from the first day of January, 1834, to the first day of January, 1835; together with the average price and the probable value thereof, and the fees and emoluments he derives from his office: made in pursuance and in accordance with statutes in such cases made and provided.

Quantity, quality and value of staves inspected.

Description of staves and heading called.	No. of staves and heading of this heading and other States.	Net amount of staves and heading called.	Average price of the same per 1000.	Probable value thereof.
Prime white oak pipe staves, the produce of the State of New-York,	4, 227, 780	4, 597, 037	\$45 00	\$206, 666 67
“ “ “ the produce of other States,.....	369, 257			
“ white oak hhd. staves, the produce of the State of New-York,	2, 400, 595	2, 659, 062	30 00	79, 771 86
“ “ “ the produce of other States,.....	258, 467			
“ red oak hhd. staves, the produce of the State of New-York,	46, 746	1, 121, 177	19 00	21, 302 36
“ “ “ the produce of other States,.....	1, 074, 431			
“ w. oak hhd. heading, the produce of the State of New-York,	36, 196	67, 653	37 50	2, 536 99
“ “ “ the produce of other States,.....	31, 455			
“ white oak bbl. staves, the produce of the State of New-York,	459, 676	976, 913	25 00	24, 423 80
“ “ “ the produce of other States,.....	517, 036			
Refuse w. oak pipe staves, the produce of the State of New-York,	368, 054	436, 053	22 50	9, 611 19
“ “ “ the produce of other States,.....	67, 999			

[ASSEMBLY

No. 37.

IN ASSEMBLY,

January 15, 1835.

REPORT

**Of the committee on grievances, on the petition of
Jacob I. Timmerman, for relief.**

Mr. Adams, from the committee on grievances, to which was referred the petition of Jacob I. Timmerman, for the passage of a law enabling him to obtain full and adequate relief from an incumbrance upon a lot of land sold by mistake for quit rent,

REPORTED:

That your committee have had under consideration the matters embraced in the said petition, and have examined all the facts connected therewith; and have also examined the report of a committee of the last House of Assembly, which had the charge of this matter; which report your committee are satisfied, upon a full examination of the subject, contains a correct and just statement of all the facts connected with the prayer of the said petitioner; for which said report, see Assembly Documents of 1834, No. 123, and upon which report a bill then passed the House of Assembly.

Your committee are therefore satisfied that the relief sought for is due to the petitioner, and have accordingly directed their chairman to ask leave to introduce a bill.

No. 38.

IN ASSEMBLY,

January 16, 1835.

REPORT

Of the select committee on the bill authorising William Woods to erect a dam across the Canisteco river.

Mr. Healy, from the select committee to whom was referred the bill authorising William Woods to erect a dam across the Canisteco river,

REPORTED:

That from the personal knowledge of one of your committee, they are of the opinion that the construction and keeping in repair of dams across the Canesteco river are necessary for the purpose of carrying on the ordinary lumbering operations on that river. Your committee have also ascertained, that during times of *high water* the Canisteco is used for the purpose of transporting lumber in rafts, arks and other craft. Your committee, therefore, see no objection to authorising the construction of the dam named in said bill, provided it shall not in any manner or under any circumstances interfere with the rights of the public in navigating the stream.

No. 39.

IN ASSEMBLY,

January 16, 1835.

REPORT

Of the committee on privileges and elections, on the petition of sundry inhabitants of the town of Lansing, in the county of Tompkins.

Mr. Wilcoxson, from the committee on privileges and elections, to which was referred the petition of sundry inhabitants of the town of Lansing, in the county of Tompkins, for a special law authorising a special town-meeting, for the election of a justice of the peace to fill a vacancy,

REPORTED:

The petitioners represent that a vacancy has occurred in the office of justice of the peace in the town of Lansing, by the death of one of its incumbents, and pray, for the reasons assigned in said petition, for a special act for the holding of a special town-meeting to supply such vacancy.

The first amendment to the Constitution directs that the people of this State, in their several towns, shall, at their annual election, and in such manner as the Legislature shall direct, elect by ballot their justices of the peace: that when so elected in any town they shall meet together, and in the presence of the officers named in said amendment, be divided by lot into four classes, of one in each class, and be numbered one, two, three and four; and that the office number one shall expire at the expiration of the first year, number two at the expiration of the second, number three at the expiration of the third, and number four at the expiration

[Assembly No. 39.]

of the fourth year, in order that one justice may thereafter be annually elected.

This amendment of the Constitution makes no provision for the filling of any vacancies which may occur during the term for which any justice was elected. Hence the question may arise whether the Legislature possess the legitimate and constitutional power of authorising the appointment in any manner, or the election of justices to fill vacancies which exist in the unexpired term of any justice who has been elected, and whose office has become vacant? It will be perceived, by referring to the several acts which have been passed by the Legislature regulating the manner of choosing these officers, a provision for supplying all vacancies existing prior to any annual town-meeting at such annual town-meeting. It follows conclusively, therefore, that if the Legislature do not possess this power, that all the laws which have been passed upon this subject are unconstitutional and void: that the acts of the officers acting under these appointments are also void, and they themselves trespassers. Your committee, however, are of opinion that the Legislature may prescribe any mode for the appointment or election of justices to fill vacancies which may occur in the office of any one during the term for which he was elected. Your committee refer to this subject in consequence of having it suggested to them by a number of the members of this House, since the above mentioned petition was referred to them, that it involved a constitutional question. If there should be any doubts in the minds of any, of the correctness of the conclusion to which your committee have arrived, your committee would beg leave to refer them to the report of the Attorney-General, made in answer to a resolution adopted by the Assembly in the year 1833, presenting this very question. Vide Assembly Documents of 1833, vol. 4th, No. 300.

Previous to the passage of a law in 1833, which will be found in the Session Laws of that year, page 392, it would often occur, owing to the principle of classifying all the justices who might be elected at an annual town meeting; that the person re-elected would draw for the shortest term. This law was passed with a view to correct this evil, and also to enable the electors to determine by their votes which officer elected (when none was re-elected,) should hold for the longest term. According to the present provisions of the law, in all cases where more than two justices are to be elected at an annual town meeting, it is not in the power of

the electors to determine which one of their justices shall hold for the longest or which for the shortest period of time; it must be determined by lot. Your committee are unanimously of the opinion that these difficulties may be avoided in almost every instance by authorizing the holding of special town meetings to fill vacancies when and as often as they occur. The Attorney-General, in the report above alluded to, remarks, "whether a person appointed or elected at a special town meeting to supply a vacancy in the office of justice of the peace should be authorized to hold for the whole of the unexpired term, or only until the next annual town meeting, is a question of expediency." Your committee are of opinion that it is most expedient to authorize an election for the whole of the unexpired term. It will at all times enable the voters of the town, if they proceed immediately to fill the vacancy as it occurs, to select the individual whom they are most desirous should fill the vacancy. It will also do away the necessity of classifying or making the designations in the ballot now required by law. It is believed that the towns will generally supply the vacancies at once, and as they occur, and the case will therefore seldom if ever happen when more than one justice is to be elected at an annual town meeting, and thus the electors in the exercise of their right of suffrage, will be brought back to the strict letter of the Constitution, as prescribed in the amendment thereof.

Your committee would further beg leave to remark, that the office of justice of the peace is justly regarded by community as one most important; that the number of justices authorized to be elected is not greater than the wants and convenience of the people require, and that it is very desirable therefore, that the office should not be vacant for want of competent authority to fill it.

With reference to the particular application referred to your committee, it does not appear in the petition or otherwise, what is the length of the unexpired term of the vacancy which they propose to fill. Your committee are not therefore sufficiently advised of the merits of their claim; but as they have come to the conclusion to recommend the passage of a general law to supply all vacancies which may happen in the office of justice of the peace, your committee do not deem it necessary to express an opinion upon this particular case, satisfied if the Legislature would grant the prayer of the petitioners upon good causes shown, that it will make a general provision embracing the case in question, and thus avoid constant applications for similar objects. Your committee have therefore prepared a bill, which they ask leave to introduce.

No. 40.

IN ASSEMBLY,

January 14, 1835.

ANNUAL REPORT

**Of Jacob Lockman, an Inspector of Lumber in the
city of New-York.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

Returns of lumber inspected and measured, from the 1st January, 1834, to the 1st January, 1835, by Jacob Lockman, one of the inspectors for the city and county of New-York.

[Assem. No. 40.]

1

Return of Lumber Measured and Inspected.

	<i>Clear</i>	<i>Mercht.</i>	<i>Seconds</i>	<i>Refuse.</i>	<i>Meas'd only.</i>	<i>Prices.</i>
Oak plank, boards and timber,	103,893	.....	74,401	.....	From \$25 to \$15 per M.
Maple joist,	67,479	.....	65,312	.....	" 20 "
Mahogany,	10,008	.....	.....	.....	" 100 50 "
Yellow pine boards,	2,387	.....	64	.....	" 25 20 "
Ash plank and boards,	135,537	.....	5,792	.....	" 20 15 "
White wood boards,	63,824	.....	.....	.....	" 16 14 "
Baswood boards,	122,848	.....	.....	.....	" 10 8 "
White wood plank,	5,623	.....	5,430	.....	" 40 35 "
Bas wood plank,	44	.....	162	.....	" 30 25 "
Maple veniers,	1,165	.....	.....	.....	169 inches, mercht.
Oak knees,	From \$60 to \$80 per M.
Curl maple,	25,877	.....	5,645	.....	" 30 26 "
Pine plank and boards,	6,054	37,309	6,010	3,261	193,506	" 40 30 "
Ash oars,	3,080	.....	1,409	.....	" 30 20 "
Beach joist,	6,970	.....	38	.....	" 10 8 "
Ash cot joist,	24,410	.....	12,840	.....	" 10 8 "
Hemlock boards and scantling,	70,392	" 60 40 "
Maple birdseye plank,	9,257	.....	.....	.....	" 16 12 "
Maple boards, plane,	17,236	.....	.....	.....	" 40 15 "
Cherry boards and joist,	60,362	.....	.....	2,871	" 18 12 "
Spruce boards,	39,803	.....	.....	.....	" 40 20 "
Red cedar,	1,307	.....	.....	.....	" 40 20 "
Black walnut plank and boards,	1,368	.....	.....	.....	" 40 20 "

No. 41.

IN ASSEMBLY,

January 16, 1834.

REPORT

Of the Select Committee on the petition of inhabitants of the town of Granville.

Mr. Moore, from the committee to whom was referred the petition of sundry inhabitants of the town of Granville, praying for an act to raise money to defray certain expenses in said town,

REPORTED:

That it appears to your committee, that in the month of May, 1833, the streams and rivers in the town of Granville, in the county of Washington, were, in consequence of long and excessive rains, swollen much above their usual height, and that by the force of their waters and the rapidity of their currents, many of the most expensive and costly bridges in the said town were carried away, and others greatly injured: it further appears, that at a special town-meeting held on the 27th day of May, 1833, a vote was passed authorising the commissioners of highways of the said town to borrow the sum of one thousand five hundred dollars, and apply it to making and repairing bridges—which sum, it appears, was borrowed and so applied. Your committee, in order to present all the facts that appear to be material in this case, and for the purpose of accounting for this late application for an act to raise money to discharge debts contracted in 1833, do further report, that a bill for this purpose passed the House of Assembly in

the session of 1834, and was left with the unfinished business of the honorable the Senate.

Your committee have therefore come to the conclusion that the prayer of the petitioners ought to be granted, and have instructed their chairman to present a bill accordingly.

STATE OF NEW-YORK.

No. 42.

IN ASSEMBLY,

January 16, 1835.

COMMUNICATION

From the Secretary of State, relative to the publication of a "proposed amendment to the Constitution," previous to the general election of 1834.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, 16th Jan. 1835.

TO THE LEGISLATURE.

The Secretary of State has the honor to report, that the duty enjoined on him by the concurrent resolution adopted by the Legislature on the 5th of May last, relative to a proposed amendment to the Constitution, has been performed in the manner herein explained.

On the 1st day of July last, the following circular was addressed to the editor of one newspaper in every county in the State, excepting the county of Putnam, in which none is printed.

" STATE OF NEW-YORK, }
" SECRETARY'S OFFICE. }

" Albany, 1st July, 1834.

" SIR—You will please publish in your paper the proposed amendment to the Constitution, hereunto annexed, for three calendar months preceding the 3d day of November next. The first

[Assem. No. 42.]

publication must be on some day between the 27th July and the 3d of August next, and it must be inserted once a week until the three months have fully expired. You will be allowed the sum of ten dollars for making the publication in the mode above specified, and your account will be paid by the Comptroller on its presentation to him. For the purpose of settling the account, as well as to enable me to report to the Legislature that the publication has been regularly made, you will please send me by mail, as soon after the election as practicable, an affidavit, setting forth the first and last days on which it was made, and that it was inserted once a week during the intermediate time.

“ Respectfully yours,

“ JOHN A. DIX,

“ *Secretary of State.*”

“ To the editor of the

“ PROPOSED AMENDMENT TO THE CONSTITUTION.

“ STATE OF NEW-YORK.

“ *In Assembly, May 1st, 1834.*

“ *Resolved*, That the following amendment to the Constitution of this State be proposed and referred to the Legislature next to be chosen; and that the Secretary of State cause the same to be published in one newspaper in each of the counties of this State, if there be one printed therein, for three months previous to the next annual election, in pursuance of the provisions of the first section of the eighth article of the said Constitution, a majority of all the members elected to the Assembly voting in favor thereof.

“ ‘ Whenever a sufficient amount of money shall be collected and safely invested for the reimbursement of such part as may then be unpaid of the money borrowed for the construction of the Erie and Champlain canals, the tenth section of the seventh article of the Constitution of this State, so far as it relates to the amount of duties on the manufacture of salt, and the amount of duties on goods sold at auction, shall cease and determine; and thereafter the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the act of the fifteenth of April, one thousand eight hundred and se-

venteen, and the duties on the manufacture of salt, shall be restored to the general fund.'

" By order,

" WM. BAKER, *Speaker.*

" Attest, P. REYNOLDS JUN., *Clerk.*"

" *In Senate, May 5, 1834.*

" *Resolved*, That the Senate do concur in the foregoing resolution, a majority of all the members elected to the Senate voting in favor thereof.

" By order,

" JOHN TRACY, *President.*

" Attest, JOHN F. BACON, *Clerk.*"

" STATE OF NEW-YORK, }
" SECRETARY'S OFFICE. }

" I have compared the preceding with an original concurrent resolution of the Legislature of this State, and do certify that it is a true copy thereof.

" JOHN A. DIX,

" *Secretary of State.*

" *Albany, 1st July, 1834.*"

On the 24th day of December ult., the affidavits of publication required in the foregoing circular not having been received, a second circular was addressed to the editors of sixteen newspapers, from which the requisite evidence was wanting.

On the 9th instant, a third circular was addressed to the editors of two newspapers, from which no answers had been received.

The deficiencies are now all supplied; and it appears by affidavits of the editors or publishers, (or the foremen in their offices) of newspapers in the several counties, that the publication of the amendment to the Constitution accompanying the circular above given, has been made once in each week in the following newspapers during the time specified, viz:

Albany county, Albany Argus, from the 28th July to the 30th October, 1834.

Allegany county, Angelica Republican, from 16th July to 30th October, 1834.

Broome county, Broome County Courier, from 24th July to 30th October, 1834.

Cattaraugus county, Ellicottville Republican, from 1st August to 1st November, 1834.

Cayuga county, Cayuga Patriot, three months, commencing 30th July, 1834.

Chautauque county, Fredonia Censor, from 23d July to 29th October, 1834.

Chenango county, Norwich Journal, fourteen successive weeks preceding the general election in November, 1834.

Clinton county, Plattsburgh Republican, three months, commencing the 26th July, 1834.

Cortland county, Cortland Advocate, three months, commencing 24th July, 1834.

Columbia county, Hudson Gazette, from 29th July to 4th Nov., 1834.

Delaware county, Delaware Gazette, from 30th July to 5th Nov. 1834.

Dutchess county, Poughkeepsie Journal, three months, commencing 30th July, 1834.

Erie county, Buffalo Republican, from 26th July to 1st November, 1834.

Essex county, Essex County Times, from 30th July to 8th Oct., 1834, and then in the Essex County Whig, till 29th Oct. 1834.

Franklin county, Northern Spectator, from 17th July to 30th Oct. 1834.

Genesee county, Spirit of the Times, from 22d July to 4th Nov. 1834.

Greene county, Catskill Recorder, three months, commencing 31st July, 1834.

Herkimer county, Mohawk Courier, three months previous to 5th Nov. 1834.

Jefferson county, Watertown Eagle, three months immediately preceding the 3d Nov. 1834.

Kings county, Brooklyn Advocate, three months, commencing 31st July, 1834.

Lewis county, Lewis County Republican, three months successively.

Livingston county, Livingston Journal, from 30th July to 29th Oct. 1834.

Madison county, Chittenango Herald, from 22d July to 28th Oct. 1834.

Monroe county, Rochester Republican, fourteen weeks, commencing 29th July, 1834.

Montgomery county, Johnstown Herald, from 22d July to 4th Nov. 1834.

New-York county, Evening Post, thirteen weeks, from 28th July, 1834.

Niagara county, Lockport Balance, three months next preceding the general election in November, 1834.

Oneida county, Utica Observer, from 29th July to 3d November, 1834.

Onondaga county, Onondaga Standard, three months from 30th July, 1834.

Ontario county, Ontario Messenger, thirteen weeks, commencing 23d July, 1834.

Orange county, Independent Republican, from 28th July to 3d Nov. 1834.

Orleans county, Orleans Republican, from 30th July to 29th Oct. 1834.

Otsego county, Freeman's Journal, from 21st July to 3d Nov. 1834.

Oswego county, Oswego Palladium, three months, commencing 1st Aug. 1834.

Queens county, Long Island Farmer, fourteen weeks, commencing 30th July, 1834.

Rensselaer county, Troy Budget, three months from 28th July, 1834.

Richmond county, Free Press, sixteen weeks, commencing 12th July, 1834.

Rockland county, Rockland Advertiser, from 10th July to 30th Oct. 1834.

Saratoga county, Saratoga Sentinel, three months preceding the 3d November, 1834.

St. Lawrence county, St. Lawrence Republican, from 29th July to 3d Nov. 1834.

Schenectady county, Schenectady Whig, three months, commencing 29th July, 1834.

Schoharie county, Schoharie Republican, three months, commencing 29th July, 1834.

Seneca county, Seneca Observer, fourteen weeks, commencing 30th July, 1834.

Steuben county, Farmer's Advocate, from 30th July to 29th Oct. 1834.

Suffolk county, Republican Watchman, from 2d Aug. to 2d Nov. 1834.

Sullivan county, Republican Watchman, from 31st July to 30th Nov. 1834.

Tompkins county, Ithaca Journal, from 9th July to 5th Nov. 1834.

Tioga county, Owego Gazette, from 11th July to 31st October, 1834.

Ulster county, Ulster Republican, from 30th July to 5th Nov. 1834.

Warren county, Warren Messenger, three months, commencing 1st Aug. 1834.

Washington county, Sandy-Hill Herald, three months next preceding 1st Monday in Nov. 1834.

Wayne county, Western Argus, three months from 23d July, 1834.

Westchester county, Westchester Spy, three months, commencing 29th July, 1834.

Yates county, Penn-Yan Democrat, three months immediately previous to 1st Nov. 1834.

The affidavits of publication are herewith transmitted.

It will be perceived by reference to the affidavit of the publisher of the Lewis County Republican, that there is an error in stating the day, on which it commenced. As the affidavit was received at a late day, and as there was in the Secretary's office a copy of the newspaper, showing the time when the proposed amendment was first inserted, the affidavit was not returned for correction. The paper referred to, is herewith transmitted, bearing date the 26th of August, and numbered 224. By referring to the amendment as published, it will be perceived that it was first inserted in No. 220, which must have been issued on Tuesday, the 29th day of July preceding, the paper being published on Tuesday of each week.

In the communication of the Secretary of State to the Senate in 1833, relative to proposed amendments to the Constitution, pub-

lished in that year, (see Senate Documents, 1833, No. 14,) it will appear that several affidavits of publication were wanting, and the evidence thereof in many cases rested altogether upon a copy of the newspapers in which the amendments were inserted.

Respectfully submitted,

JOHN A. DIX,

Secretary of State.

IN ASSEMBLY,

January 17, 1835.

REPORT

Of the select committee on the petition of inhabitants of the town of Florence, in the county of Oneida.

Mr. A. Woodworth, from the select committee to which was referred the petition of sundry inhabitants of the town of Florence, in the county of Oneida, praying for the passage of a law authorizing the payment of a bounty for the killing of bears,

REPORTED:

That the town of Florence is situate on the south side of and adjoining an extensive forest uninhabited except by beasts of prey: That the inhabitants of said town have, for a number of years, been greatly annoyed with bears from said forest, which have frequently killed their sheep and hogs, and committed extensive depredations upon their corn-fields. That at the season of the year when these depredations are most frequent and annoying to the inhabitants of said town, the skin and flesh of the bear are nearly valueless, and afford no sufficient inducements to the sportsman to hunt and trap them. The petitioners pray for the passage of a law authorising a tax to be levied on the real and personal property in said town, to pay a bounty of five dollars on each bear killed therein. Your committee consider the prayer of the petitioners reasonable, and that the same ought to be granted, and have instructed their chairman to prepare a bill, which they now ask leave to introduce.

STATE OF NEW-YORK.

No. 44.

IN ASSEMBLY,

January 14, 1835.

ANNUAL REPORT

Of Asa Fassett, an Inspector of Lumber in the city
of Albany.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

The subscriber, one of the inspectors of lumber of the city of Albany, agreeable to the requirements of the Revised Statutes, respectfully submits the following report for the year 1834.

86,670 feet oak plank and boards, at \$15 per M....	\$1,300 09
168,160 " cherry plank and boards, . 14 "	2,354 92
242,744 " ash " " . 12 "	2,912 24
85,685 " maple joists, 12 "	1,028 22
242,554 " whitewood boards, 11 "	2,668 09
12,998 " " chair plank, 25 "	324 95
59,351 " hemlock timber and " 9 "	534 15
50,288 " 1st qual. pine bd's and pl'k, 30 "	1,508 63
60,464 " 2d " " " 20 "	1,209 28
59,097 " 3d " " " 15 "	886 45
305,356 " 4th " " " 10 "	3,053 53
367,136 " box boards, 10 "	3,871 36
13,278 cubic feet oak timber, 22 cts. per ft.	2,921 16

Total value, \$24,573 11

Amount of fees received,.. \$612.40.

ASA FASSETT, *Inspector.*

Albany, January 13th, 1835.

[Assem. No. 44.]

IN ASSEMBLY,

January 17, 1835.

REPORT

Of the committee on the petitions of aliens, on the petition of Ann Hoop and others.

Mr. Patterson, from the committee on the petitions of aliens, to which was referred the petition of Ann Hoop, James Hoop and William Hoop, of Pamela in the county of Jefferson,

REPORTED:

That the petitioners represent that the said Ann Hoop is the widow of John Hoop, deceased, and that James Hoop and William Hoop are the children of the said John Hoop.

That the petitioners further represent that the said John Hoop was a native of Ireland, and emigrated from there to the county of Jefferson in this State; and that on the 29th day of November, 1821, the said John Hoop filed a notice of his intention to apply for a certificate of naturalization, for himself and your petitioners among others, in the office of the clerk of the county of Jefferson, a certified copy of which is annexed to the petition; and that the said John Hoop died in the month of March, 1829, without having obtained a certificate of naturalization for himself and family.

The petitioners further represent that the said John Hoop died seized, by deed, of about seventy-five acres of land, in the said town of Pamela; and was also in possession of about sixty-seven acres of land, which was under a contract of purchase; and that the purchase money has all been paid, before and since the death

of the said John Hoop, except on about twenty-five acres, which is not yet due.

The petitioners further represent that the said John Hoop, previous to his death, published his last will and testament, whereby he devised all his real estate to the said Ann Hoop during her life, and to the said James Hoop and William Hoop after the death of the said Ann Hoop, in fee; and that it is, and always has been the intention of the petitioners to become citizens of the United States.

The petition is verified by the oath of two of the petitioners, before Peleg Burchard, clerk of the said county of Jefferson, and accompanied by a certificate of the said Burchard, that he believes the statements contained in the petition to be true.

Your committee are therefore unanimously of the opinion, that the prayer of the petitioners ought to be granted, and have directed their chairman to ask leave to introduce a bill.

STATE OF NEW-YORK.

No. 46.

IN ASSEMBLY,

January 14, 1835.

ANNUAL REPORT

Of R. C. Theall, an Inspector of Oil in the city of
New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

Returns of liver oil, commonly called cod oil, gauged and in-
spected for the year 1834, commencing the 1st of January, 1834,
and ending the 1st day of January, 1835, as follows, viz:

Number of barrels or casks, 2,247, containing 65,249 gallons;
sediment, 1,552½ gallons. Value in market, \$10.75 per barrel,
\$24,155.25.

Amount of my fees for inspecting 2,247 bbls. at 20 cts.,	\$449 40
Deduct expenses,	44 95
	<hr/>
	\$404 45
	<hr/>

The above is respectfully submitted by your ob't. servant,

R. C. THEAL, *Inspector.*

New-York, January 9, 1835.

No. 47.

IN ASSEMBLY,

January 17, 1835.

REPORT

Of the committee on the judiciary, on the petition of Samuel W. Spencer, surrogate of the county of Livingston.

Mr. Livingston, from the committee on the judiciary, to which was referred the petition of Samuel W. Spencer, surrogate of the county of Livingston,

REPORTED:

That the petition sets forth that Pliny Watson late of the town of York, in said county, died intestate, on the *sixth day of July 1832*. That at the time of his decease he was in possession of a certain lot of land in said county, containing about twenty-three acres of land; and that he held a contract for said lot from Enoch Weller, for which, at the time of his said decease, he had fully paid the purchase money, and was entitled, according to law, to a *grant in fee* for the said lot: that on the *16th day of July, 1832*, the said surrogate granted letters of administration to George W. Patterson of said county, upon the estate of the said Pliny Watson: that the said Patterson, on the ninth day of August, 1832, procured a grant in fee of the said lot of land from said Weller to Sylvester Watson, Levina Watson and Edwin Watson, children and heirs at law of said Pliny Watson, deceased, preserving in said grant to the said Rhoda Watson, the widow of the said Pliny Watson, deceased, her right of dower in said lot.

That the said children of the said Pliny were then, and now are minors: that said deed was duly acknowledged and recorded: that the said Patterson on the eighth day of October, 1833, as such administrator as aforesaid, did report to the petitioner that he had exhausted the personal property of the said Pliny in the payment of the debts of said estate, and that there were several debts still remaining due and unpaid from said estate, amounting in the aggregate to the sum of one thousand and twenty-four dollars and twenty-nine cents: that said report was verified by the oath of said Patterson: that with said report a petition was presented to said surrogate, for permission to lease, mortgage or sell the said lot of land, or so much thereof as might be necessary to pay the residue of the debts of the said intestate: that the said surrogate granted the prayer of the said petition, and made an order requiring all persons interested in the estate of said Pliny to show cause why authority should not be given to said Patterson, such administrator as aforesaid, to mortgage, lease or sell so much of said lot as might be necessary to liquidate the debts of the said Pliny: that the said surrogate caused a notice of said order to be published, in accordance with the provisions of the Revised Statutes. That on the said fourteenth day of November, 1833, no cause being shown to the contrary, the said surrogate made a further order authorising the said Patterson to sell the said lot of land for the payment of the debts of the said intestate: that the said Patterson, as such administrator, did sell the said lot on the twentieth day of December, 1834, at public auction, to Peter Fish and Ebenezer A. Crissey, for the sum of one thousand five hundred and fifty dollars. That said sum was a fair compensation for said lot: that since said sale the petitioner has become satisfied that he, as such surrogate as aforesaid, had not competent power and authority to order said sale: that said Rhoda Watson is the guardian duly appointed of the said Sylvester Watson, Levina Watson and Edwin Watson.

The petitioner, for the reasons above assigned, prays that a law may be passed by the Legislature confirming in all things his proceedings in the premises, and the making valid the purchase made by the said Fish and Crissey; and if said request should be denied, that then the said Patterson might be empowered to sell so much of the said lot as will be sufficient to pay the debts of the said intestate, and further authorizing the said Patterson, as such administrator as aforesaid, to make and execute a good and sufficient

grant of said lot of land to the purchasers thereof. To which said petition is appended the following certificate: "I admit that I have been shown the above memorial of Samuel W. Spencer, Esq. surrogate of the county of Livingston, and unite with him in asking the passage of a law authorizing George W. Patterson to sell so much of the real estate above mentioned as may be necessary to pay the debts of the deceased.

RHODA WATSON,

*"Guardian of the said Sylvester Watson,
Levina Watson and Edwin Watson."*

Your committee have endeavored fully to understand the premises stated in the petition referred to them, and have heard the suggestions which could be urged in favor of granting the application.

But after mature deliberation, your committee have come to a conclusion adverse to the prayer of the petition, and for so doing they refer to the foregoing and following statement, and the reasons which shall hereafter be stated.

First, The said Pliny Watson died intestate, on the sixth day of July, 1833, and at the time of his death was possessed of, by virtue of said contract, and had paid for said lot of land.

Second, On the ninth day of August, 1832, Patterson, the administrator of said intestate, procured a grant in fee of the said lot of land from the contractor to the heirs at law and widow of the intestate.

The question presented is, had the said surrogate power to authorize the said lot of land to be sold for the payment of the debts of the deceased?

The Revised Statutes, page 111, and from section 66 to section 75, relative to the power of surrogates to order sales of the property of an intestate, have some application to the matter submitted. It seems however, to your committee, that the supposed difficulty may be solved, by proper comments upon the 66th section above mentioned, and which is now quoted: "If the deceased, at the time of his death, was possessed of a contract for the purchase of land, his interest in such land and under such contract, may be sold on the application of his executor or administrator, or of any creditor, in the same cases and in the same manner, as if he had died seised of such land; and the same proceed-

ings may be had for that purpose, as are prescribed in this title in respect to lands of which he died seized, except as hereinafter provided."

It is the opinion of your committee, without again going into a detailed statement of the facts, or enlarging thereon by way of argument, that the 66th section of the statute above quoted must govern the question presented, as the power granted by said section to surrogates would be ineffectual if it did not commence its operation upon the estate of the said Pliny Watson at the time of his decease. It seems to your committee, that the surrogate would most undoubtedly have possessed the power to have ordered the sale of the said lot of land, if the said Weller had not, after the death of the said Watson, made the said grant of said lot to the widow and heirs at law of the said Pliny Watson. Could the power conferred on the surrogate by the said 66th section be divested, by the said grant of the said Weller, to the widow and heirs at law of the said Watson? Our answer is, that it could not; because, at the time of the death of the said Watson, the power of the surrogate to sell the said lot, as between the creditors on the one hand and the widow and heirs at law on the other, was vested in the surrogate, by virtue of the said 66th section.

The power which the petitioner admits was vested in him as surrogate, at the time of the death of Watson, for the benefit of his creditors, certainly cannot be defeated by the acts of the widow and heirs at law of the deceased. But the act done in this case, if it has any effect, is in aid of the power conferred on the surrogate by the statute, and not in derogation of it.

For the reasons stated, your committee are of opinion, that the petitioner can find a remedy for his grievances in our courts, and that, therefore, his prayer for legislative aid ought to be denied.

All which is respectfully submitted.

No. 48.

IN ASSEMBLY,

January 17, 1835.

REPORT

Of the committee on the petitions of aliens, on the petition of Antonio Alexander Boler.

Mr. Patterson, from the standing committee on the petition of aliens, to which was referred the petition of Antonio Alexander Boler, an alien,

REPORTED:

The petitioner represents that he is a native of Canton, and a subject of the Swiss cantons; that he is now a resident of this State, and if desirous of holding real estate therein.

From the statements contained in the petition, your committee are not aware that the petitioner ever intends to become a naturalized citizen of the United States, and it would, in the opinion of your committee, be departing from a well established and salutary rule of legislation, to allow an alien to take and hold real estate, within this State, where such alien does not manifest a desire or intention to become a citizen thereof.

And your committee are further of opinion, that if the said Boler intends to become a citizen of the United States, that ample provision is now made by the Revised Statutes to enable him, as a *resident alien*, to purchase, take and hold real estate, on his complying with the provisions contained in article second, chapter first, of the second part of the said Revised Statutes.

Your committee are therefore unanimously of the opinion, that the prayer of the petitioner ought not to be granted, and have directed their chairman to offer for the consideration of the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

IN ASSEMBLY,

January 17, 1835.

REPORT

Of the committee on the judiciary, on the preamble and resolution relative to an amendment of the Constitution of this State, so far as respects the duty on salt and on sales at auction.

Mr. Roosevelt, from the committee on the judiciary, to whom was referred the preamble and resolution submitted to the House in relation to an amendment of the Constitution of this State, so far as respects the duty on salt and on sales at auction,

REPORTED:

That the amendment set forth in the said resolution was proposed in the Assembly at the last session of the Legislature, and having been agreed to by a majority of the members elected to each of the two houses, was entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen. That the said amendment, as appears by the evidence in the office of the Secretary of State, was also published for three months previous to the time of choosing the present Legislature. All the constitutional requirements, therefore, having been complied with, the committee perceive no objection to the adoption of the preamble and resolution referred to them.

STATE OF NEW-YORK.

No. 50.

IN ASSEMBLY,

January 14, 1835.

ANNUAL REPORT

Of Benjamin C. Capron, an Inspector of Lumber for
the city of Albany.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

The following is a return of lumber measured and inspected by
me, as one of the inspectors of the city of Albany.

					<i>Per M.</i>
231,566	feet	white wood,	average price,	.....	\$12
82,221	"	maple,	" " "		10
718,512	"	cherry,	" " "		18
1,095,748	"	pine,	" " "		17
39,357	"	hemlock,	" " "		8
71,124	"	beach,	" " "		12
42,041	"	sycamore,	" " "		8
<hr/>					
2,280,569					

The amount of fees,.. \$712.25.

BENJAMIN C. CAPRON, *Inspector.*

No. 51.

IN ASSEMBLY,

January 17, 1835.

REPORT

Of the Commissioners of the Land-Office, on the petition of Curtis Peck.

TO THE ASSEMBLY.

The Commissioners of the Land-Office, to whom was referred the petition of Curtis Peck, praying for permission to build a suitable wharf or dock, for the landing of passengers and freight from the steam-boats, in which he is concerned, in the town of Rye, in Westchester county, have the honor to

REPORT,

That similar grants have been frequently made by the Legislature, for the purpose of promoting the commercial intercourse of the inhabitants of the State. In such cases, however, they believe that the petitioner has usually been required to show that the grant would contribute to the public convenience. On the 16th April, 1830, (see Laws of 1830, chapter 224,) an act was passed authorizing Josiah Le Count to erect a dock in the town of New-Rochelle, Westchester county; and by the report of the committee, (see Assembly Journal of 1830, page 286,) it appears that they were satisfied, from the facts stated in the petition, "and from other sources of information, on which the committee" placed "the greatest confidence, that the public would be essentially benefitted by the construction of said dock." There appears to be no such evidence accompanying the petition in this case, unless the Legis-

lature should infer, from the number of persons who have united in the prayer of the petition, that the public convenience would be promoted by the grant. The petitioner will, undoubtedly, have it in his power to furnish direct testimony on this point, if the object of the grant is such as is alleged.

The Commissioners of the Land-Office have power to make grants of land under the waters of navigable rivers and lakes; but their authority does not extend to the waters of the Sound.— In all applications to them, the following documents are required:

“ 1. Affidavit of the publication of the notice for six weeks successively, in a newspaper printed in the county where the land applied for is situate; and if no newspaper is printed in such county, then in the nearest county to such land in which a paper is published. Also an affidavit, that a copy of the said notice had been put up on the door of the court-house, as required by the act aforesaid.

“ 2. Affidavit of the applicant, that he intends forthwith to appropriate the land applied for to the purposes of commerce, by erecting thereon a dock or docks.

“ 3. Affidavit of the first judge of the county, or the supervisor and town clerk, or two of the assessors of the town in which the land applied for is situate, stating that the said land is not more than what is necessary for the purposes of commerce, and that the person or persons making such affidavit believe that it is the bona fide intention of the applicant to appropriate the said land to the purposes of commerce.

“ 4. An accurate map and survey of the land under water applied for, and also of the adjoining land owned by the applicant, to be sworn to by a competent surveyor. A correct description in writing to be given of the land under water, for which the application is made, the exact courses and distances to be given in words at full length.

“ 5. A regular deduction of title from the State, or proof by affidavit of some disinterested person or persons, of a possession of twenty years or more next preceding the time of application, with claim of ownership by the applicant himself, or by himself and those under whom he claims. All title deeds which can be procured, or authentic copies thereof, to be produced.”

Whether, in applications to the Legislature, any or all of these documents shall be dispensed with, is not a question for the determination of the Commissioners. It is due to the occasion, however, to add, that grants have been frequently made by the Legislature in cases similar to this, upon simple proof of the public utility of the proposed object.

Respectfully submitted.

JOHN A. DIX,
GREENE C. RRONSON,
A. C. FLAGG.

Albany, January 17, 1835.

STATE OF NEW-YORK.

No. 52.

IN ASSEMBLY,

January 19, 1885.

ANNUAL REPORT

Of Robert Dingee, an Inspector of Green Hides and
Skins in the city and county of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

The undersigned, inspector of green hides and calf skins in the
city of New-York, in compliance with the 12th section of the act
of 20th April, 1830, respectfully submits the following report:

That from the 1st January, 1884, to the 31st December last, in-
clusive, there were inspected by him and his deputies, of

Green Hides,.....	43,935
Calf skins,.....	32,478
Making, of hides and skins inspected, an aggregate of....	<u>76,413</u>

That the fees for the inspection of 43,935 hides, at 4½ cents each, amounts to.....	\$1,977 07½
On 32,478 calf skins, at 1½ cts. amounts to.....	<u>487 17</u>

Making the aggregate of fees received,.....	\$2,464 24½
The amount paid to two deputy inspectors, appointed and employed during the time above mentioned, is.....	<u>\$1,200 00</u>

Amount carried forward,... \$1,200 00 \$2,464 24½

Amount brought forward, ..	\$1,200 00	\$2,404 24½
The amount paid during the same time for extra labor, and other contingent ex- penses, is.....	237 60	
Making the aggregate of expenses,.....	—————	\$1,457 60

Leaving a balance of..... \$1,026 64½
As the compensation to the undersigned for the time expended,
attention bestowed, and responsibility incurred by him in the dis-
charge of his duties under the law, during the time embraced in
this report.

The average value of the hides inspected during the above pe-
riod, as nearly as the same could be ascertained, is \$4.35 each,
and of calf skins, 93 cents each.

Making the total value of hides inspected,.....	\$191,117 25
“ “ calf skins, inspected,...	30,204 54
Making total value of hides and skins,.....	————— \$221,321 79

All which is respectfully submitted.

ROBERT DINGEE, *Inspector.*

New-York, 12th January, 1835.

City and County of New-York, ss.

Robert Dingee, being duly sworn, doth depose and say,
that the facts stated and set forth in the foregoing report are true,
according to his best knowledge, judgment and belief, and further
saith not.

ROBERT DINGEE.

Sworn before me this 16th day of
January, 1835.

C. W. LAWRENCE, *Mayor.*

STATE OF NEW-YORK.

No. 53.

IN ASSEMBLY,

January 16, 1835.

ANNUAL REPORT

Of William P. Lansing, an Inspector of Lumber in
the county of Albany.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

Amount of lumber measured and inspected in the county of Al-
bany by William P. Lansing in 1834.

29,055 cubic feet oak and pine timber, from 16 to 22 cts per ft.

	<i>Per M.</i>
395,218 feet lumber, face measure,.....	\$12
8,194 " " 1st quality,.....	31
23,471 " " 2d "	22
79,941 " " 3d "	17
307,717 " " 4th "	10

Fees,.. \$296.73.

WM. P. LANSING, *Inspector.*

No. 54.

IN ASSEMBLY,

January 19, 1835.

REPORT

Of the committee on the judiciary, on a resolution referred to them relative to the compensation of members of the Legislature.

Mr. Livingston, from the committee on the judiciary, to which was referred a resolution directing them to inquire and report as to the expediency of repealing a part of a certain section of the Revised Statutes relative to the compensation of members of the Legislature,

REPORTED:

That they have given to the question submitted to them a careful examination. The section of the act which the said resolution refers to, may be found in the 1st volume of the R. S, p. 161, § 4, and is as follows: " § 4. If any member of the Senate or Assembly shall, *after his arrival at the place of meeting of either house, or on his way thereto*, be prevented, by indisposition, from attending either of the said houses, he shall be entitled to the like compensation for every day he shall be so prevented." The expediency of striking out of the section above quoted the following words, "*after his arrival at the place of meeting of either house, or on his way thereto*," is the question referred. If this amendment of the Statutes should be assented to, it appears to your committee that then a wide door would be thrown open to applications for paying such members of the Legislature as might refrain from attending to their appropriate duties, either from real or imaginary

causes of indisposition. The limitations which it is suggested by the resolution may properly be dispensed with, have, in the opinion of your committee, been found wise and wholesome in their practical effect.

We see no reason why a member who has been detained at his home by indisposition, and who, therefore, has rendered no service to the State, should be recompensed for services not performed.

If the amendment mentioned should be adopted, would it not give colour to many unjust and unfounded applications?

It seems to us that such results ought justly to be apprehended by a prudent foresight. That applications of this character will be addressed to the sympathies of fellow members, ought to be borne in mind. Many members, under such circumstances, would gladly avail themselves of the discreet and prudent shelter afforded for their votes by the Statute as it now stands. The very fact of our assenting to amend the section as proposed, would, in the opinion of your committee, sanction the idea, that we intended, by doing away with the limitations in said section, to hold it forth, as our judgment, that members ought to be paid who do not attend in their places, and who incur no expense by even attempting so to do. The very significant expression by the House last week, upon a question out of which the resolution referred to your committee very probably sprung, encourages them to believe that the committee will act correctly, if they shall advise the House not to alter the existing law upon this subject.

If the words in question should be stricken out, then every member of the Senate or Assembly, who might be prevented by *indisposition* from attending the meeting of either branch of the Legislature, would be entitled to the same pay as if he had attended. That is, if sufficient evidence of such indisposition should be produced.

What would be legal or proper evidence of such indisposition, will, if the amendment alluded to should be made, probably come before some future judiciary committee of the House.

What sort or kind of *indisposition* the member applying for pay ought to be afflicted with, to bring him within the purview and meaning of the section, if it should be amended as proposed, might

be a question about which the doctors on some future medical committee of the House might *possibly* disagree.

Your committee are anxious to avoid such questions as have been above alluded to, and which might hereafter take up much time and trouble to settle. In conclusion, we observe, that we deem the present Statute prescribes a wise and equitable rule, and ought not to be altered.

It comprehends, it seems to us, all cases in which a member elected to the Legislature ought to have *or to receive* compensation.

Your committee, upon the facts above stated, and for the reasons assigned by them, report, that in their opinion it is inexpedient to change the provisions of the existing law in relation to the compensation of members of the Senate and Assembly.

All which is respectfully submitted.

No. 56.

IN ASSEMBLY,

January 19, 1835.

ANNUAL REPORT

**Of Nathan Roberts, an Inspector of Lumber in the
city of New-York.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

Agreeable to Revised Statutes, chapter 17th, I, as an inspector of lumber, beg leave to present to your honorable body the following return of lumber inspected by me from 1st January, 1834, to 1st January, 1835, made out in cubic feet, superficial feet, inches and pieces.

Quantity and quality of lumber inspected.

qualities, viz:	Mercht.	Second.	Refuse	Prices.
White pine timber,... cubic feet,	157,881	.....	6,709	\$0 13
Yellow " " "	27,821	.....	13,313	0 22
Oak timber,..... " "	97,753	.....	4,904	0 25
Live oak timber,..... " "	4,706	.....	1,158	0 75
Locust timber,..... " "	3,162	.....	324	0 80
Cedar timber,..... " "	1,845	.....	512	0 45
Chesnut timber,..... " "	613	.....	284	0 25
White wood timber,.. " "	400	.....	28	0 14
Hemlock timber,..... " "	76	.....	.....	0 07
Oak ship plank,.. superficial feet,	310,576	165,423	18,926	37 00
White pine ship plank, " "	191,846	61,163	.....	35 00
Yellow pine " " "	21,004	20,053	3,184	35 00
White pine b'ds & pl'k, " "	28,410	.....	.....	12 00
White wood boards,.. " "	1,838	.....	.....	15 00
Oak boards and plank, " "	48,354	.....	19,162	22 00
Maple boards and joist, " "	648	.....	2,165	18 00
Spruce beams..... " "	55,881	.....	25,793	12 00
White pine beams,.... " "	18,433	.....	1,663	14 00
Oak knees,..... inches,	6,045	.....	1,165	0 60
Spruce spars,..... " "	7,936	.....	415	0 10
White pine spars,.... " "	3,248	.....	128	1 50
Ash logs,..... " "	4,560	.....	.....	0 25
Spruce spars,..... pieces,	96	.....	45	4 00

Value of the above at prices current, about \$99,000.

Fees,..... \$1,357.57.

NATHAN ROBERTS, *Inspector.*

New-York, January 1st, 1835.

STATE OF NEW-YORK.

No. 57.

IN ASSEMBLY,

January 17, 1835.

ANNUAL REPORT

Of Richard B. Fosdick, an Inspector of Flax-Seed in
the city and county of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

The inspector of flax-seed respectfully reports, that he has inspected 19,475 tierces, and 777 half-tierces of flax-seed from the 1st January, 1834, to 1st January, 1835.

The value of which is,.... \$307,884.25

Fees for inspecting 19,475 tierces, at 5 cents, is \$978 75

“ “ 777 $\frac{1}{2}$ tierces, at 3 cts. is 23 81

\$997 06

Expenses for deputy,..... 368 00

\$629 06

RICHARD B. FOSDICK, *Inspector.*

No. 58.

IN ASSEMBLY,

January 21, 1835.

COMMUNICATION.

From the Chief Justice of the Supreme Court in answer to a resolution from the Assembly.

Albany, January 20, 1835.

To the Hon. CHARLES HUMPHREY,
Speaker of the Assembly.

SIR:

I have the honor to enclose a report in answer to the resolution of the honorable the Assembly, of the 14th instant, calling for information in relation to the Supreme Court.

I have the honor to be,

With great respect,

Your ob't serv't,

JOHN SAVAGE.

REPORT, &c.

To the Honorable the Assembly of the State of New-York.

The Chief Justice of the Supreme Court, who, together with the Chancellor, by a resolution of the honorable the Assembly, of the 14th inst., was requested to inform the house of the present state of business in their respective courts, and whether there is just ground of complaint as to delays in those courts in the hearing and decision of causes; and if so, to report such a judicial system as will, in their opinion, be adequate to perform with despatch, the business which will probably have to be transacted before the said judicial tribunals,

RESPECTFULLY REPORTS:

That he can answer in relation to the Supreme Court only:

The information desired, seems to require an answer under three distinct heads:

1. The present state of the business:
2. The delay, if any, and the causes of such delay:
3. The proper remedy.

I. The Business of the Court.

The mass of causes commenced in this court, progress without delay, from their commencement, to judgment. When pleas are interposed, the causes are brought speedily to trial; a circuit for the trial of issues of fact, is twice held in each year in each county, and every cause ready for trial is usually disposed of. In a great majority of cases tried at the circuit, judgments are entered at the succeeding term, and the prevailing parties obtain the fruits of their judgments.

It is only in causes in which questions of law arise, and when one of the parties is dissatisfied with the decision of the circuit judge, that any delay becomes necessary.

In such cases, the questions arising at the circuit, are brought before the Supreme Court, by a case or bill of exceptions, for their decision. It is the proper business of the Judges of the Supreme Court to hear and decide these cases, as well as all writs of error and of certiorari, to inferior courts, in both civil and criminal cases, and questions arising upon demurrer.

To give to the Assembly an adequate idea of the business of the court, it is proper to state, that these causes, when noticed for argument, are entered by the clerk upon a calendar, according to priority; and in that order generally they are argued. The only exceptions, are causes in which the people are a party, and such as have preference by statute. The causes thus entered upon the calendar, constitute what is called the enumerated business of the court.

The non-enumerated business of the court consists of the special motions which arise in the progress of causes, and also of motions for the writs of mandamus, prohibition, and certiorari, and some other special applications authorized by statutes.

These motions are much more numerous than the enumerated motions; are entitled to preference; and with but few exceptions are heard and decided in vacation.

The number of causes upon the calendar at the present term, is 331, including some issues of 1832, and coming down to a very recent date.

For several years past, the average number of causes has been about 300. About one-third of this number has usually been disposed of at each term, either by argument, submission or default.

The number of judgments entered in the clerk's office in this city during the last year, is 3,126; and taking this number as an average of the other three offices, the whole number will be 12,504. Of this number, about 400 have passed under the immediate supervision of this court, and have been decided upon argument, either in open court or in writing.

The number of special motions, all of which have been heard and decided in open court, and some discussed at great length, is 1,316. The 331 causes now on the calendar, and upon which the court is now engaged, is composed of the following classes, to wit:

Writs of error from inferior courts,.....	119
Motions for new trials on cases made in causes tried at the circuits,	80
The like on bills of exceptions,.....	27
Cases upon demurrer,	55
Motions to set aside reports of referees,	36
The like to set aside inquests,	2
Cases on certiorari,	6
Motions in arrest of judgment,.....	2
Case on special verdict,	1
Mandamus,.....	1
	<hr/>
	331
	<hr/>

Having thus stated to the Assembly the present state of the business, the undersigned proceeds to state,

II. *The delay in hearing and deciding Causes, and the causes of such delay.*

That there is, and must be some delay in the decision of causes placed upon the calendar, is well known. Many of them present questions of importance and difficulty; they are elaborately argued by counsel, and must be carefully examined by the court, and an opinion written, containing the reasons of the court for the decision which they make. It has been found impracticable for the judges to hear, examine and decide these causes as fast as they are put upon the calendar, coming from 55 circuits, held twice in a year, 56 courts of common pleas, including the superior court of the city New-York, besides demurrers, and some other miscellaneous business, and hence the delay.

It will be recollected that under the old Constitution, the terms and circuits were held by the same judges. At the organization of our government, the number of judges of the Supreme Court was the same as at present, three. There were four terms of this court of two weeks each. In 1785, the October and April terms were extended to three weeks each; and the reason then assigned for extending them, was, that the terms of two weeks were "attended with great delay of justice."—Session 8, chap. 61. When this extension of the terms took place, the population of the State did not exceed 300,000. The business of the court increased with the increasing population and commercial transactions of the State.

In 1792, it became necessary to add one judge, and in 1794, another, making the number five. At that time the population did not exceed 500,000. Five judges remained upon the bench until the adoption of the new Constitution. During this period, it was found that the same causes which produced the necessity for more judges, and longer terms, continued to operate. The State continued to increase in population, which, at the adoption of the new Constitution, exceeded 1,300,000. Business of all kinds became more and more extended; contracts were multiplied, and litigation succeeded. The Legislature, previous to that period, did not think proper to increase the number of judges; and those in office found themselves unable to perform the business with despatch. For several years previous to 1823, the court, composed of men of distinguished talent and industry, could not dispose of the causes upon their calendar; nor were they able to try all the issues at the circuits. An accumulation of causes upon the calendar of the Supreme Court, and of the circuits in those counties where the most business arose, was the necessary consequence.

Such was the state of business when the adoption of the new Constitution introduced a new judicial system. The labors of the term and the circuit were now divided; as under the old Constitution, the principal difficulty was supposed to arise from delay in the trial of issues at the circuits, the new system provided for that evil a sufficient remedy. Eight judges were commissioned to hold the circuits, while only three were assigned to the higher and more responsible duty, not only of deciding all questions of law arising at the circuit and upon demurrer, but of supervising all inferior jurisdictions within the State, and the more delicate duty of sitting in judgment upon the constitutionality of the acts of the Legislature itself.

At first blush, this system seems to be not properly balanced; and so it has proved in practice.—While the circuit judges have not business to occupy half their time as circuit judges, the judges of the Supreme Court are expected to perform nearly or quite double the business which ought to be required of them.

When the new bench commenced their labors in May, 1823, they found a heavy calendar of old causes. The last calendar of the court under the old Constitution in January, 1823, contained 388 causes. The calendars at New-York and Utica in May and

August following, were large, and in October at Albany, the number was 463. As yet, but part of the causes from the circuits held under the new Constitution, had reached the calendar. The number of old causes could not be ascertained with perfect accuracy, but there were probably from four to five hundred. At the January term, 1824, a flood of cases coming from the recent circuits, the accumulation of previous years, poured in upon the court, and nearly overwhelmed it. The number was 643.

With the number of trials at the circuits, the number of special motions increased, and a large proportion of each term was necessarily consumed in hearing and deciding them. Up to this time, the calendar exhibited a greater number of causes, than there were in point of fact; nearly half of them were noticed on both sides, and entered separately upon both notices.

In 1825, the judges, by great exertion, and doubling their hours of sitting in court, (an experiment which will not bear repeating,) were enabled to go through their calendar for three or four terms in succession. The labor was too severe and could not be continued.

In April, 1825, the honorable the Senate, in consequence of memorials presented to them, by resolution called upon the Chancellor, Judges of the Supreme Court, and the circuit Judges, to report to the Senate at their next annual session, what alterations, if any in their opinion were necessary, in the Constitution and laws of this State, to improve the judiciary system. On the 16th Jan., 1826, a report was presented to the Senate in answer to that resolution. To that report the undersigned begs leave to refer; it is found in the Journals of the Senate of that year, at page 66. It was then distinctly stated, that it was to be apprehended from the disproportionate organization of the court, that causes in the Supreme Court would continue to accumulate; and that such a result might be considered certain, by recurring to the increasing population of the State.

In that report several measures were recommended as calculated to afford at least temporary relief, and such as were within the power of the Legislature, without an alteration of the Constitution; but nothing was done. Some of the measures then recommended have since been adopted, and with decided success; but the principal expedient has never been adopted. It was to compel suitors to litigate causes, when the matter in dispute was be-

low \$100, in the courts of common pleas. The efficiency of such a measure has been fully tested by the organization of the superior court in the city of New-York. But for the ability and industry of that court and the court of common pleas of that city, no doubt is entertained that the calendar of the supreme court would have been much larger than it now is.

The present judiciary system has been in operation nearly twelve years. Within that period several circumstances have occurred calculated to enhance the business of the court beyond its ordinary amount.

1. The adoption of a new Constitution has been the occasion of calling forth the labors of the bar and the court, in giving a construction to some of its provisions.

2. The adoption of a new code of laws, "The Revised Statutes." The Legislature, in the revision of 1830, departed from their former practice. Instead of merely revising the statutes, they made an entire new code; altered the phraseology of old statutes, which had received a judicial construction; and introduced a vast number of entirely new provisions, varying in principle from the old laws. Some of them have already received a judicial construction, but much remains for the future labors of the court.

3. Within the period referred to, about one million of souls has been added to the population of the State, which cannot now be less than 2,300,000; a consequent increase of business transactions has further increased the amount of litigation.

The judges of the supreme court have, with patience and perseverance, pursued their labors, in the hope that the Legislature would ultimately afford the necessary relief.

Of the value of those labors it does not become the undersigned to speak. They are principally, but not wholly, before the public in twenty volumes of reports, containing the principal cases decided during eleven years.

The judges hold, annually, four terms of four weeks each, though they abridge these terms whenever they have sufficient business on hand to occupy them during the ensuing vacation. They singly and alternately hold sixteen special terms, which consume usually one week each in hearing and deciding special motions;

and they serve from six to eight weeks in the court for the correction of errors. The residue of their time is spent in examining cases and writing opinions. They insist, therefore, that the delay which does exist is not properly imputable to their want of industry.

That some delay exists is notorious. At present the period between the trial of causes in which there is delay and their final decision, is about two years, as will be seen by the reported cases. That delay exists, however, in a very small proportion of the causes tried at the circuit, as will be seen by comparing the number of judgments with the number of cases on the present calendar, which have come from the circuits. That is not, it is admitted, an entirely accurate test, because many judgments are entered by default; but still this comparison will shew in what proportion of causes brought in the court delay exists at all. While the whole number of judgments entered in a year amounts to 12,504, as above estimated, the whole number delayed, as shown upon the present calendar, including cases, bills of exceptions and demurrers, and all other motions in causes originating in this court, does not exceed 204.

This calendar does not show all the causes delayed; but it is believed to contain a large proportion of them; and more than one-third of the causes on the calendar originate in other courts. No cause can be delayed, unless an order is obtained for that purpose. If there is no just cause for granting the order, the party delayed may move at a special term to vacate such order, and thus remove the cause of delay, if it is frivolous. So also when a demurrer is interposed for delay, it may be moved as frivolous, and if found so, judgment final is given immediately. Very few causes, therefore, can be delayed, unless there is a serious question arising, which requires discussion and examination.

With respect to the delay between the argument and decision of causes, it is to be remarked, that it has been the intention of the court to decide the causes at the term ensuing the argument; and as to a majority of the cases, such is the fact; but as to some of the cases, a decision has been delayed by reason of several causes. Two of the vacations are about half consumed by attendance upon the Court for the Correction of Errors; and some decisions have been delayed by a re-examination, rendered necessary by a difference

of opinion between the judges, The great cause of delay undoubtedly is, that more labor is required from the judges, than any three men can perform.

Having thus stated to the Assembly, as accurately as possible, the business of the court; the delays which occur, and the causes of such delay, the undersigned proceeds to lay before the Assembly some suggestions as to

III. *The proper remedy?*

The undersigned is of opinion, that no permanent relief can be afforded without an amendment to the Constitution. A greater number of judges to sit at bar would enable the court to decide with more despatch. The same time would be consumed in the arguments at bar, whether the cause be heard by three or five judges; but as a great part of the labor of the judges consists in examining the numerous authorities cited by counsel, and writing out the reasons for their decisions, it is manifest that when there is no difference of opinion among the members of the court, the labor of writing may be divided; and then the greater the number the less will be the labor of each. There should be at least five judges to sit at bar. The eight circuit judges, if discharged from their present equity duties, in addition to holding the circuits, might be formed into two courts of four judges each, to hold two terms in each year, and sit in review upon the decisions of each other, reserving to parties the right of appeal to the supreme court on giving security or obtaining an order to stay proceedings. Should this project meet the favorable consideration of the Legislature, the only alteration necessary in the Constitution would be the authority to appoint two additional judges of the supreme court; and, to remove any doubts as to the power of the Legislature to organize the circuit judges into such courts, a declaration of such power may be made in an amendment to the Constitution.

Another project has been suggested by several members of the bar, and is submitted to the consideration of the Legislature. Abolish the court as at present organized, and appoint nine judges who shall be all justices of the supreme court. The chief justice to remain always at bar; the other eight to perform bar and circuit duties alternately; four being always on the bench with the chief justice. There are at present fifty-five counties in which circuits are held. It is believed that four judges are sufficient to

hold them, if, in the mean time, relieved from all other duties. If, however, that number should be found too small, more should be appointed; and the Constitution should leave the number in the discretion of the Legislature, to be increased if necessary. Five should hold the terms, and compose part of the court for the correction of errors.

Should the Legislature, however, think it inexpedient to propose an amendment to the Constitution, the undersigned can suggest no measure so likely to relieve the court as to prohibit the recovery of costs by plaintiffs in all suits in the supreme court (in which the title to land does not come in question, and those in which the people are not a party,) wherein the recovery shall not exceed \$250; and also prohibit costs to plaintiffs upon the reversal of judgments from the county courts. Give the plaintiffs in such cases their disbursements, but nothing more. This would induce plaintiffs to prosecute such causes in the courts of common pleas, and discourage writs of error, which it is believed are sometimes brought for costs. Those courts, in many of the counties, have among their members counsellors of high standing; several of whom are competent to sit on any bench. Should these courts err, their errors may be corrected in the higher courts; but upon principle, no reason is perceived why one party should pay the costs arising from the error of the court more than the other. It has not always been the policy of our law to give costs upon reversal; and it is believed that in England, at the present day, plaintiffs in error do not recover costs. So, too, if costs were limited upon special motions, the number would be diminished and the papers would be less voluminous.

Many causes originate in justices' courts; they may be carried by appeal or certiorari, according to circumstances, before the courts of common pleas, and from thence by writ of error to this court. It is believed that one-fourth of the cases upon the calendar of the supreme court are cases of this description. In such cases the costs must far exceed the amount in controversy. It is certainly competent, perhaps it would be wise, to discourage appeals, certioraris and writs of error, in those cases, by giving to the plaintiff in error, when successful, disbursements only.

Temporary relief may be partially obtained by legislation only. This is suggested, but it is not recommended. It is believed to be the part of wisdom to propose, at once, an amendment to the Con-

stitution, embracing one or the other of the projects above stated, or a better one to be devised by the wisdom of the Legislature. The population and business of the State are rapidly increasing, and will continue to increase for many years to come; provision should be made in season to meet our future as well as present wants.

All which is respectfully submitted,

JOHN SAVAGE.

January 20, 1885.

IN ASSEMBLY,

January 22, 1835.

RESOLUTION AND RECITAL

Presented by Mr. Roosevelt on the 7th instant, and referred to the committee on the judiciary; and reported by the committee on the judiciary on the 17th instant, and committed to a committee of the whole.

Whereas the Legislature at its last session, (a majority of all the members elected to each of the two houses agreeing thereto,) did resolve, that the following amendment to the Constitution of this State, be proposed and referred to the Legislature then next to be chosen: And whereas the said proposed amendment has been published for three months previous to the time of making such choice:

Resolved, That this Assembly, (two-thirds of all the members elected voting in the affirmative,) do agree to the said proposed amendment in the words following, to wit:

“ Whenever a sufficient amount of money shall be collected and safely invested for the reimbursement of such part as may then be unpaid of the money borrowed for the construction of the Erie and Champlain canals, the tenth section of the seventh article of the Constitution of this State, so far as it relates to the amount of duties on the manufacture of salt, and the amount of duties on goods sold at auction, shall cease and determine; and thereafter the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars otherwise appropriated by the act of the 15th of April, 1817, and the duties on the manufacture of salt, shall be restored to the General Fund.

No. 60.

IN ASSEMBLY,

January 22, 1835.

RESOLUTION

Introduced by Mr. M. H. Sibley on the 22d instant,
and ordered to be laid upon the table.

Resolved, That his Excellency the Governor be requested to communicate to this House any information he may possess, in relation to the practices "of some of our banks" "of buying or selling drafts for the purpose of taking usury with impunity, or as a pretext for extortion," as stated in his message at the opening of the present session; and specifying, as far as he may be able, the particular banks against which "the public have just grounds of complaint;" to the end that such institutions as are not culpable may be exonerated from the suspicion thus thrown upon the whole; and that this House may be enabled the better and more promptly to discharge its duty, by complying with the recommendation of his Excellency to correct the practices so justly censured by him, and "all other practices inconsistent with fair dealings on the part of these institutions towards the public."

No. 61.

IN ASSEMBLY,

January 22, 1835.

REPORT

Of a majority of the committee on the judiciary, on the expediency of changing the time of the annual meeting of the Legislature.

Mr. Roosevelt, from a majority of the committee on the judiciary, to whom it was referred to inquire into the expediency of changing the time of the annual meeting of the Legislature to the first Tuesday of December, in each year,

REPORTED:

By the fourteenth section of the first Article of the present Constitution of the State it is provided that the political year shall begin on the first day of January; and that the Legislature shall, every year, assemble on the first *Tuesday* of January, unless a different day shall be appointed by law. The year, therefore, for which the members of Assembly are chosen, commencing on the first day of January, as fixed by the Constitution, can not terminate before the last day of December following. And as two sets of legislators, although elected, can not be in office at one and the same time, it necessarily follows that the Legislature chosen for any particular year, although it may by law be convened at a later, can not by law be convened at an earlier period than the first day of January of the year next ensuing that in which it was chosen. To accomplish, therefore, the object contemplated by the resolution, an amendment of the Constitution will become necessary. Such an amendment the committee have accordingly prepared and herewith submit to the House.

Resolved, That the following amendment to the Constitution of this State be proposed and referred to the Legislature next to be chosen: and that the Secretary of State cause the same to be published in one newspaper printed in each of the Senate districts of this State, for three months previous to the next annual election, in pursuance of the provisions of the first section of the eighth Article of the said Constitution; a majority of all the members elected to the Assembly voting in favor thereof.

“The political year shall commence on the first day of December, on which day the Senators and members next previously chosen, shall be entitled to the exercise of their respective offices, in virtue of such election. The Legislature shall every year assemble on the first Tuesday of December, unless a different time, after the first day of said month, shall be appointed by law.”

STATE OF NEW-YORK.

No. 62.

IN ASSEMBLY,

January 22, 1835.

REPORT

Of the committee on the judiciary, relative to amending the thirty-eighth rule of the House of Assembly.

Mr. Dayan, from the committee on the judiciary, to which was referred the resolution of the House, instructing them to inquire into the expediency of so amending the thirty-eighth rule of this House as to prohibit all amendments to the report of the committee which were not offered in the committee of the whole House,

REPORTED:

That they have had the said resolution under consideration, and have directed their chairman to report the following resolution:

Resolved, That the thirty-eighth rule of this House be amended, by adding to the end of the said rule the following words:

“And such amendments only shall be in order as were offered in committee of the whole House.”

IN ASSEMBLY,

January 21, 1835.

REPORT

Of the committee on colleges, academies and common schools, on the petition of John Preston, and others.

Mr. Burke, from the committee on colleges, academies and common schools, to which was referred the petition of John Preston, and others, relative to an improved manner of teaching schools,

REPORTED:

That they have given the subject referred to them, all the attention which its importance, and the high character of the petitioners, would seem to require. The petition, after proposing many useful suggestions in reference to the instruction and government of our common schools, concludes with a prayer, "that a supervisory power may be placed in the Superintendent of Common Schools, whereby he may make, amend, order and enforce rules and regulations for the advancement and improvement of common school education."

By reference to the existing laws in regard to the powers and duties of the Superintendent of Common Schools, it will be perceived that similar powers to those sought to be granted, are already conferred upon that officer. By the first section of the act concerning the powers and duties of the Superintendent of Common Schools, he is required in his annual report to the Legislature, to prepare and submit plans for the improvement and management of the Common School Fund, and for *the better organization of*

common schools. By the 9th section of the same act, the Superintendent is required, among other things, "to transmit such instructions as he shall deem necessary and proper for the better organization *and government* of common schools, to the officers required to execute the provisions of the said act."

Your committee do not perceive the necessity of enlarging the powers thus conferred, and believing that our present common school system reflects the highest credit upon the wisdom of our predecessors, as does its superintendence upon the officer at the head of that system, your committee respectfully ask leave to introduce the following resolution:

Resolved, That the petitioners have leave to withdraw their petition, and that your committee be discharged from the further consideration of the same.

No. 64.

IN ASSEMBLY,

January 22, 1835.

REPORT

**Of the committee on the judiciary on the petition of
Charles Waggoner.**

Mr. Krum, from the committee on the judiciary, to which was referred the petition of Charles Waggoner, of the town of Palatine, in the county of Montgomery, praying for an act authorizing him to take the oath and hold the office of justice of the peace,

REPORTED:

That your petitioner represents, that at the last town meeting, in March, held in the town of Palatine, in the county of Montgomery, your petitioner was duly elected a justice of the peace; that through misapprehension of the law, he did not qualify within the time limited by the statute.

Your committee, on a careful examination of the matter, are of opinion, that your petitioner having violated so important a trust conferred on him by his constituents, in not taking the oath of office pursuant to statute, no act of the Legislature ought to be granted, vesting him with the office of justice of the peace, and that the prayer of your petitioner ought not to be granted.

STATE OF NEW-YORK.

No. 65.

IN ASSEMBLY,

January 23, 1835.

REPORT

Of the select committee on so much of the Governor's message as relates to the enumeration of the inhabitants of this State.

Mr. Adams, from the select committee to which was referred so much of the Governor's message as relates to the enumeration of the inhabitants of this State,

REPORTED:

That your committee have bestowed all proper attention, not only upon the subject embraced in the said reference, but also upon the resolution of the House of the 15th instant, requiring them to inquire into the expediency of providing for ascertaining the amount expended for the relief of paupers in each of the counties. And also the amount paid by tax in each of the counties for defraying the charges of courts of special sessions.

Your committee, in examining the subject embraced in the said resolution, have satisfied themselves that the inquiry proposed by the said resolution, which relates to the amount expended for the relief of paupers, is, by the existing regulations fully provided for: that a report of all such expenses is annually made by the superintendents of the poor to the Secretary of State; and that they are informed that the said Secretary is now preparing, and will

soon lay before the Legislature, a report which will embrace a statement of all such expenses.

On the subject of that branch of the said resolution relating to the expediency of ascertaining the amount paid by tax for defraying the charges of courts of special sessions, your committee, in reasoning upon the subject, and calculating upon the profits and loss, have come to the conclusion that the information to be derived through the agency of the several marshals to be appointed and charged with the duties of enumerating the inhabitants, must be entirely imperfect and unsatisfactory, arising from the great confusion, as your committee believe, in which this whole matter must be involved: that the duties of such courts, with other official duties in furthering the public peace and good order, are performed by a numerous class of public officers, whose accounts are supposed to be kept with no great degree of accuracy; and when they have been audited, which ordinarily is done at each annual meeting of the board of supervisors, they will be the less prepared to give any satisfactory information of their respective charges for services in courts of special sessions.

Your committee are, therefore, of opinion that to change the form of the blank returns prescribed in title sixth, chapter third, part first of the Revised Statutes, and impose upon the respective marshals such additional duties, is inexpedient, believing, as your committee does, that the information to be derived by such alteration must, at best, be very imperfect and unsatisfactory.

Your committee find, on examining the subject referred to in the Governor's message, that provision is made by the Revised Statutes, in the title above referred to, for the enumeration of the inhabitants of this State: that such enumeration is to be taken during the present year; and the form of the blanks is provided in the said title, copies of which the Secretary of State is required by said title to furnish to each town and ward in this State; which said blank, so provided by law, your committee believe to be sufficiently extensive for all useful purposes, with this exception; the unfortunate blind inhabitants have no place in the blank, while the equally unfortunate deaf and dumb, idiots and lunatics, have a place provided for their enumeration.

Your committee are, therefore, of the opinion that the Secretary of State should be required by law so to extend the blanks,

to be by him furnished as aforesaid, as to cause the blind inhabitants of this State to be enumerated; which may be accomplished by a very slight extension of the blank now provided by law: and for the accomplishment of which desirable object your committee have instructed their chairman to ask leave to introduce a bill.

IN ASSEMBLY,
January 23, 1835.

REPORT

Of the committee on claims, on the petition of Joseph A. Norton for relief,

Mr. Burhans, from the committee on claims, to which was referred the petition of Joseph A. Norton, praying compensation for his services and disbursements in pursuing and apprehending cer-fugitives from justice.

REPORTED:

That upon referring to the Journals and Documents of this House, of the year 1833, it appears that the petitioner applied to the Legislature of that year for compensation and relief.

That his petition was referred to the committee on claims, who made a full report on the same, detailing the facts, and introduced a bill for his relief; but no further action was had thereon.

For the report above referred to, see Assembly Documents of 1833, No. 126.

It also appears, from the Journals of 1834, that the petitioner renewed his said application to the Legislature of that year. The committee on claims, to whom his petition was referred, reported by bill for his relief, which bill was committed to a committee of the whole House, and no further action had thereon.

Your committee are satisfied, from the facts set forth in the affidavits accompanying the petition, and the report herein before referred to, that the claim is just and equitable, and recommend the passage of a bill which they have prepared and ask leave to introduce.

STATE OF NEW-YORK.

No. 67.

IN ASSEMBLY,

January 21, 1835.

REPORT

Of the Commissioners of the Land-Office, under the
act concerning escheats.

ALBANY, January 19, 1835.

The Commissioners of the Land-Office, in pursuance of the 31st section of the act entitled "An act concerning escheats," passed April 29, 1833, submit herewith a statement of all the releases granted under that act and the act amending the same, the names of the persons to whom they were granted, the quantity and value of the lands released, and the moneys paid into the treasury, or secured to the people of this State, on account of such releases.

Respectfully submitted.

GREENE C. BRONSON, *Att'y-Gen.*
JOHN A. DIX, *Sec'ry of State.*
A. C. FLAGG, *Comptroller.*

STAT

ed April e persons to whom
 noneys p ses.

	Money paid into the treasury.	Secured by bond and mortgage.
		\$625 00
Merendike	10 00	
Binghamton	21 67	
n, in the vi	10 00	
Main-street	30 00	
township	60 00	
township	9 25	
n, town of	.....
property,	7 50	
Main-street	25 00	
and 100 ac	.....
the county	7 50	
2 and 33, c	40 00	
, Orange c	10 00	
Orange co	12 50	
n, county c	10 21	
Chester, c		
	\$253 63	\$625 00

STATE OF NEW-YORK.

No. 68.

IN ASSEMBLY,

January 21, 1835.

ANNUAL REPORT

**Of William Dumont, an Inspector of Pot and Pearl
Ashes in the city and county of New-York.**

To the Honorable the Legislature of the State of New-York.

Report of pot and pearl ashes inspected in the city and county of New-York, from the 24th day of March, 1834, (the day of taking possession of office,) to the 31st day of December, in the same year: the average price of which, and the probable value thereof, as near as I have been able to ascertain the same, is set opposite the respective qualities and quantities hereinafter mentioned and expressed.

[Assem. No. 68.]

1

ANNUAL

New-York
 able to ascertain after mentioned
 expressed

Average.....	\$438,683 63
.....	40,661 04
.....	4,537 54
.....	1,199 44
.....	2,470 55
.....	136,861 59
.....	18,127 23
.....	423 46
.....	83 66
	<hr/>
	\$643,048 15

vice.

.....

ONT,
 d county of New-York.

STATE OF NEW-YORK.

No. 69.

IN ASSEMBLY,

January 22, 1835.

ANNUAL REPORT

Of John I. Morris, an Inspector of Lumber in the city of New-York.

The Hon. CHARLES HUMPHREY,
Speaker of the House of Assembly.

SIR—

In pursuance of the several acts of the Legislature of this State, I have the honor of transmitting to you, for the use of the Legislature, a report, shewing the quantity, quality and value of lumber inspected and measured by me, as one of the inspectors of lumber in and for the city and county of New-York, for the year 1834, together with the amount of fees and emoluments derived from the same.

Yours respectfully,
JOHN I. MORRIS.

New-York, January 9th, 1835.

Schedule, shewing the quantity, quality and value of lumber inspected by John I. Morris, one of the inspectors of lumber in and for the city and county of New-York, from the 1st of January, to the 31st of December, 1834, together with his fees for inspecting the same.

<i>Quantity.</i>	<i>Quality.</i>	<i>Value.</i>
1,004,560	feet clear boards and plank,.....	\$25 per M.
1,253,977	“ box boards,.....	11 “

2,258,537 carried forward.

[Assem. No. 69.]

2,258,537 brought forward.

84,230	feet pine timber,.....	\$14 per M.
21,383	“ homlock timber,.....	10 “
20,605	“ ash plank,.....	15 “
18,039	“ Georgia pine,.....	15 “
79,592	“ hemlock boards,.....	10 “
31,224	“ maple joist,.....	18 “
81,340	“ white wood boards,.....	15 “
8,390	“ cherry boards,.....	15 “
6,404	“ black walnut,.....	40 “

2,609,744

The amount of fees for inspecting the same, ... \$777.94.

JOHN I. MORRIS, *Inspector.*

STATE OF NEW-YORK.

No. 70.

IN ASSEMBLY,

January 19, 1835.

ANNUAL REPORT

Of Peter Conrey, an Inspector of Lumber for the city and county of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

Returns of lumber inspected and measured by Peter Conrey from the 1st of January, 1834, to the 1st of January, 1835.

	<i>Fees.</i>
1,000,891 feet Mahogany, sold from 6 to 60 cts.....	\$1000 08
110,011 " Spanish and red cedar, from 5 to 7 cts..	110 01
100,038 " pine and spruce timber, for \$12 per M.	25 00
8,586 " pine boards,.....	2 13
16,236 " cedar boards, from \$22 to \$25 per M...	6 08
985 " white holly, for 8 cents per foot,.....	1 00
752 " chesnut scantling, at \$17 per M.....	30
1,502 " black walnut,.....	0 58
13,496 " pine boards, measured only,.....	3 44
454 " maple plank,.....	0 25
2,403 " oak plank, 2 cents per foot,.....	0 90
<hr/>	
1,154,354	Total, \$1,149 75

PETER CONREY, *Inspector.*

New-York, January 13th, 1835.

DOCUMENTS
OF THE
ASSEMBLY
OF THE
STATE OF NEW-YORK,
FIFTY-EIGHTH SESSION,
1835.

VOLUME II.
FROM No. 71 TO No. 160 INCLUSIVE



ALBANY:
PRINTED BY E. CROSWELL, PRINTER TO THE STATE.
.....
1835.

No. 71.

IN ASSEMBLY,

January 24, 1835.

ANNUAL REPORT

**Of Gilbert Oakley, Inspector of Beef and Pork in and
for the county of Westchester.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

I, the undersigned, inspector of beef and pork for the county of Westchester, in conformity to the Statute in relation to the regulation of trade in certain cases, do report:

That the quantity and quality of beef and pork inspected by me during the year ending on the 1st day of January, instant, is as follows, to wit: Two barrels of mess beef, and five barrels of prime beef, and sixty-one barrels of mess pork, and fifteen barrels of prime pork; and that the fees for inspection, during the year ending on the first day of January, instant, amounts to twelve dollars and forty-five cents, and that the probable value of the provisions inspected by me during the said year, is nine hundred and thirty-four dollars.

All which is is respectfully submitted.

GILBERT OAKLEY, Inspector.

White-Plains, Jan. 14th, 1835.

STATE OF NEW-YORK.

No. 72.

IN ASSEMBLY,

January 23, 1835.

ANNUAL REPORT

**Of I. Ingersoll, Inspector of Beef and Pork for the
county of Madison.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

In compliance with the law relative to the inspection of beef and pork, I herewith transmit my return of beef and pork inspected by me in the county of Madison, for the year ending 31st December, 1834.

477 barrels mess pork,.....	at	\$12,	\$5,724
1,346 " prime pork,.....	at	9,	12,114
9 " soft pork,.....	at	7,	63
			<hr/>
			\$17,901
			<hr/>

Fees on the above,..... \$458.50

I certify the above to be a correct account of the number of barrels and the amount of beef and pork inspected by me in the county of Madison, for the year ending the 31st of December, 1834.

I. INGERSOLL, *Inspector.*

Cazenovia, January 19, 1835.

[Assem. No. 72.]

1

STATE OF NEW-YORK.

No. 73.

IN ASSEMBLY,

January 23, 1835.

ANNUAL REPORT

Of George Charles, an Inspector of Leather in the
city of Albany.

TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.

The amount of leather inspected by George Charles during the
year 1834.

The undersigned has inspected 16,187 sides, which, at an ave-
rage of 20s., amounts to \$40,487.50.

	<i>Fees.</i>
16,187 sides of sole leather, at 4 cents,.....	\$647 48
Deduct for labor,.....	80 93
	<hr/>
	\$566 55
	<hr/> <hr/>

GEORGE CHARLES, *Inspector.*

Albany, January 1st, 1835.

No. 74.

IN ASSEMBLY,
January 22, 1835.

ANNUAL REPORT
Of the Bank Commissioners.

Albany, Jan. 22, 1835.

To the Hon. CHARLES HUMPHREY,
Speaker of the Assembly.

SIR:

We have the honor to send herewith, the annual report required from us by law, and are very respectfully,

Your obedient servants,

C. STEBBINS,
GEO. R. DAVIS,
LEWIS EATON,
Bank Commissioners.

REPORT, &c.

To the Honorable the Legislature of the State of New-York:

The Bank Commissioners, pursuant to law, respectfully submit the following

REPORT:

In presenting the annexed full statement of the condition of the several banks subject to our visitation, we feel gratified in being able to say, that it presents a more satisfactory view of their condition than they have ever before exhibited. And it is probably not too much to say, that it exhibits the condition of a large number of as sound and active monied institutions, as can be found any where.

Their number is now seventy-six, exclusive of two branches. The Farmers' and Manufacturers' Bank of Poughkeepsie, which was chartered at the last session, has not yet gone into operation. The capital of the institutions subject to our visitation, is now \$26,231,460. That of the other banks of the State, is \$5,175,000, making the entire banking capital of the State, exclusive of that employed by the branches of the United States Bank, \$31,406,460.

For the purpose of showing the ability of the country banks to meet their engagements, one line in the tabular statement annexed, will show the amount of their funds on deposit in the cities of New-York and Albany, separate from other bank balances due them. These funds are moneys actually deposited in the cities, payable at sight. Some of the more distant banks, however, keep no account in the cities, but deposit with some neighboring institution situated on the direct line of communication, which redeems their paper. Such deposits are not included in the line referred to, but appear as balances due from other banks. The Chautauque County Bank, which redeems at Buffalo, is an instance of that kind.

The line of loans and discounts, includes every debt due the bank upon paper of any description, whether discounted notes, domestic exchange, bond and mortgage, or temporary loans upon stock, or other securities.

It is difficult, by any tabular statement, to exhibit the exact ability of the banks to meet a sudden pressure upon them; and particularly so with respect to the city banks. Their available means consist of specie; balances due from other banks; temporary loans secured in such way as to be commanded at any moment; and of their discounted debt daily falling due, which *there* can be calculated upon with almost absolute certainty.

The statement annexed has been very carefully compiled from the returns made to us on the 1st instant, and an examination of it, we think will fully justify the opinion above expressed, of the soundness and strength of our monied institutions. It exhibits the following view of their aggregate liabilities to the public, and resources to meet them:

RESOURCES.		LIABILITIES.	
Loans and discounts, \$52,853,630		Circulation,.....	\$14,464,023
Real estate,	1,200,417	Dividends,.....	369,251
Stocks,	551,568	Canal Fund,	3,657,856
Specie,	5,561,745	Loans,	955,310
Bank notes of other banks,.....	5,745,626	Deposits,	14,384,236
Cash items,	670,363	Banks,	14,257,243
City banks,.....	4,944,877		<hr/>
Other banks,	5,616,847		\$48,087,921
	<hr/>		<hr/>
	\$77,145,073		<hr/>

The Bank Fund now amounts to something more than \$400,000. The income derived from it by the first of April next, will have extinguished the amount of revenue heretofore anticipated, after which date, if no losses occur to diminish the fund, a nett revenue will be accruing to be divided among the banks, and the capital will be increased by further contributions, until it shall amount to about \$800,000. There is at present no reason to expect any draft upon the fund, but every reason for the belief that it will continue to accumulate until it reaches the limited amount.

The events of the past year as connected with the banking interest, have been unusually interesting. Overtaken by a severe pressure in the money market at a time of unusual prosperity in all the great branches of national industry, we have witnessed the singular anomaly—the existence of a deep and extensive pecuniary suffering, while surrounded with an abundance of the productions of the country, possessing an unusual supply of the precious metals, and standing creditor in account with the commercial world. Pecuniary distress was nevertheless a reality, which by men of business was felt, but could not be accounted for by any rational deduction from cause to effect.

The removal of the deposits, bank curtailments, cash duties, overtrading and excessive bank issues, were each and all of them assigned as causes legitimately operating to produce the effect; and the destruction of commercial confidence was produced more, it is believed, by exaggerated accounts of the extent of these causes, and gloomy predictions of their continuance, than by any actual operation of the causes themselves.

A panic may easily be raised sufficient to disturb a system of credit as extensive and diversified as ours: And now that it is over, when we look back at the grossly exaggerated statements of actual distress, the misrepresentation of facts unimportant in themselves, the solemn and confident predictions of impending ruin which proceeded not only from high authority, but which literally filled many of the public papers and reached the eye of every business man in the community, we can be at no loss to discover the cause to which it was chiefly attributable, nor in assigning to it the character of a *political* rather than a *commercial* panic. It was less apparent *then*, because time had not developed the extent and operation of all the alleged causes of the pressure. An uncertainty pervaded the public mind, and that is ever the prolific source of timidity and distrust.

The banks of this State were the special objects of attack both from abroad and at home. Their credit was assailed in almost every possible shape, by repeated insinuations, and sometimes by direct charges of insolvency—by appeals to the people to save themselves by demanding specie for their paper, and by bold predictions that the Safety Fund system was crumbling to ruin.

The *country* banks, which had as yet felt none of the pressure, were assailed on account of the small amount of *specie* possessed by them; and some of them particularly singled out and held up to the public notice as unworthy of confidence. The city is far more interested than any other part of the State in sustaining the credit of solvent country banks, yet it was in some of the city papers that most of these foul slanders originated, the tendency of which was to cut off the usual remittances from the country, destroy the means of collecting mercantile paper, and paralyze business in the city by withholding from its customers the means of getting to market.

It is well known to all, who are at all conversant with the business of this State, that the banks in the interior do not depend upon the *specie* in their vaults as a means of redeeming their paper. The paper naturally finds its way to the cities, but as the bank in the country is under no obligation to redeem it there, it must necessarily be sent home to the counter for redemption. When so sent home, it is redeemed by a draft upon funds kept in the city for that purpose, because such a mode of redemption is most convenient for both parties; the expense of transporting *specie* is saved, and the draft is actually worth more than *specie* by the cost of transportation.

Money is always worth most, at the point to which, by the course of trade, it tends. Exchange, therefore, is always in favor of the city, and country bank notes in that market, a trifle below par, and for that reason it would be unwise for the banks in the country when they acquire funds in the city by means of the sales of produce, to transport those funds home in *specie* for the purpose of redeeming their paper, when the same funds left in the city are worth more than *specie* in the country to the holders of that paper. The uniform course, therefore, has been for the country to leave in the city the funds raised by the sales of produce, and draw upon those funds for the redemption of its notes as occasion may require; and probably of the country bank paper redeemed in this State, not one dollar of five hundred is required to be redeemed in *specie*.

Our banks not being permitted by law to purchase their own paper at a discount, as many of the eastern banks do in the New-York market, the country paper collected in the cities has for se-

veral years been purchased and sent home for redemption by the banks in Albany upon their own account and risk.

During the prevalence of the panic in February last, a temporary interruption of the arrangement for purchasing the country notes in New-York created considerable sensation there, and gave rise to a series of fresh publications calculated to effect injuriously the country institutions. In reality they were perfectly able to redeem their paper as usual, and did actually reduce their circulation by the redemption of about two millions within sixty days. It is no part of their business to make arrangements for taking up their paper in the cities, but sufficient for them to be able to redeem it when sent home, and the derangement of the means by which it had usually been taken up and sent home, furnished therefore no just cause of suspicion against them: But yet for a few days their paper was so discredited in the market as to be offered at an unusual discount, and in some instances at a rate denoting great hazard of ultimate redemption. It was but a few days, however, before the usual arrangement was again in operation, the paper was purchased and sent home as before, although the rate of discount continued higher for some time in consequence of the scarcity of money.

Notwithstanding all the destruction of confidence, by whatever means, during the existence of this extraordinary panic, the public confidence in the banks was at no time generally or extensively impaired. It is true that some specie was drawn from the city banks in small sums by individuals, but not by that class of persons which would indicate any serious alarm in the public mind. The deposits remained throughout the whole of the pressure as large or larger than usual. In the country, scarcely the slightest approach was made towards creating alarm for the safety of the banks; and we think it may be affirmed, that the confidence of the great body of the people in the banking system, in a great measure protected the banks against the injurious effects of the excitement. We do not believe they were in a condition to have been compelled to stop payment, as some institutions elsewhere have been; but considering the delicate nature of bank credit, and the means used and circumstances combining to impair it, it might have been expected, that without that additional confidence, which our law is calculated to inspire, the consequences would have been far more injurious, both to the banks and the community, than they actually proved to be.

The city was essentially relieved by the increased means of accommodation afforded by the public deposits, which were liberally dispensed by the deposite banks, and nearly all the local institutions there, kept up their line of discounts through the whole of the pressure. The curtailment of accommodations by the country banks, although not large, began to be felt by the weaker class of debtors, and was productive of a more rigid scrutiny into the circumstances of others, under which many have fallen since the money market became easy, not on account of any difficulty in raising money, other than a want of sufficient credit.

An unusual number of such failures have occurred in the country during the past season, a great proportion of which were among those most extensively engaged in business, although the business of the season since the restoration of public confidence, has been active and prosperous. That restoration, we have no doubt, was much accelerated by the prompt and efficient measure adopted by the Legislature for that purpose, although the necessity for carrying it into execution never occurred.

The general effects produced by the panic of last winter have, on the whole, probably been rather salutary than otherwise. It is true, great sacrifices have been sustained by individuals, and much individual suffering has grown out of it; but yet the storm has purified the commercial atmosphere, and a more healthful state of business has undoubtedly succeeded it. The revulsion which has overthrown so many extensive establishments both in city and country, would in all probability have occurred at a later period, and with increased severity.

The abundance and prosperity which have distinguished the last few years, naturally induced overaction in trade, which has probably been too much stimulated by the facilities which the increase of bank capital has afforded. Had these causes continued to operate unchecked, until the winding up of the United States Bank, with the public deposits in its hands, and placed in the condition otherwise, that it might easily have been, a revulsion might then have been anticipated, of much greater severity and extent, if not sufficient to shake the credit of the country.

Banks have justly been esteemed as among the most useful and powerful agents, in developing the resources and stimulating the industry of the country. They may be considered one of the prin-

capital levers in that complicated machinery of credit, by which the immense business operations of the world are chiefly moved. Actual capital could not have spread half the canvass which now whitens the ocean, or given motion to half the spindles which are now in operation. But credit, as a substitute for capital, has been found to answer the purposes of labor-saving machinery to manufacturing industry; and it is to the increased use of credit in its various shapes during the last half century, that the world is mostly indebted for the astonishing rapidity with which manufacturing, commercial and even agricultural improvements have advanced. It is little more than half a century since the present stupendous system of mercantile credit begun to be reared in England. It is less than half a century since banks of issue to any considerable extent have been brought into use as parts of this great system of credit, and ought we not to attribute to their influence, some portion of the amazing impulse imparted to business during this period, so disproportioned to the advancement of any previous half century?

In our own country, particularly, where capital at the close of the revolution was exceedingly limited, and is yet comparatively so, we must look upon the use of our credit (and we have used it with a freedom beyond all example,) as the principal means of rendering our industry and enterprize so productive. We are probably half a century in advance of improvements which the actual capital and industry of the country would have effected, without the aid of an extensive system of credit. Our cities have risen to a degree of opulence and activity; the country has attained a degree of wealth and improvement; internal improvements have multiplied; our commerce and manufactures have grown, and the settlement of the country has progressed to an extent which might have been witnessed by the next generation, but which existing now, is beyond all parallel. The axe of the settler penetrates the forest as far in one year now, as ten years since, it did in five, and the progress of improvement in every respect defies all calculation. It is believed to be impossible to account for the rapid augmentation of wealth which is daily witnessed, upon any other hypothesis, than that the use which has been made of credit in this country has been exceedingly productive.

The industry and enterprize of our citizens, it is true, are unbounded; but without capital, both must always be comparatively

unproductive. But combined with only a moderate capital, steadily increasing by its own accumulation, and also by profits derived from a much larger amount of credit actively employed, astonishing results are produced.

Individual credit in this country may be said to be sustained in a great measure by the banks. They furnish their own capital and credit in aid of individual enterprise; they furnish the means of exchanging all the fruits of industry, and what is of far more importance in this respect, they give confidence to individuals in making their contracts.

Mercantile credit is based not only upon the capital which is supposed to ensure ultimate payment, but upon other circumstances which afford the promise of punctuality; and probably more importance is generally attached to those circumstances which inspire a confidence of punctuality in payment, than to those means which may render payment ultimately certain.

The facilities which banks afford are certainly very instrumental, if not indispensable, towards inspiring confidence of punctuality in the fulfilment of engagements; and without that confidence, no system of credit can ever be brought into extensive or active operation. Rigid punctuality of payment rarely exists, but within the influence of banks.

It was estimated last spring by a respectable committee of practical men in the city of New-York, that the mercantile payments daily made in that city amounted to five millions of dollars. If so, taking sixty days as the average term of credit, (and it is believed to be more) there must be constantly afloat in that city three hundred millions of mercantile paper. Confidence in the prompt payment at maturity of this immense amount of paper, has brought it into existence, sustains it in circulation, and in a great measure gives it value. How important, then, is the influence which the banks exert in contributing to this confidence? It is not to be inferred that half these payments are made by means of bank accommodations; but their ability to afford such accommodations to a given amount in case of necessity, inspires confidence in mercantile paper to twice or thrice that amount, in the same manner as the specie in their vaults does to the much larger amount of their own paper in circulation. Besides, banks being convenient places for making payments, are used as offices for the settlement of ac-

counts between debtor and creditor, where, by a simple operation, several debts are cancelled by a single payment; and becoming thus the collectors of the debts of individuals, punctuality is enforced by the same penalties of discredit which are found so efficacious in respect to bank debts. Indeed, the necessity of strict punctuality is felt by all, inasmuch as one creditor depends upon his debtor, he upon a third, and so on through the series, and all are dealing through an institution which depends for its existence upon the law of punctuality.

Notwithstanding banks, by their operations, may sometimes encourage over-trading, which leads to consequent changes of property and fluctuations in its value, and notwithstanding the community have suffered some small losses by their mismanagement, whoever duly appreciates the benefits derived from them in this State, in sustaining the credit of the government and furnishing the means of defending our frontiers during the late war—in the prosecution of our extensive works of internal improvement—and, above all, in the support which they give to that system of credit which to a great extent has served as capital to build up our magnificent cities and towns—to despatch our 300,000 tons of tonnage abroad—to rear our numerous and flourishing manufactories—to give activity to our immense internal trade, and to subdue our forests and improve the cultivation of our farms, can be at no loss to estimate their usefulness and importance.

It is impossible now to tell to what extent the vast resources of this country might have been developed, or to what point we might have attained, in the accumulation of wealth and in the improvement of our natural advantages, without the use of banks and a currency of paper; but it is not difficult now to see that banks are so intimately connected with all the operations of trade and industry as to be indispensably necessary to their prosecution. So interwoven is this connection in the whole texture of our business operations, that we have always found business of every kind active and prosperous when the banks were so, and depressed when they were embarrassed. An entire specie currency would undoubtedly have exposed us to fewer fluctuations, as the entire disuse of individual credit would diminish the cases of embarrassment and bankruptcy. But who would proscribe the use of individual credit? The aggregate wealth of the country is but little affected by those revulsions in business which

are incident to a system of credit. Property is not destroyed, although it changes owners. But the contributions made to the wealth of the country by the increased productiveness of labor, when combined with capital, or credit as its substitute, are incalculable. If an account could be stated with the banks upon this principle, and an estimate made of the benefits derived from them by the community on the one hand, and of the losses suffered by them, whether by their influence upon trade, or their insolvencies, on the other, we have no doubt the balance would be found to be decidedly and largely in their favor.

It is true the system of credit, as well generally as connected with the currency, may be extended too far, and such is the tendency of it; but yet it would be exceedingly unwise to condemn the use of a machine whose power was capable of the most useful service, merely because it might sometimes require regulation.

We have long entertained the opinion, and frequently suggested it to the Legislature, that the proportion of specie in our currency was too small. Recent discussions, growing out of the question of re-chartering the Bank of the United States, seem to have rendered that opinion somewhat general; and, as is perfectly natural, after the termination of a controversy which has produced so much agitation, some are disposed to push the arguments which have been used too far, and to transfer the odium which became attached to a particular institution to all others of a similar kind, without carefully discriminating between them. Thus some would prohibit bank notes of one denomination and some of another, while others will urge an entire metallic currency, and denounce all banks as odious and injurious *monopolies*.

Banking, in one sense, is a monopoly, because the restraining law prohibits individuals from issuing paper for circulation as money. But it is not a monopoly in the odious sense usually attached to the term. It is not so much of a monopoly now as it would be were the restraining law repealed. For the business would then be confined to the wealthy and the few; whereas, now it is open and free to any one who can invest a very moderate sum in a share of stock; and its profits are shared, to a great extent, by the middle classes of society, by females and infants, incapable of engaging in active employments.

Our banks are not monopolies in the sense that the United States Bank is, for the State reserves, and exercises freely, the right to increase the number and capacity of competitors; but the United States stipulated to grant no other charter during the existence of the present. Besides the *great power* of that institution, as compared with any of the State banks, gives it the character of a monopoly, a power which none of *our* banks, as among themselves, can exercise.

Banks do indeed possess exclusive privileges, if those may be termed exclusive which are shared by so many rivals, and which may be conferred upon a thousand more at the pleasure of the government; but yet they are privileges not enjoyed by individuals, and for the simple reason that it was deemed necessary to withhold them, in order to secure a safe system of banking. It is presumed that no one would advocate the policy of allowing every individual to issue as much of his own paper for circulation as money as his credit could be made to sustain, without the requirement of some qualification, or the imposition of some sort of restriction. And unless the government should thus abandon all control over the subject, any system of private banking would confer upon the individuals possessing the qualifications, or submitting to the restrictions required, a privilege as much exclusive as that now enjoyed by the banks.

Fully believing, not only in the utility, but the necessity of banks; that no better system of banking (for this country at least) can be devised, than that of joint stock companies, properly restricted and regulated by law, and that the safeguards thrown around our banking system are more efficient and salutary than any which have been previously or elsewhere adopted, we trust they will not be regarded by the Legislature with disfavor.

We should certainly, on the one hand, neither be blind to such improvements in the law as experience may have pointed out, nor on the other hand, be so astute in our search for improvements upon a system which has thus far fulfilled the expectation of the public, as to destroy or endanger it by too much innovation.

In respect to the increase of banks, it must be borne in mind that within the last few years, our bank capital has been augmented with great rapidity. More than thirteen millions have been added

to it within the last five years, and the number of banks more than doubled. We do not doubt, however, that more banks will very soon become necessary, and perhaps a very few more now would be useful, if properly located; yet, considering the impulse given to the business during the last few years, prudence would seem to inculcate a cautious procedure at present, in the multiplication of them.

The system of credit may be disturbed as well by the application of too much stimulus in bringing new banks into operation, as by the opposite treatment, in paralyzing those already in existence. Either extreme deranges the monied concerns of the country, and causes injurious fluctuations. If more bank capital is deemed necessary, we would, as a general rule, recommend the enlargement of existing capitals, in preference to the creation of new banks, for the reasons which we have before had the honor to submit to the Legislature.

The subject of restricting the existing banks being already before the Legislature, it may not be improper, and perhaps may be expected that we should express an opinion in relation to it.

The restraints proposed, we understand to be *first*, to prohibit the issue and circulation of bank notes of the smaller denominations; *second*, to limit the amount of circulation to the amount of capital; and *third*, to limit the amount of loans and discounts to twice the amount of capital.

It is impossible that any system of credit should ever be placed beyond all possibility of hazard; and we have always supposed that the principal, of not only hazards, attending our banking system, were those which are inseparable from any system of banking, and in a great measure beyond the scope and power of legislation.— They arise out of those operations of commerce which, at times, require large shipments of specie from the country, and sometimes to an extent which may compel the banks to suspend specie payments. For the purpose of guarding against any such contingency, the most obvious course would seem to be, to infuse a greater proportion of specie into the circulating medium of the country. Then a less contraction of the circulation (which usually takes place at such times) would bring in the requisite amount of specie, and the ability of the country to meet a demand for specie at all times would be increased.

In point of *convenience* small bank notes readily convertible into specie, are preferable to coin as a circulating medium; and for the purpose of remittance in small sums they answer a purpose to which coin is not applicable: And so far as the public security against loss is concerned, we should think there could in this State be no sufficient reason for resorting to a specie circulation.

The security against ultimate loss which the peculiar provisions of our law affords, has the effect also in a great measure, of preventing those runs upon the banks by the small bill holders which are usually among the greatest evils of a panic. We have seen the effect of this public confidence remarkably exemplified during the late panic. It is believed that if the same efforts and the same combination of circumstances which operated to impair the public confidence in our banks last spring, had been brought to bear against the monied institutions of any of our neighboring States, they would have produced a run upon the banks by the bill holders, if not in some instances at least a suspension of specie payment.

Indeed such was the case with some of the banks at the south, which were perfectly solvent and have since resumed their usual operations. Here, however, it was found that the confidence of the people in the security of the banking system was not to be shaken, and the banks were but little, if at all, disturbed by those demands from small bill holders and depositors which usually aggravate and increase a panic.

Notwithstanding the convenience of small bills is an argument in their favor, yet it is deemed a consideration of minor importance when contrasted with the great object of providing a specie resource to meet the demands of commerce and prevent the possibility of a suspension of specie payments by the banks.

The demand upon the whole Union for specie to export, is chiefly confined in the first instance to the city of New-York, and consequently that is the point at which most specie is wanted. In this State very little is wanted elsewhere: And if any means could be devised of hoarding a quantity of coin in that city sufficient to answer the exigencies of commerce, and which could be commanded at the proper time for that purpose, the object would be effected: But we know of no means by which such a provision could be made, nor any other effectual means of increasing

the quantity of specie to be retained in the country, but by making it in greater proportion a necessary part of the circulating medium.

The city banks will undoubtedly continue, as they have done, to keep such an amount as they may consider necessary for their own protection; and their interest is not to keep more; but as the export demand is governed entirely by the wants of trade, they are unable in all cases to estimate correctly the extent of it, and are therefore liable to misjudge as to their own security. The difficulty is, that the extent and effect of commercial operations cannot possibly be foreseen with certainty; and the danger is, that in the present state of the currency, a demand for specie may occur beyond the ability of the banks, and they be unable to call it in from the community in consequence of the small amount in circulation. If a sufficiency can be held in circulation by the community, it can always be commanded either by the banks or by the individuals requiring it. For these reasons we should think it very desirable to have the circulation of small bank notes suppressed and their place supplied by a specie medium: But the means of effecting this object deserves serious consideration.

The amount of bank notes in circulation under five dollars appears to be about four millions of dollars, and its magnitude, we should think, would be sufficient to shew the entire impracticability of extending the prohibition beyond notes of those denominations. If not, the very large amount of five dollar notes in circulation would seem to be conclusive. Of the four millions of apparent circulation, it may be estimated that about one million is in the hands of other banks, and in the course of transmission home for redemption—a use not applicable to specie, and therefore for that amount specie would not be required. Probably the place of another million would be supplied by issues of five dollar notes, more of the small notes being now issued than are absolutely necessary for change, in consequence of the prevailing opinion that they enjoy a better circulation. The suppression of the small notes would then produce a vacuum in the circulation of about two millions, to be supplied by coin.

The *amount* is not such, in the present abundance of specie in the country, as to present any serious obstacle to the measure, but the chief difficulty, it is apprehended, will be found in the

character of the specie currency as established by the late law of the United States. That law, although regarded as immensely important to the country, and indispensably necessary, in order to furnish a currency of gold, is yet probably defective in establishing the legal value of that coin too high in proportion to the legal value of silver. If such is the fact it will be very difficult to keep silver in circulation for the same reason that formerly excluded gold. For the law of circulation is universal, that of two mediums of equal *legal* value, that of the least *real* value will constitute the circulating medium. It is impossible that a portion of the currency which is worth a premium in market can ever be forced into circulation to any great extent, and circulate freely with that portion which is merely at par. The over valuation of gold is indicated by the premium which dollars now command, and which it is feared half dollars would command before gold would be taken for exportation. At present the only gold coin upon which we can rely to supply the place of small bills is the quarter eagle, and of these the amount, as yet, is very limited. An increase of coinage of this description, and also the coinage of gold dollars are esteemed exceedingly important, if not necessary to the successful execution of the measure of withdrawing small bills. Looking at the necessity of being enabled to supply the place of the small bank notes with specie, and anticipating the difficulties that may possibly arise, it must be quite apparent that whatever is done upon the subject should be done very gradually, with a view of making the change as easy as possible; and for the purpose of drawing silver from the banks, in order to fill the vacuum, we should think it advisable to prohibit the issues by the banks of each denomination of notes at a period considerably anterior to that fixed for the suppression of their circulation among the community. This would oblige the banks to be paying out silver in small sums instead of small bills, while the bills at the same time would be gradually returning in the ordinary course of business. The specie is not to be drawn from the banks in the redemption of the small notes themselves, for they will be mostly returned in the ordinary modes by way of payments at the counter, and for redemption from the cities. But as the small bills are withdrawn the public will call upon the banks for the specie necessary to make change, and it will be drawn upon such notes as may happen to be at hand, whether of the larger or smaller denominations. The small bills will undoubtedly be issued, and circulate freely as long

as permitted by law, and the banks will not commence paying out specie in their stead until compelled to do so in making change; and, therefore, if the issues by the banks and the circulation in the community were both to be stopped at the same period, a sudden deficiency in the means of making small payments would be occasioned, which would be very embarrassing.

It is not perceived that a gradual withdrawal of the small notes would necessarily cause any contraction of the currency, nor is it believed that the banks would, in any degree, save themselves from this demand for specie, by attempting to contract their circulation. Neither is it supposed that this demand upon any particular bank will be at all proportioned to the amount of small bills which such bank may have in circulation. The demand will be to supply the change necessary to transact the business of the community in their respective neighborhoods; and its extent will depend upon the wants of that community, without reference to the amount of small bills which the particular bank may have circulated abroad. No greater inconvenience would probably result from prohibiting the issues of one dollar notes, to take effect immediately, than at any subsequent period. The issues of two's we should suppose might be stopped in six months, and of three's in twelve months; and the circulation of the one's prohibited after six months, of two's after twelve months, and of three's after eighteen months.

Another all important measure, without which the experiment must fail entirely, is the suppression of the circulation of the small bank notes of other States. Unless this can be done effectually, it will not only be found impossible to bring the specie into circulation, but we shall have a currency of small notes less known to the public, and, as we think, less secure than that which we are attempting to suppress. The present law, prohibiting their circulation, is now but little regarded in the city of New-York or on the northern frontier. The small bank notes of the neighboring States and of Canada, are found circulating there quite as freely as those of our own banks. Probably one defect in the law consists in imposing the penalty upon both the persons passing and receiving the note, thereby making it the interest of both to conceal the fact, and another may be in the small amount of the penalty. A larger penalty attached to the offence, and that cast upon the receiver only, we should think would render the law more efficacious, but whether sufficiently so to effect the object may still be questiona.

ble. The effectual mode would be by the co-operation of the neighboring States in prohibiting the issues by their banks, and it ought to be, and perhaps may be expected, that the example of this State would have a tendency to produce such co-operation.

On the whole, although it cannot be doubted that there may be some difficulties attending the successful execution of the plan, we are in favor of making the experiment, particularly as some circumstances are now decidedly favorable. One is, the very large amount of specie which the country now fortunately possesses, and another is the favorable impression with regard to it in the public mind. Public opinion will probably do much towards the suppression of small foreign bank notes when our own shall have been suppressed; and for the purpose of securing its aid more effectually, as well as the co-operation of the adjoining States, the policy of extending the prohibition of foreign notes beyond that of our own may be somewhat questionable.

The subject of withdrawing the small notes, as well as the propositions to limit the circulation of each bank to its amount of capital, and its loans and discounts to twice that amount, are important also, as having a direct bearing upon the profits of the banks, and thus incidentally affecting the applications for more, which have heretofore been so numerous.

Nothing can be more certain than that we must have good banks for the stockholders, or we cannot have safe and useful banks for the public. Banking is carried on for the profits it yields, and it would be preposterous to expect that capable and responsible men will continue to own stock in and devote themselves to the management of unprofitable institutions. Whenever the business furnishes no sufficient inducement for such men to engage in it, the banks must be wound up, or what is far more probable, will fall into the hands of irresponsible and dishonest men, determined to profit themselves at the expense of the institution and the public. The preservation of the banking system, and indeed the existence of sound banks under any system, essentially depends upon having the business such as to yield equal profits with other investments of capital, making suitable allowance for any difference of hazard. The bare interest which capital will command upon unquestionable security, such as bonds and mortgages or public stocks, is not supposed to be a sufficient compensation for the use and hazard of capital employed in banking. The business cannot be conducted to

the public advantage without incurring more or less hazard beyond the ordinary risks attached to mortgage securities or public stocks. The fluctuations of business will produce losses against which no degree of caution can possibly guard, and some instances have recently occurred which will probably result in losses of from fifteen to twenty per cent of capital.

Believing that the profits of banking have generally been over-rated by looking at some instances of large dividends, without estimating the whole in comparison with capital, we have compiled the following statement of the dividends of the several classes of institutions for the last four years, by which the average profits realized by the stockholders in these institutions will be readily seen.

The average dividends of all the banks for the last three years has been $7\frac{1}{4}$ per cent.

	Capital.	Amount of dividends.	Rate per ct.
1821.			
9 country banks, capitals of \$100,000, and under, ...	\$880,000	\$80,500	9.14
9 do capitals over \$100,000, and not over \$200,000, .	1,395,000	117,180	8.40
10 do capitals over \$200,000,...	3,750,000	330,000	8.80
Total,....	\$6,025,000	\$527,680	8.75
1822.			
17 country banks, 1st class, as above,	\$1,680,000	\$158,500	9.43
11 do 2d class,	1,745,000	163,030	9.34
11 do 3d class,	4,169,600	362,568	8.69
13 New-York city banks,	11,311,200	695,165	6.14
Total,....	\$18,905,800	\$1,379,263	7.29
1823.			
19 country banks, 1st class,	\$1,880,000	\$197,500	10.50
14 do 2d class,	2,215,000	206,080	9.30
11 do 3d class,	4,169,600	444,128	10.65
14 New-York city banks,	12,111,200	760,787	6.28
Total,....	\$20,375,800	\$1,608,493	7.89
1824.			
20 country banks, 1st class,	\$1,980,000	\$206,000	10.40
21 do 2d class,	3,420,000	290,818	8.50
13 do 3d class,	4,719,600	409,492	8.67
15 New-York city banks,	13,611,200	1,028,462	7.55
Total,....	\$23,730,800	\$1,934,772	8.15

The dividends taken for a series of years are supposed to afford a fair test of the actual profits realized. In the foregoing table, all the extra, as well as ordinary dividends are included, the former in some instances being very large, and the accumulation of several years; and we believe, from our knowledge of the condition of the banks, that the dividends of these four years are about equal to the profits actually made, and as much or more than they would probably be able to divide in future, if left unrestrained by any new provision of law. During this period, business has been unusually active; the increase of banks has given an impetus to banking business, which, in the country especially, has brought in a large amount of untried paper, upon which losses must occur that are not now discernable.

The contributions to the Bank Fund, so long as that fund remains unimpaired, are not charged as a tax upon the profits of the institution. Had these payments been considered as losses, the annual dividends must have been a half per cent less; and should the fund hereafter be made liable for losses, the amount of such losses will fall upon the different banks in proportion to the amount of their contributions, and of course affect their dividends.

It is the country banks whose profits will be most affected by the suppression of small notes, and those of the least capital most seriously. Their profits are now the largest, and the measure would therefore tend to equalize the profits of banking in the State. Upon the supposition that two millions of bank paper would be displaced by specie, the diminution of profits would be equivalent to the interest of that amount, or \$140,000. This sum divided among the country banks, whose capitals amount to about twelve millions, would be something over one per cent, and its effect upon the small banks would probably be equivalent to a diminution of near two per cent of their profits.

The limitation of issues to the amount of capital, would still further affect the profits of the small institutions, and those only.— Their circulation at this time is unusually low, that of the \$100,000 capitals averaging only about \$129,000. It has formerly been, at this season of the year, considerably more. In 1831, it was \$148,000; in 1832, \$150,000; in 1833, \$150,000; and in 1834, \$154,000. On the 1st of July last, it was only 112,000.

Looking at their present condition, it would seem that after the withdrawal of small bills, their circulation would of itself sink to about the amount of capital; and taking the average of the year, it probably might; but the effect of limiting the maximum at that, would be to sink the average considerably lower. The power of expansion, to some considerable extent, as the wants of business may require, is one of the most valuable to the community, which the banks possess. Their legitimate use is to furnish money for short business operations, which *they* can do at a profit, by expanding their circulation, while individuals cannot afford to keep money on hand for such occasional and temporary purposes.

Limiting the circulation of a bank, therefore, to an amount which it can at all times sustain, has a tendency to drive from it some of its most legitimate business, and to impair its usefulness to the public. The tendency of it also, instead of discouraging the application for more banks, would be to furnish an additional argument for their increase. If the measure should be adopted, it would be advisable, in our opinion, to permit all the banks of a less capital than \$200,000, to increase their capitals to that amount, and even then we should doubt the expediency of fixing the limitation at less than once and a half the amount of capital, as was done in the charters granted at the last session of the Legislature.

The effect of limiting the loans and discounts to twice the amount of capital, would probably be to cause something of a contraction and pressure. Last year in the aggregate they exceeded that limit a trifle, and this year they stand very near that limit.

The contraction would be produced by the curtailment of those banks whose debts should be above the limited amount, and the pressure would be but little diminished by those accommodations which it would be convenient to obtain at other banks, except in the cities, and even there some agitation would probably be caused before the equalization could be effected.

So far as the interest of stockholders would be effected, the effect would not be very important, and to them we should think it would be rather a matter of indifference, for in most of the cases where the debt now exceeds twice the amount of capital, it is by the use of funds upon which they are paying interest. Certainly they would have no reason to complain of the limitation if the

bank upon its own resources should be able to sustain a debt of twice the amount of its capital.

The banks now have upwards of \$3,600,000 belonging to the Canal Fund, upon which they are paying interest. They can only afford to pay this interest by being enabled to reloan the money, and those which could keep up their debt to the limit without the aid of such funds, would of course return them. The State has an interest in the productive as well as safe investment of this fund, and possibly, should the limitation be adopted, it may be deemed advisable to make an exception in favor of those banks having loans from that fund, to the amount of such loans. A similar exception may also be regarded as proper in respect to the public deposits in the deposit banks.

It is with regret we have to state that the practice referred to by the Governor in his annual message, of discounting paper payable in the cities, and charging the premium of exchange upon its renewal, has prevailed to a considerable extent among some of the banks in the western part of the State. It is denied by the officers of the banks alluded to, that such operations have been made in pursuance of any previous understanding to that effect, with the borrowers: But whether done in pursuance of such an express understanding, or so commonly, as to be generally understood as a rule of the institution, and a course of business courted and favored by it, we esteem the practice equally reprehensible, and have so treated it.

Paper payable in the cities being preferable to that made payable at home, it is perfectly fair for the banks in the country to give it the preference in their discounts, when actually based upon business operations, but to compel or encourage the making of such paper, for the mere purpose of being able to exact a premium when there are no funds provided, or expected to be provided in the city for its payment, can be nothing less than an evasion of the law, and in many cases, grossly oppressive upon the borrowers. In that section of the State money has generally been worth more than the legal rate of interest, and when that is the case, borrowers as well as lenders will often resort to devices to evade the provisions of law: And the instances are not unfrequent, as we have been informed by the officers of banks where, knowing the preference given to city paper, accommodation paper of that

description has been discounted, and drafts purchased to take it up, while to the bank the whole transaction appeared to be one of a strictly business character. The sale of drafts at a fair premium is not of itself objectionable, but the banks owe it to the community to furnish those facilities for the transmission of funds, at as low a rate as possible. It is not a business which should be undertaken as a matter of profit, much less should it be connected with the business of discounting paper, and made the means of exacting exorbitant interest. It is true that the practice is not one which involves a forfeiture of charter by legal proceeding, or would be the proper subject of judicial investigation at our instance; but the Legislature have ample power of correcting any such abuse, by repealing the charter of the offending institution, and resuming the franchise granted for quite different purposes. The efficacy of that remedy as a preventive of further misconduct, cannot be doubted; and should the practice be persisted in, we should not regret to see it applied. No new legislation, in our opinion, is necessary to prevent the evil in future, and we have reason to believe that the practice is now stopped, and we confidently trust that it will not be resumed. If it should, however, we shall deem it our duty to apprise the Legislature.

Of the bank capital paid in during the last year, we have found that more than usual has been borrowed by the holders of stock, and in some instances, afterwards secured by pledges of the stock itself. Although there can be no objection to the loan of moderate amounts in anticipation of funds not immediately available, by persons who are able and intending to hold the stock, there is always danger when the persons having the control of a bank, are indebted for the stock which gives them that control, because in cases of pressure upon them, they naturally resort to the institution itself for accommodation loans, and the operation then becomes equivalent to a withdrawal of so much capital by the substitution of notes. We have always been jealous and watchful upon this subject, and do not believe, that as yet, the practice has become a serious evil; but in order to do away entirely the raising of money upon the stock itself, we would respectfully suggest the propriety, should any new banks be chartered, of prohibiting the hypothecation of their stocks for a certain time; perhaps until the bank shall have been in operation one year would be sufficient. And we incline to the opinion, that if *every bank* were prohibited

from receiving a pledge of the stock of every other bank in the State, as they are now of their own, the provision would be productive of more beneficial than injurious effects.

The public safety and interest are best promoted by having stocks of every kind held by persons able to hold them as investments. The capital is more secure, and stock less fluctuating. But the facility of hypothecating them, feeds the appetite for stock-jobbing, and often enables persons to accumulate large amounts of this kind of property, who would otherwise be unable to hold it, and who, by means of it, may possess a control over the institution, which they could not otherwise acquire.

The provisions of the Revised Statutes, prohibiting voting upon stocks hypothecated, have done much to destroy the inducement to this species of stock-holding, but those provisions in some cases may be evaded.

Respectfully submitted,

C. STEBBINS,
GEO. R. DAVIS,
LEWIS EATON,

Bank Commissioners.

LIST OF BANKS. RESOURCES.

	Bank of America.	Mechanics' Bank.	Phoenix Bank.	Merchants' Bank.	Bank of New-York.	Union Bank.	National Bank.
Loans and discounts,	3,868,539	4,989,002	2,820,462	2,435,491	2,456,466	2,327,636	1,444,327
Real estate,	84,413	52,567	50,500	59,556	90,000	82,106	29,114
Stocks,	256,333	627	.....	.....	.....	.....	.....
Over-drafts,	1,598	17,746	.....	527	2,957	3,184	5,174
Personal estate, .....	.....	.....	.....	.....	.....	.....	.....
Expenses, .....	.....	17,652	.....	.....	.....	.....	617
Bank fund,	24,559	24,356	.....	3,518	7,500	3,154	6,413
Specie,	1,606,350	675,872	6,102	15,829	17,500	14,347	9,306
Notes of other solvent banks,	435,807	991,790	313,593	475,248	326,351	191,386	97,658
Checks and other cash items, .....	.....	2,696	424,932	800,814	447,779	405,365	139,792
Funds on deposit in N. Y. and Albany, .....	.....	.....	.....	111,142	1,216	21,378	.....
Due from other banks and corporations,	730,982	763,659	541,320	958,222	387,351	265,257	289,241
Total,	\$7,006,081	\$7,435,967	\$4,156,908	\$4,960,347	\$3,687,120	\$3,263,614	\$2,022,242

LIABILITIES.

Capital,	2,001,200	2,000,000	1,500,000	1,490,000	1,000,000	1,000,000	750,000
Circulation,	505,865	672,930	254,126	510,804	659,048	459,735	257,599
Profits,	216,182	415,750	108,256	171,042	184,122	101,216	83,195
Deposits on debts, .....	.....	27,205	.....	.....	.....	.....	.....
Dividends unpaid,	90,057	24,363	63,815	20,450	11,041	10,576	3,260
Due Canal Fund,	112,500	.....	112,500	.....	.....	50,000	112,500
Loans on time,	156,000	.....	.....	.....	307,500	160,000	.....
Deposites,	2,259,313	2,626,768	688,641	1,234,995	1,160,517	661,936	390,281
Due to other corporations, ..	1,676,964	1,668,991	1,429,741	1,433,356	364,892	820,349	425,407
Total,	\$7,008,081	\$7,435,967	\$4,156,909	\$4,960,347	\$3,687,120	\$3,363,814	\$2,022,242
Dividends the last year,	140,191	133,268	172,500	98,228	80,000	70,000	49,875
Dir's liabilities as principals, ..	38,114	68,560	17,045	84,192	99,013	156,085	56,210
" as sureties, ..	383,111	90,297	288,789	78,689	87,152	150,987	92,016
Stock owned by directors, ..	162,000	48,825	84,050	39,100	22,000	137,300	79,400
Loans & disc's, July 1, 1834, ..	3,912,949	4,118,992	1,531,959	2,218,266	2,373,262	1,632,461	1,124,208
Circulation, ..	376,728	502,948	197,283	399,137	517,295	392,327	193,212
Specie, ..	695,915	562,325	150,227	285,293	210,513	70,109	119,465

LIST OF BANKS, CONTINUED.

RESOURCES.

	Merchants' Exchange Bank.	City Bank.	Leather Manufacturers' Bank.	Butcher' & Drover' Bank.	Seventh Ward Bank.	Commercial Bank.	La Fayette Bank.
Loans and discounts,	1,830,579	1,797,380	1,178,418	1,114,592	956,175	713,431	689,582
Real estate,	20,285	42,047	20,060	22,761	6,000	20,438	8,470
Stocks, .....	.....	.....	.....	.....	.....	.....	.....
Over-drafts, .....	.....	1,802	338	955	115	2	123
Personal estate, .....	.....	.....	.....	.....	.....	.....	.....
Expenses, .....	.....	2,728	3,162	3,974	.....	.....	.....
Bank Fund,	12,441	9,000	3,510	7,828	596	.....	6,869
Specie,	125,777	160,081	60,874	52,712	41,359	42,048	46,946
Notes of other solvent banks,	146,274	116,561	98,112	36,472	113,600	31,808	21,012
Checks and other cash items, .....	.....	92,004	4,590	537	.....	25,750	5,031
Funds on deposit in N. Y. and Albany, .....	.....	.....	.....	.....	.....	.....	.....
Due from other banks and corporations,	175,179	77,627	130,969	47,794	81,105	125,594	15,771
Total,	\$2,312,535	\$2,399,230	\$1,499,973	\$1,267,145	\$1,195,950	\$959,071	\$793,804

LIABILITIES.

Capital,	750,000	720,000	600,000	500,000	500,000	500,000	500,000
Circulation,	188,595	310,983	162,092	233,037	154,744	108,515	98,303
Profits,	83,967	134,756	52,158	67,163	13,918	7,520	9,025
Deposits on debts, .....	.....	.....	.....	.....	10,634	.....	.....
Dividends unpaid,	2,524	8,758	1,447	690	20,598	.....	.....
Due Canal Fund,	12,640	.....	50,000	.....	.....	.....	.....
Loans on time, .....	.....	.....	.....	.....	.....	.....	.....
Deposits,	401,361	522,206	237,974	439,998	188,859	104,711	79,338
Due to other corporations, ..	873,448	602,527	396,302	46,257	310,197	236,325	107,138
Total,	\$2,312,535	\$2,299,230	\$1,499,973	\$1,287,145	\$1,198,950	\$959,071	\$793,804
Dividends the last year,	52,500	50,400	42,000	40,000	37,500	.....	.....
Dir's liabilities as principals, ..	130,871	55,135	78,586	33,791	2,495	45,039	63,433
" " as sureties,	98,706	153,637	110,159	78,671	68,164	36,237	44,103
Stock owned by directors,	90,400	104,985	48,950	26,675	194,200	98,550	157,000
Loans & disc's, July 1, 1884, ..	1,425,990	1,444,613	1,042,621	1,085,914	707,203	.....	.....
Circulation,	135,253	204,718	107,415	188,059	81,433	.....	.....
Specie,	69,840	79,073	70,649	49,254	31,350	.....	.....

LIST OF BANKS, CONTINUED.

RESOURCES.

	Tradesmen's Bank.	Mechanic' and Traders' Bank.	Greenwich Bank.	Brooklyn Bank.	Westchester County Bank.	Bank of Newburgh.	Highland Bank.
Loans and discounts,	994,567	474,656	488,505	397,663	330,782	324,920	224,952
Real estate,	20,000	11,861	9,300	9,404	9,400	16,512	.....
Stocks, .....	.....	.....	.....	.....	.....	20,000	.....
Over-drafts,	3,957	9,796	5,333	.....	168	19,682	.....
Personal estate, .....	.....	.....	1,500	2,000	.....	.....	.....
Expenses, .....	.....	.....	7,527	2,931	.....	.....	.....
Bank Fund,	5,000	3,736	3,972	2,175	340	3,416	2,786
Specie,	64,112	37,913	40,459	11,482	15,559	19,778	292
Notes of other solvent banks,	52,534	24,354	28,203	30,972	6,582	18,895	8,743
Checks and other cash items, .....	.....	15,787	20,077	15,805	9,652	9,237	10,002
Funds on deposit in N. Y. and Albany, .....	.....	.....	.....	45,754	108,577	56,144	131,938
Due from other banks and corporations,	78,938	93,063	53,096	.....	.....	720	2,881
Total,	\$1,219,128	\$671,186	\$657,972	\$518,196	\$481,060	\$489,355	\$401,911

LIABILITIES.

Capital,	400,000	200,000	200,000	200,000	140,000	200,000
Circulation,	182,520	176,419	108,463	154,586	222,878	173,721
Profits,	69,946	25,692	23,181	16,785	32,427	4,936
Deposites on debts, .....	.....	.....	698	.....	.....	.....
Dividends unpaid,	17,209	8,772	776	276	1,831	.....
Due Canal Fund,	50,625	.....	37,500	.....	.....	.....
Loans on time,	56,367	.....	.....	.....	.....	.....
Deposites,	324,490	134,158	138,950	138,949	70,554	20,526
Due to other corporations, ..	167,971	126,145	148,408	5,600	21,665	2,739
Total,	\$1,219,128	\$671,186	\$657,972	\$518,196	\$489,355	\$401,911
Dividends the last year,	32,000	16,000	14,000	16,000	16,000	.....
Dir's liabilities as principals, ..	27,991	6,125	36,474	11,371	8,700	17,150
" " as sureties, ..	78,041	51,613	28,219	25,704	25,631	16,619
Stock owned by directors, ..	64,240	34,575	15,700	113,820	37,572	48,350
Loans & disc's, July 1, 1834,	871,657	429,035	445,128	406,161	316,667	.....
Circulation, " "	127,444	161,141	102,598	132,851	205,632	.....
Specie, " "	29,595	27,821	42,687	7,632	22,548	.....

**LIST OF BANKS, CONTINUED.
RESOURCES.**

	Orange County Bank.	Bank of Poughkeepsie.	Ulster County Bank.	Catskill Bank.	Tanners' Bank.	Hudson River Bank.	Bank of Albany.
Loans and discounts,	202,376	221,983	180,112	320,029	189,975	307,758	540,435
Real estate,	38,889	9,262	6,475	18,940	5,500	4,000	6,974
Stocks, .....	.....	.....	.....	.....	.....	.....	.....
Over-drafts,	7,326	8,672	1,651	339	.....	773	563
Personal estate, .....	.....	.....	.....	.....	.....	.....	.....
Expenses,	694	.....	174	.....	.....	.....	.....
Bank Fund,	969	2,070	1,100	2,886	1,166	2,762	537
Specie,	11,511	16,961	9,720	15,469	9,428	22,777	6,000
Notes of other solvent banks,	20,263	7,291	9,631	18,053	16,943	14,613	23,645
Checks and other cash items,	1,942	144	146	519	2,304	1,587	26,020
Funds on deposit in N. Y. and Albany,	48,210	169,888	53,575	57,368	49,149	135,312	.....
Due from other banks and corporations, .....	.....	650	2,373	678	2,983	5,021	3,361
Total,	\$332,182	\$436,921	\$264,957	\$434,281	\$277,448	\$494,603	\$609,679

LIABILITIES.

Capital,.....	105,660	100,000	100,000	150,000	100,000	150,000	240,000
Circulation,	174,633	191,940	119,409	215,103	140,422	219,856	108,446
Profits,	11,817	19,080	11,014	14,063	14,234	15,808	29,389
Deposits on debts,	5,873	.....	1,004	1,315	3,816	.....	.....
Dividends unpaid,	313	.....	1,045	309	.....	6,240	4,173
Due Canal Fund, .....	.....	.....	.....	.....	.....	.....	78,500
Loans on time, .....	.....	.....	.....	.....	.....	.....	.....
Deposites,	29,754	95,500	24,119	45,281	16,815	84,574	132,917
Due to other corporations, ..	4,132	30,301	8,366	8,210	2,161	18,125	16,254
Total,	\$332,162	\$436,921	\$284,957	\$434,281	\$277,448	\$494,603	\$609,679
Dividends the last year,	6,868	9,000	9,000	18,500	9,000	12,000	18,000
Dir's liabilities as principals, ..	20,878	16,662	11,019	29,399	10,551	12,374	56,064
" " as sureties, ..	9,704	13,086	20,632	10,968	19,085	18,168	14,792
Stock owned by directors, ..	7,761	26,000	24,450	53,278	89,650	58,700	27,150
Loans & disc's, July 1, 1834, ..	904,494	248,274	204,909	294,662	139,483	336,337	498,682
Circulation, ..	121,594	109,000	103,494	110,000	82,920	192,897	89,953
Specie, ..	16,023	14,875	5,994	7,763	3,769	17,207	27,181

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LIST OF BANKS, CONTINUED, RESOURCES.

	Mechanics' and Farmers' Bank.	New York State Bank.	Capital Bank.	Albany City Bank.	Bank of Troy.	Farmers' Bank.	Mechanics' and Mechanics' Bank.
Loans and discounts,	795,794	852,288	677,051	932,542	956,383	680,535	692,929
Real estate,	30,000	27,000	.....	.....	12,000	19,586	13,368
Stocks,	100,000	123,375	.....	.....	46,444	.....	.....
Over-drafts,	18,704	3,142	813	480	433	2,262	140
Personal estate, .....	.....	.....	.....	.....	.....	.....	.....
Expenses, .....	.....	.....	3,720	3,729	926	.....	.....
Bank Fund,	8,768	6,951	7,333	625	8,544	5,560	1,430
Specie,	168,353	65,877	23,675	45,202	15,993	12,648	5,813
Notes of other solvent banks,	23,248	249,340	43,316	148,869	26,048	46,254	6,429
Checks and other cash items,	149,756	8,063	6,244	15,110	10,558	5,628	20,425
Funds on deposit in N. Y. and Albany,	447,100	187,027	145,418	438,598	.....	85,250	132,217
Due from other banks and corporations,	195,709	154,169	75,439	8,494	8,541	19,221	.....
Total,	\$1,937,432	\$1,677,252	\$983,009	\$1,593,559	\$1,065,870	\$885,944	\$872,751

LIABILITIES.

Capital,	442,000	369,000	300,000	500,000	440,000	276,000	300,000
Circulation,	167,951	136,887	115,952	104,071	166,070	136,887	107,333
Profits,	167,945	74,433	35,856	25,027	80,064	48,253	35,594
Deposites on debts, .....	.....	4,079	.....	.....	.....	.....	750
Dividends unpaid,	1,391	1,534	1,007	.....	460	3,837	573
Due Canal Fund,	456,050	437,426	105,000	.....	211,958	50,000	214,363
Loans on time, .....	.....	.....	.....	.....	38,128	.....	100,000
Deposites,	159,408	148,188	97,154	105,231	65,023	85,324	29,992
Due to other corporations, ..	542,687	505,155	328,040	858,630	83,567	281,693	84,226
Total,	\$1,937,432	\$1,677,252	\$983,009	\$1,593,559	\$1,085,870	\$885,944	\$872,751
Dividends the last year,	35,360	29,792	24,000	.....	39,600	22,240	27,000
Dir's liabilities as principals, .	25,500	43,591	12,700	73,866	51,036	25,413	36,217
" " as sureties, ..	15,393	58,598	78,119	78,470	61,413	25,488	32,478
Stock owned by directors, ..	120,139	47,152	54,380	85,550	62,220	55,800	40,850
Loans & disc's, July 1, 1894,	866,200	891,741	512,869	.....	895,172	641,690	682,169
Circulation, " " "	186,463	107,483	68,218	.....	97,955	95,881	64,879
Specie, " " "	37,500	33,241	11,868	.....	18,050	7,802	8,285

LIST OF BANKS, CONTINUED, RESOURCES.

	Troy City Bank.	Lansingburgh Bank.	Bank of Whitehall.	Essex County Bank.	Saratoga County Bank.	Mohawk Bank.	Schenectady Bank.
Loans and discounts,	600,986	270,642	229,131	165,687	246,712	210,464	304,007
Real estate,	16,000	7,000	3,764	9,860	3,500	52,189	.....
Stocks, .....	.....	.....	.....	.....	.....	.....	.....
Over-drafts,	1	.....	.....	.....	64	1,554	126
Personal estate, .....	.....	.....	401	.....	.....	.....	695
Expenses, .....	.....	2,658	81	.....	635	562	1,658
Bank fund,	460	900	1,643	559	2,041	825	1,500
Specie,	10,355	7,110	10,704	8,037	7,980	15,000	14,297
Notes of other solvent banks,	12,304	10,861	9,865	13,790	10,772	5,405	26,764
Checks and other cash items,	4,552	.....	1,207	3,150	7,474	513	2,756
Funds on deposit in N. Y. and Albany,	1,532	10,507	.....	.....	67,588	53,271	67,600
Due from other banks and corporations, .....	.....	.....	68,541	9,181	2,974	.....	.....
Total,	\$652,190	\$309,678	\$325,337	\$210,264	\$349,690	\$339,733	\$419,403

LIABILITIES.

Capital,	300,000	120,000	109,000	100,000	100,000	100,000	165,000	150,000
Circulation,	138,709	131,488	126,783	83,536	163,265	163,265	47,349	151,719
Profits,	25,760	5,517	10,663	2,087	13,218	13,218	13,957	9,318
Deposites on debts,	180	.....	1,457	.....	1,713	1,713	3,046	2,230
Dividends unpaid,	236	18	100	90	1,437	1,437	1,839	356
Due Canal Fund,	70,000	.....	72,960	20,000	32,056	32,056	62,940	20,000
Loans on time, .....	.....	.....	.....	.....	.....	.....	.....	17,415
Deposites,	40,852	49,300	11,606	4,551	36,668	36,668	42,316	60,013
Due to other corporations, ..	76,431	3,355	1,776	.....	1,338	1,338	2,686	8,352
Total,	\$652,190	\$309,678	\$325,387	\$210,264	\$349,690	\$339,733	\$419,403	
Dividends the last year,	12,000	.....	10,000	.....	10,000	10,000	9,900	12,000
Dir's liabilities as principals, ..	38,726	8,506	12,018	14,129	12,367	12,367	29,148	15,931
" as sureties, ..	47,906	21,479	18,368	14,111	19,865	19,865	22,484	27,600
Stock owned by directors, ..	64,250	19,560	28,275	4,675	44,375	44,375	29,570	30,850
Loans & disc's, July 1, 1834, ..	498,342	203,890	245,312	168,854	246,347	246,347	189,411	264,458
Circulation, ..	92,452	72,115	96,239	113,158	119,400	119,400	28,233	100,393
Specie, ..	7,900	9,143	11,241	4,337	7,100	7,100	13,700	74,876

**LIST OF BANKS, CONTINUED.
RESOURCES.**

	Montgomery County Bank.	Central Bank.	Oscego County Bank.	Herkimer County Bank.	Broome County Bank.	Bank of Chenango.	Madison County Bank.
Loans and discounts,	203,525	223,548	237,406	331,494	191,430	220,225	208,398
Real estate,	1,909	2,832	3,310	6,349	8,500	6,544	5,670
Stocks, .....	.....	4,789	.....	.....	.....	.....	.....
Over-drafts,	26.	.....	.....	.....	1,147	1,722	16
Personal estate, .....	.....	.....	.....	464	.....	.....	.....
Expenses,	119	.....	4,334	1,405	617	285	184
Bank Fund,	1,625	2,297	2,072	1,341	1,083	2,400	1,166
Specie,	7,806	15,127	8,095	10,425	10,691	12,944	13,708
Notes of other solvent banks, Checks and other cash items, Funds on deposit in N. Y. and Albany,	104 1,578 57,610	18,753 4,688 23,239	12,236 937 64,297	2,916 200 116,681	3,025 54 10,946	4,597 74,769	4,851 5,055 56,604
Due from other banks and corporations, .....	.....	.....	1,084	5,945	188	1,063	2,511
Total,	\$274,302	\$295,478	\$333,771	\$477,220	\$227,681	\$324,549	\$330,163

LIABILITIES.

Capital,	100,000	120,000	100,000	200,000	100,000	120,000	100,000
Circulation,	139,144	127,644	148,369	231,700	73,606	182,424	170,191
Profits,	11,886	8,267	23,975	13,997	12,051	4,832	8,093
Deposites on debts, .....	.....	.....	4,019	4,313	.....	5,771	3,874
Dividends unpaid,	2,070	6	80	100	352	.....	50
Due Canal Fund, .....	.....	25,000	25,312	17,111	20,000	.....	27,000
Loans on time, .....	.....	.....	.....	.....	.....	.....	.....
Deposites,	17,989	11,569	27,083	7,027	18,100	10,811	18,953
Due to other corporations, ..	3,213	2,987	4,983	2,972	3,572	711	2,002
Total,	\$274,302	\$295,473	\$333,771	\$477,220	\$227,681	\$324,549	\$330,163
Dividends the last year,	10,000	12,000	8,000	16,000	10,000	10,800	10,000
Dir's liabilities as principals, ..	9,280	11,900	9,721	19,604	25,770	6,670	18,100
“ as sureties, ..	17,340	15,796	21,823	25,753	6,732	15,137	10,474
Stock owned by directors, ..	36,850	73,380	55,900	42,825	47,700	49,260	53,050
Loans & disc's, July 1, 1834, ..	217,019	246,117	218,990	299,398	228,302	232,471	221,759
Circulation, “ “	104,057	127,732	100,121	166,356	89,384	113,154	135,498
Specie, “ “	6,763	13,359	5,714	10,798	8,945	17,969	9,987

LIST OF BANKS, CONTINUED.

RESOURCES.

	Bank of Utica and Branch.	Bank of Rome.	Lewis County Bank.	Seckett's Harbor Bank.	Jefferson County Bank.	Ogdensburgh Bank.	Bank of Oswego.
Loans and discounts,	1,044,608	232,812	211,484	124,524	179,261	190,074	298,928
Real estate,	50,113	8,500	2,086	.....	2,000	6,422	.....
Stocks, .....	.....	.....	.....	.....	.....	.....	.....
Over-drafts,	7,797	200	58	.....	93	13,386	532
Personal estate, .....	.....	.....	.....	507	.....	.....	.....
Expenses,	1,063	2,182	.....	741	.....	191	1,546
Bank Fund,	11,500	535	57	.....	2,000	1,937	1,711
Specie,	49,019	12,162	7,901	21,844	10,036	16,689	13,837
Notes of other solvent banks,	50,405	3,930	11,783	14,771	19,783	16,862	10,090
Checks and other cash items,	7,408	6,359	10,068	1,013	5,618	17,697	3,025
Funds on deposit in N. Y. and Albany,	171,388	24,690	12,105	137,308	29,156	.....	5,485
Due from other banks and corporations,	50,159	1,127	3,569	3,668	13,303	17,574	11,149
Total,	\$1,438,360	\$232,497	\$259,116	\$304,376	\$261,250	\$280,632	\$346,293

LIABILITIES.

Capital,.....	600,000	100,000	200,000	80,000	100,000	300,000	100,000	100,000	150,000
Circulation,	429,520	129,094	96,811	124,155	129,525	96,811	129,525	96,811	102,372
Profits,	55,784	12,750	2,503	19,464	3,435	2,503	3,435	19,464	18,463
Deposites on debts,	33,985	1,300	.....	650	827	.....	827	8,909	603
Dividends unpaid,	3,660	18	.....	5	6,125	.....	5	4,850	.....
Due Canal Fund,.....	46,348	10,839	.....	.....	.....	.....	.....	30,000	43,884
Loans on time,.....	100,000	.....	.....	.....	.....	.....	.....	.....	.....
Deposites,.....	100,753	18,407	4,707	34,449	16,603	4,707	34,449	28,921	22,335
Due to other corporations, ..	68,300	23,969	10,355	2,327	4,401	10,355	2,327	4,896	8,637
Total,.....	\$1,438,360	\$292,497	\$304,376	\$261,250	\$259,116	\$304,376	\$261,250	\$280,632	\$346,293
Dividends the last year,	54,000	10,000	.....	12,000	10,000	.....	12,000	10,000	15,000
Dir's liabilities as principals, ..	57,711	20,160	13,831	4,216	7,528	13,831	4,216	22,631	8,398
" " as sureties, ..	72,589	10,829	15,380	20,579	9,324	15,380	20,579	9,257	29,371
Stock owned by directors, ..	92,740	36,450	57,600	19,490	31,750	57,600	19,490	42,000	16,408
Loans & disc's, July 1, 1834, ..	1,038,609	234,363	.....	187,162	177,370	.....	187,162	197,935	299,862
Circulation, ..	356,971	113,618	111,764	98,527	111,764	85,586	116,268
Specie, ..	32,984	14,915	15,369	9,719	15,369	8,847	8,500

[Assem. No. 74.]

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LIST OF BANKS, CONTINUED, RESOURCES.

	Bank of Salina.	Oncedaga County Bank.	Bank of Auburn.	Cayuga County Bank.	Seneca County Bank.	Bank of Geneva.	Bank of Ithaca.
Loans and discounts,	315,857	366,654	382,915	419,338	310,873	672,150	383,302
Real estate,	6,493	.....	18,153	17,666	4,526	10,137	12,176
Stocks,	517	11,353	214	35	4	2,576	4,766
Over-drafts, . . . . .	.....	2,000	.....	.....	580	.....	.....
Personal estate,	1,109	230	.....	1,343	.....	.....	1,009
Expenses,	844	3,187	4,000	455	1,417	8,000	3,792
Bank fund,	23,026	19,592	19,210	21,696	12,784	30,506	14,096
Specie,	2,573	5,772	25,754	26,845	21,800	27,530	21,624
Notes of other solvent banks, Checks and other cash items, Funds on deposit in N. Y. and Albany,	726	3,100	3,795	1,300	.....	86	1,360
Due from other banks and corporations,	35,508	152,517	174,219	83,006	120,000	233,062	63,412
	7,770	11,574	6,098	1,419	7,395	7,722	290
Total,	\$394,423	\$575,979	\$635,058	\$573,103	\$479,379	\$992,654	\$506,040

[Assembly

LIABILITIES.

Capital,	150,000	150,000	200,000	250,000	200,000	400,000	200,000
Circulation,	121,726	170,260	272,460	203,873	146,807	373,498	208,383
Profits,	11,739	16,443	92,011	15,795	10,568	81,875	31,622
Deposites on debts, .....	.....	350	4,793	1,076	5,041	8,725	.....
Dividends unpaid,	315	.....	6,418	130	.....	6,959	467
Due Canal Fund,	79,067	174,031	.....	49,629	44,054	65,101	25,000
Loans on time, .....	.....	.....	.....	.....	.....	.....	.....
Deposites,	28,746	52,942	52,961	16,488	60,745	45,482	33,879
Due to other corporations, ..	2,828	11,933	6,415	36,112	12,164	11,018	6,689
Total,	\$394,423	\$575,979	\$635,088	\$573,103	\$479,379	\$992,654	\$506,040
Dividends the last year,	15,000	15,000	20,080	20,000	16,000	40,000	20,000
Dir's liabilities as principals, ..	12,180	23,600	4,200	24,850	20,942	23,070	14,724
" " as sureties, ..	19,574	13,649	13,543	24,132	37,552	33,942	24,317
Stock owned by directors, ..	59,700	37,500	91,975	58,750	83,000	76,300	94,040
Loans & disc's, July 1, 1834,	.....	336,932	499,637	409,156	372,980	685,682	442,082
Circulation, " " "	123,200	153,912	296,257	186,908	184,153	292,347	212,036
Specie, " " "	8,783	14,670	16,153	19,639	8,990	23,101	10,317

LIST OF BANKS, CONTINUED, RESOURCES.

	Yates County Bank.	Chemung Canal Bank.	Steuben County Bank.	Wayne County Bank.	Ontario Bank and Branch.	Livingston County Bank.	Bank of Monroe.
Loans and discounts,	223,278	343,910	286,267	237,086	743,736	331,963	716,647
Real estate,	6,311	6,517	6,100	17,080	49,663	2,000	661
Stocks,	2,451	146	189	.....	844	354	100
Over-drafts, .....	.....	870	.....	.....	.....	.....	.....
Personal estate,	78	.....	1,080	.....	1,161	590	.....
Expenses,	1,145	1,191	1,413	2,350	11,250	9,166	7,333
Bank Fund,	7,330	21,091	14,010	8,329	12,385	13,538	35,491
Specie,	14,816	2,597	10,333	31,631	11,901	11,595	14,648
Notes of other solvent banks, Checks and other cash items, Funds on deposit in N. Y. and Albany,	3,543	1,354	589	.....	3,027	.....	1,000
Due from other banks and corporations,	3,202	62,233	38,889	45,473	189,508	47,000	209,180
	2,001	1,105	4,131	1,644	13,373	803	5,086
Total,	\$262,855	\$441,904	\$363,587	\$333,007	\$1,031,517	\$309,589	\$979,552

LIABILITIES.

Capital,	100,000	200,000	150,000	100,000	500,000	100,000	300,000
Circulation,	98,683	183,237	131,480	136,528	223,525	189,173	280,157
Profits,	3,890	4,156	15,069	12,064	105,911	26,144	55,580
Deposits on debts,	4,879	2,791	1,532	4,762	4,000	880	6,883
Dividends unpaid,	60	8,387	.....	2,695	319	120	22,512
Due Canal Fund,	21,619	6,137	33,950	60,448	90,187	.....	172,566
Loans on time,	15,000	.....	.....	.....	.....	.....	.....
Deposites,	19,460	32,038	28,802	10,826	90,576	32,861	68,979
Due to other corporations, ..	4,074	5,158	3,034	6,264	16,999	10,481	74,855
Total,	\$262,655	\$441,904	\$363,987	\$338,607	\$1,031,517	\$309,569	\$979,552
Dividends the last year,	12,000	18,000	12,750	10,000	50,000	12,000	37,500
Dir's liabilities as principals, ..	12,546	26,695	11,662	16,380	22,477	21,674	23,179
" " as sureties, ..	10,061	14,551	15,031	12,423	50,026	6,449	34,780
Stock owned by directors, ..	63,000	35,500	52,500	41,725	68,050	93,100	107,225
Loans & disc's, July 1, 1834, ..	246,578	352,072	304,871	235,520	800,163	237,100	743,357
Circulation, " " " "	125,454	185,169	183,081	160,958	190,411	189,328	291,259
Specie, " " " "	6,696	19,687	13,676	7,639	22,113	8,840	18,130

**LIST OF BANKS, CONTINUED.
RESOURCES.**

	Bank of Orleans.	Lockport Bank.	Bank of Buffalo.	Commercial Bank of Buffalo.	Bank of Genesee.	Chautauque County Bank.
Loans and discounts,	309,028	243,585	388,576	568,289	248,332	216,747
Real estate,	1,800	8,000	14,217	.....	7,412	6,157
Stocks, .....	.....	.....	.....	.....	.....	.....
Over-drafts, .....	.....	97	8,034	.....	1,013	7
Personal estate, .....	.....	.....	.....	837	.....	664
Expenses,	2,249	3,196	.....	3,250	5,829	.....
Bank Fund,	291	1,943	3,833	465	2,305	962
Specie,	11,570	17,266	32,859	84,272	12,156	8,376
Notes of other solvent banks,	36,689	14,045	43,656	33,631	78,367	747
Checks and other cash items,	7,100	6,583	.....	5,300	39	1,039
Funds on deposit in N. Y. and Albany,	24,106	54,109	29,105	26,741	48,760	.....
Due from other banks and corporations,	328	2,272	50,757	3,365	15,275	37,426
Total,	\$395,161	\$351,096	\$565,537	\$728,170	\$419,578	\$274,145

STATE OF NEW-YORK.

Aggregate Statement of 76 Banks reporting to the Bank Commissioners, January 1st, 1835.

RESOURCES.	New-York City Banks.	Country Banks.	Total.
Loans and discounts,	30,479,628	22,373,802	52,853,630
Real estate,	579,458	620,959	1,200,417
Stocks,	256,960	294,608	551,568
Over-drafts,	53,607	124,374	177,981
Personal estate,	2,117	9,603	11,720
Expenses,	62,497	57,269	119,766
Bank Fund,	158,182	162,474	320,656
Specie,	4,358,739	1,363,006	5,721,745
Notes of other solvent banks,	4,316,709	1,428,917	5,745,626
Checks and other cash items,	300,209	370,154	670,363
Funds on deposit in N. Y. and Albany, .....	.....	4,944,877	4,944,877
Due from other banks and corporations,	4,765,168	851,679	5,616,847
Total,	\$45,333,474	\$32,441,722	\$77,775,196

LIABILITIES.

Capital paid in and possessed,	14,611,200	11,620,260	26,231,460
Bank notes in circulation,	4,993,778	9,470,245	14,464,023
Profits,	1,767,119	1,517,519	3,284,638
Deposites on debts,	38,535	132,642	171,177
Dividends unpaid,	274,136	95,115	369,251
Due Canal Fund,	538,265	3,119,593	3,657,858
Loans on time,	679,867	275,443	955,310
Deposites,	11,594,198	2,790,038	14,384,236
Due other banks and corporations,	10,936,376	3,420,867	14,257,243
	\$45,333,474	\$32,441,722	\$77,775,196

[Asse. M. No. 74.]

STATE, JULY 1, 1834.

Loans and discounts,	24,364,278	20,256,443	44,620,721
Specie,	2,494,115	713,811	3,207,926
Capital,	13,611,200	10,120,260	23,731,460
Circulation,	3,666,989	7,560,444	11,247,433

Banks not subject to the Bank Fund Law.

	Capital.
Manhattan Company,.....	\$2,050,000
Fulton bank,	600,000
North River Bank,.....	500,000
Delaware and Hudson Canal Company,	500,000
Chemical Manufacturing Company,.....	400,000
Dry Dock Company,	200,000
Long-Island Bank,	300,000
Dutchess County Bank,.....	150,000
Commercial Bank,.....	300,000
Bank of Rochester,.....	250,000
	\$5,250,000
Amount of capital brought down,.....	26,231,460
	\$31,481,460

No. 75.

IN ASSEMBLY,

January 24, 1835.

REPORT

Of the select committee on the petition of Holbrook Anderson for relief.

Mr. Hough, from the select committee to which was referred the petition of Holbrook Anderson, praying that John Johnson, an Indian of the Brothertown tribe of Indians, may be authorized by law to convey to him a certain lot of land therein mentioned,

REPORTED:

That the petitioner, Holbrook Anderson, sets forth in his petition, that he was the owner and in possession of sixty-five acres of land, being part of lot No. 72, in the first allotment of New-Petersburgh, in the town of Smithfield, Madison county, under a contract from Peter Smith for the purchase of the same, and for which there was a portion of the purchase money still due said Smith: That on the 15th day of Feb. 1832, he assigned said contract to one John Johnson for the consideration of \$1,300, to be paid by said Johnson for the same: That on or about the 28th day of April, 1832, said Johnson paid the sum of \$392.19 to said Smith, that being the balance of the purchase money then due said Smith upon said contract, and also paid the petitioner \$107.81; making in all paid by said Johnson, the sum of \$500. That by mutual agreement between all the parties, the said Peter Smith, by Gerrit Smith as his attorney, at the same time conveyed the premises by deed to said Johnson; and that said Johnson, at the same time, for securing the payment of the remaining \$800 of the purchase price for said premises, executed a bond to the petitioner, and a

mortgage upon said premises. That said Johnson has not paid any portion of said \$800, and refuses to pay the same, but is willing to convey the premises to the petitioner on being repaid that portion of the purchase money paid by him; and that said Johnson is an Indian, belonging to the Brothertown tribe of Indians. And the said petition concludes by praying for the passage of an act, authorizing and empowering the said John Johnson to convey the premises by deed to the petitioner.

All the facts set forth in the petition are verified by the affidavit of the petitioner, and the payment of the balance of the purchase money then due to said Smith, and the conveyance of the premises to said Johnson, is also verified by the certificate of said Gerrit Smith. And from information given to your committee, they are satisfied, that at the time of the conveyance of said premises to said Johnson, and of the execution of said bond and mortgage, the petitioner was not aware that said Johnson was an Indian, or that said bond and mortgage were void and unavailing. Your committee are, therefore, of opinion, that the prayer of the petitioner is reasonable and ought to be granted, and they have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

STATE OF NEW-YORK.

No. 76.

IN ASSEMBLY,

January 24, 1835.

ANNUAL REPORT

Of John P. Haff and Benjamin Cooper, two of the Inspectors of Leather in the city of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

In compliance with the Revised Statutes, passed December the third, 1827, chapter 17th, title the second, article the 12th, section 185th, we, the undersigned, two of the inspectors of sole leather for the city and county of New-York, ask leave to report the number of sides of sole leather by us inspected, from the first day of January, 1834, to the 31st day of December, 1834, and as nearly as may be, the value of the same, together with the fees or emoluments arising from said office.

194,368 sides inspected, of which were stamped good and best, 155,491, averaging in weight 15 pounds the side, 2,332,365; average price, 16 cts. the pound, making	\$373,178 40
The number stamped bad and damaged, 38,897, averaging in weight 15 pounds the side, 583,455 pounds, averaging in price 12 cents, making.....	70,014 60
Total value of good, best, damaged and bad,.....	\$443,793 00

The amount of fees for inspecting 104,388 sides at 2	
cents the side, will be.....	\$3,887 76
From this amount we have paid for the hire of labor,	503 51
Leaving a balance of.....	<u>\$3,384 25</u>

This balance divided between us two, will leave the
amount of fees for each,..... \$1,692 12½

The above is respectfully submitted.

JOHN P. HAFF,
BENJAMIN COOPER.

New-York, January 17, 1835.

No. 77.

IN ASSEMBLY,

January 24, 1835.

REPORT

Of the select committee on the bill relating to the court of common pleas in the city and county of New-York.

Mr. Wetmore, from the select committee, to whom was referred the bill authorizing the clerk of the city and county of New-York to procure a book of record, and to transcribe judgments therein,

REPORTED:

That a representation has been made to them by the mayor, first judge, recorder and clerk of the city and county of New-York, stating that " the docket book of judgments for the court of common pleas for the city and county of New-York, comprising the years 1820 to 1826, inclusive, requires to be transcribed, as its dilapidated state, from constant use, will soon render it entirely useless."

The committee are satisfied that necessity exists for legislative action on this subject, and therefore respectfully recommend the passage of the bill.

STATE OF NEW-YORK.

No. 78.

IN ASSEMBLY,

January 24, 1835.

ANNUAL REPORT

Of Eldridge Havens, Inspector of Beef and Pork for
the county of Wayne.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

During the year ending on the first day of January, 1835, I have inspected

688	barrels of prime pork, worth \$8 per barrel,.....	\$5,504 00
617	“ mess pork, worth 12 “	7,404 00
26	“ shoulders, 7 “	182 00
11	“ chops, 6 “	66 00
	Amount, \$12,956 00	

21	barrels of prime beef, worth \$7 per barrel,.....	\$147 00
19	“ mess beef, 10 “	190 00
		\$337 00

Amount of my fees during said time, is.... \$245.50.

ELDRIDGE HAVENS, *Inspector.*

Palmyra, January 20, 1835.

STATE OF NEW-YORK.

No. 79.

IN ASSEMBLY,

January 24, 1835.

ANNUAL REPORT

Of Isaac Sherwood, an Inspector of Sole Leather for
the city and county of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

Isaac Sherwood, one of the inspectors of sole leather for the city and county of New-York, does very respectfully report, as required by the Legislature, that he has inspected, during the year 1834, 160,313 sides of sole leather, of the average weight, value and quality as follows:

139,206 sides of good and best stamp, averaging 15 pounds, value 16 cents, the number of pounds, 2,088,090, amount to.....	\$334,094 40
21,107 sides of damaged and bad stamp, averaging 14 pounds, value 12 cents, the number of pounds, 295,498, amount to.....	35,459 76

160,313 sides.	Value, \$369,554 16
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The whole amount of weight,..... 2,383,588 pounds.

Amount of fees for inspecting 160,313 sides at 2 cents, \$3,206 26

Amount of cash paid for labor,..... 827 54

Being deducted, leaves the amount of..... \$2,378 72

All which is respectfully submitted.

ISAAC SHERWOOD, *Inspector.*

New-York, 1st mo. 20th, 1835.

[Assem. No. 79.]

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No. 80.

IN ASSEMBLY,

January 26, 1835.

REPORT

Of the committee on ways and means, on the bill to incorporate the Young Men's Association.

Mr. Cash, from the committee on ways and means, to whom was referred the bill entitled "An act to incorporate the Young Men's Association for Mutual Improvement, in the city of Albany,"

REPORTED;

That the object of the bill, is the incorporation of an association of young men, in the city of Albany, for mutual improvement, with the privilege of holding, by purchase, devise, or otherwise, real and personal property to the amount of fifty thousand dollars.

This bill was introduced into the Senate, at the last session of the Legislature, by the committee on literature, on the memorial of the Young Men's Association of the city of Albany, which subsequently passed that body unanimously. (See Senate Journal, 1834, page 248.)

Its failure in the House at that time, in the opinion of one of the members of your committee, who has a very distinct recollection of the circumstance, was owing to a thin house—nearly all the members present voting in favor thereof. (See Assembly Journal, 1834, page 984.)

Your committee have carefully examined the object, tendency, bearing and provisions of this bill, and can discover no possible
[Assem. No. 80.]

reason way the same may not become a law. They, therefore, unanimously recommend its passage, with an additional section, which they have annexed, empowering the Legislature at any time to alter, modify or repeal the same.

All which is respectfully submitted.

STATE OF NEW-YORK.

No. 81.

IN ASSEMBLY,

January 24, 1835.

ANNUAL REPORT

Of Daniel Dieterich, an Inspector of Sole Leather
in the city and county of New-York.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

Daniel Dieterich, one of the Inspectors of sole leather for the city and county of New-York, herewith presents his annual account of inspection; the number of sides of sole leather inspected during the year 1834, their average quality, weight and value, viz:

32,849 sides of good and best stamp, averaging 15 pounds, the number of pounds, 492,735, valued at 16 cents,.....	\$78,837 60
2,840 sides of damaged and bad stamp, averaging 14 pounds, the number of pounds, 39,760, valued at 12 cents,.....	4,771 20
<hr/> 35,689 sides.	Value, <hr/> \$83,608 80

The whole amount of weight,..... 532,495 pounds.

Amount of fees for inspecting 35,689 sides at 2 cents,... \$713 78
Paid labor hire,..... 178 44

Being deducted, leaves the amount of..... \$535 34

All which is respectfully submitted.

DANL. DIETERICH, *Inspector.*

New-York, January 20th, 1835.

[Assem. No. 81.]

STATE OF NEW-YORK.

No. 82.

IN ASSEMBLY,

January 24, 1835.

ANNUAL REPORT

**Of George W. Gunn, an Inspector of Beef and Pork
for the county of Cayuga.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

The undersigned would respectfully report, that he has, for the year ending the first of January, instant, inspected one hundred and ninety-one barrels of beef, viz:

123 barrels mess beef, value per barrel,	\$7 00
68 " prime beef, "	4 50

Also inspected eighteen barrels of pork, viz:

10 barrels mess pork, value per barrel,	\$12 00
8 " prime pork, "	9 00

Fees, \$40.00.

GEO. W. GUNN, Inspector.

Kings Ferry, Cayuga co. January 20th, 1835.

No. 92.

IN ASSEMBLY,

January 29, 1835.

REPORT

Of the select committee on the petition of inhabitants of the county of Jefferson, relative to the inspection of fish in said county.

Mr. Farwell, from the select committee, to whom was referred the petition of sundry inhabitants of the county of Jefferson, praying for a repeal of the law relative to the inspection of fish in said county,

REPORTED:

That the petitioners set forth in their memorial, that nine-tenths of the fish caught in said county are herring: That the average price at which the same are sold, is two dollars per barrel: That they are generally, and almost entirely, put up in the month of November, for winter use only, in that county and the counties contiguous thereto: That these fish are very tender, and the mode (adopted and sanctioned by the present inspector,) in which they are put up, renders it impossible to repack and overhaul them for inspection without materially injuring them: That the inspectors, knowing the use for which they are intended, have permitted the owners and occupants of fishing grounds to pack the fish as caught from time to time, leaving the barrel open. These fish require immediate packing when caught; and the extent of territory over which the fishing grounds are stretched, and the uncertainty of success rendering the presence of the inspectors impracticable at the owners grounds, necessarily demand that the fish should be packed, in most cases, in the absence of the inspector.

He therefore visits the different places of fishing as often as he deems necessary, and makes such examination as circumstances will admit. This, of course, can be but of a partial and limited nature, the situation and character of the fish being such, that an overhauling and re-packing, which alone would ensure an ample inspection, would materially injure them. After such examination, he puts his mark on the barrel, which is deemed a permit to head them up, and at some future time the brand is added.

The petitioners also allege, that the mode of inspection above mentioned, which is the only one practicable under these circumstances, is of no benefit either to the vender or consumer, in as much as it affords no guarantee against imposition, while it subjects the owners to a burdensome tax, wholly disproportionate to the value of the article. They also assert, that this mode of inspection is so generally known, that the inspector's brand is not considered as an evidence of the good quality of the fish.

They consider such inspection entirely useless, and that it is necessary, at all times, for the vender of the fish to guarantee the quality of the same, which, in their opinion, supersedes the necessity of inspection. They express great confidence, that individual competition will be more likely to correct any abuses than a mere compliance with the letter of the present statute, or any other requiring inspection (and which is all that the circumstances above detailed will permit,) without fulfilling its spirit; they therefore ask for a repeal of the laws in relation to the inspection of fish, so far as regards the county of Jefferson.

Your committee have attentively examined the facts stated in the said petition. Their general knowledge of the facts referred to, and their acquaintance with many of the petitioners, among whom they find the name of one of the inspectors, satisfy them that the inspection of fish as now practised in said county, is the only one practicable under the circumstances: That such inspection is of no use, being no guarantee of the quality of the article, and that the present law imposes a heavy burden on the citizens of that county, without producing any benefit.

Your committee are, therefore, of opinion, that the prayer of the petitioners ought to be granted, and have directed their chairman to introduce a bill accordingly.

STATE OF NEW-YORK.

No. 95.

IN ASSEMBLY,

January 30, 1835.

COMMUNICATION

**From the Chancellor in answer to a resolution of the
Assembly.**

To the Speaker of the Assembly:

I have the honor to enclose a report in answer to the resolution of the House of the 14th instant.

Yours respectfully,

R. HYDE WALWORTH.

Albany, January 29, 1835.

[Assem. No. 95.]

1

REPORT, &c.

TO THE HONORABLE THE ASSEMBLY OF THE
STATE OF NEW-YORK.

In pursuance of the resolution of the 14th of January instant, requesting the Chancellor and Chief Justice of the Supreme Court to inform the House of the present state of business in their respective courts, and whether, in their opinion, there is just grounds for complaint as to extraordinary delays in respect to the hearing and expediting the decision of causes; and if so, to report to the honorable the Assembly such a judicial system as will be adequate to perform with despatch, the business which will probably have to be transacted before the judicial tribunals, the Chancellor respectfully

REPORTS:-

That he was absent at his residence at Saratoga Springs, engaged in the examination and decision of causes in the court of chancery, at the time of the adoption of the above mentioned resolution, and did not receive the same until his return to this city, to hold court, about a week afterwards. This fact, and the time which was necessarily consumed in obtaining information as to the state of the business in the court of chancery, as required by the resolution, will account for the apparent delay of the undersigned in answering that resolution.

For the information relative to the present state of the business in the supreme court, the undersigned begs leave to refer to the report of the Chief Justice, which has already been made pursuant to the resolution of the House. It may be proper, however, to remark, that from the manner in which the entries of causes are kept, both in the supreme court and in the court of chancery, it is impossible to ascertain with any degree of certainty the number of suits actually pending at any particular period of time, as the discontinuance of a suit is seldom entered upon the books of

the court, upon its being settled or compromised between the parties. It also often happens, especially in the court of chancery, that suits are revived and proceeded in by the original parties, or their representatives, after the same have lain dormant for many years. The undersigned has, therefore, endeavored to convey to the honorable the Assembly, the required information as to the present state of business in the court of chancery, in the only practicable mode within his power, by stating the number of bills filed, the number of petitions, motions and other special applications made and presented, the number of appeals from the Vice-Chancellors, and the number of decrees, decretal orders and other special orders and decisions made by the Chancellor and Vice-Chancellors during the past year, and the number of causes remaining on the calendars at the last stated terms, which were not heard in consequence of their not being reached by the Chancellor and Vice-Chancellors, in due course, upon their several calendars of causes set down as ready for argument.

The whole number of bills in chancery filed during the year 1834, was 1,982; of which 430 were filed before the Chancellor, and the residue before the several Vice-Chancellors: And the number of appeals to the Chancellor from the decisions of Vice-Chancellors, was 88. The number of appeals to the Chancellor from the decrees and sentences of surrogates, the undersigned has not ascertained; but he thinks the number must be much less in proportion. The number of special motions, original and interlocutory, petitions and other special applications, many of which involve novel and very important questions of law and a large amount of property, and which sometimes occupy the time of the court for several days, was 2,417. And the whole number of decrees, decretal orders and other special orders and decisions, made during the same period, exclusive of the orders of course which are entered with the registers and clerks without an actual hearing of the motion before the Chancellor or Vice-Chancellor, but including decrees in calendar causes and upon appeals, was 3,350. The number of causes not heard at the last stated terms, in consequence of their not being reached upon the calendars, was 134; of which, 61 were causes set down for hearing before the Chancellor. It is probable, however, that many causes were in readiness for hearing, which were not placed on the calendars; and that others were passed without argument, because the counsel were not in attendance when the causes were reached in course. But it is also

proper to observe, that no causes of the fourth class were heard at the last term of the Chancellor: The argument of one cause belonging to the third class, however, occupied the court between three and four weeks. Very few causes of the fourth class are set down for hearing before the Chancellor, except appeal causes; and the argument of such causes usually occupies the court from one to three days. The number of causes of this description now in readiness for hearing, is probably not far short of 100, including appeals from surrogates. There were, at the commencement of the present term of the court of chancery, 49 causes which had been heretofore argued or submitted, and which remained undecided before the Chancellor; and 23 cases before the Vice-Chancellor of the first circuit. It is probable, also, that several causes which have been argued, remain undecided before the other Vice-Chancellors. A certain portion of the causes which are heard in the court of chancery, involve only two or three questions of law or fact, and can therefore be examined and disposed of by devoting a few hours to the examination of the case, and the preparation of the substance of the decree to be entered thereon; while the examination of others, and the writing out the reasons for the decree when necessary, frequently occupies the Chancellor or Vice-Chancellor two or three days, and sometimes a week. For the purpose, therefore, of producing inconvenience or injury to the least possible number of suitors, by the unavoidable delay in the examination and decision of causes, those cases which require comparatively little time, are generally taken up and decided as soon as possible after the argument; leaving those which involve a great variety of questions, or which for any other cause will require a long time for their examination, to be taken up afterwards in the order in which they were heard. The causes now remaining undecided, are mostly of the latter class. And if the other duties of his office would enable the Chancellor to devote twelve hours in a day to the examination and decision of the causes now remaining before him undecided, they could probably be disposed of in about sixteen weeks; that is, allowing two days to each. But as he is engaged about half of the time in holding court, and must devote a considerable portion of the residue of his time to the examination and decision of lighter causes, and other special duties imposed on him by law, it is hardly probable that these 49 cases can all be disposed of within a year; and some of them have already been on hand for a long time.

The report of the Chief Justice shows that a portion of the causes pending in that court are necessarily delayed, for similar reasons, or from the want of time to hear the argument thereof. The undersigned therefore has no hesitation in saying, in answer to that part of the resolution of the Honorable the Assembly, that some of the suitors in both courts have just ground of complaint that the hearing and decision of their causes is unreasonably delayed. But at the same time he is bound, in justice to himself and to the judges of the supreme court, to insist that no part of such delay is justly attributable to his or their neglect. The present Chancellor has held his office nearly seven years; and during the whole of that period, has not been absent from his office seven weeks, except when he was engaged in holding court, or in travelling to and from the places where the courts were held, or in the actual discharge of some other official duty: And when in his office, he has been constantly employed in the examination of causes, and in writing out the reasons for his decisions in some of the cases, from eight to sixteen hours in each day. The result of a part of such labor out of court, appears in eleven large folio volumes of written opinions; five hundred of which opinions have been deemed of sufficient importance to the public to be published in the chancery reports, exclusive of the opinions delivered by him in the court for the correction of errors. An examination of the printed reports of the supreme court during the same period, and the knowledge of those members of the House who have been in the habit of attending the stated and special terms of that court, will be sufficient to satisfy the Honorable the Assembly, that the Chief Justice and his associates on the bench have been as diligently and faithfully employed. The Vice-Chancellor of the first circuit has been equally devoted to the duties of his office since his appointment; and it is also believed that some of the circuit judges, in connection with their duties as vice-chancellors, have been obliged to devote their whole time to the discharge of their official trusts. Of the value of his own services to the public, it does not become the undersigned to speak; but in justice to those who are dependent upon him for support and protection, he has a right to say, that at no time since he has occupied a seat upon the bench, has the amount of his compensation been sufficient to meet his current expenses, including house rent and the education of his children; and he has been compelled to expend a portion of the earnings of his former professional life, which should have been permitted to accumulate for his support in

old age. He has good reasons also for believing that such is the fact in relation to the justices of the supreme court.

The real cause of the complaint of unreasonable delay in our higher judicial tribunals, unquestionably arises from the fact, that the judicial establishment of the State is wholly inadequate to the examination and decision of the numerous and important legal questions which constantly arise: And that our judicial officers are required to perform a greater amount of labor by far, than is imposed upon any other judicial officers in the Union; and as the undersigned believes, greater than can be performed by them without destroying their healths.

For the purpose of showing that the duties imposed upon our higher judicial officers are unreasonably great, it is only necessary to compare our judicial establishment with those of our sister States. It will readily be admitted, by every one who is acquainted with the subject, that, owing to an extended commerce and diversified interests, the amount of litigation in this State is equal to, if not greater, than that of any other State in the Union, in proportion to our population. The whole number of our judicial officers who receive salaries from the State, including the circuit judges and the vice-chancellor of the first circuit, is only thirteen; the aggregate amount of their compensations is about \$21,000, exclusive of the small amount of fees which are received by the circuit judges, and paid by the suitors. By referring to Bowen's American Almanac and Repository of Useful Knowledge for 1835, it will be seen that this is less by one half than the judicial establishments of Pennsylvania or Virginia, although those States have but about two-thirds of our population; and is about the same as that of Kentucky, while our population is nearly three times as great.

Pennsylvania, exclusive of the three judges of the superior court in Philadelphia, corresponding with our superior court for the city of New-York, has twenty-five judges of the supreme and district courts and presiding or circuit judges, the aggregate of whose salaries, besides fees and a per diem allowance of four dollars to the judges of the supreme court while holding circuits, is \$43,466.

Virginia has twenty-five judges of the superior courts of law and equity, whose salaries amount to \$42,720, exclusive of an allowance of twenty-five cents per mile for travel.

Ohio, with a population less than one half of ours, has sixteen judges, whose salaries amount to \$16,800.

North-Carolina has nine judges, whose salaries amount to \$19,500.

Kentucky has nineteen judges and circuit judges, whose salaries amount to the sum of \$20,500.

And Tennessee has twelve judges, including the chancellor and circuit judges, whose salaries are \$18,600.

It will also be found, by reference to the laws of those States, that most of their judges receive fees and other perquisites in addition to their salaries.

It will thus be seen that the six largest of our sister States, the aggregate of whose population is about twice and a half that of New-York, have 109 superior and circuit judges, who receive salaries, the gross amount of which is \$167,586. And if the judicial establishment of this State was put upon an equal footing, in proportion to our population, it would give to us 37 superior and circuit judges, and authorize an annual expenditure for their support of \$57,300. If our establishment is compared with those of the six smallest of our sister States the disproportion appears to be still greater. For those States, with a population which is only about three-sevenths of ours, have 44 superior judges, whose salaries, exclusive of fees and other perquisites, amount to \$72,950. With these facts before him, the undersigned can not doubt that the people of this State will readily sanction such an increase of the judicial officers as will bear some just proportion to the number of judges in other States; so as to enable our superior tribunals to dispose of the litigation which must necessarily come before them. He also believes a judicial force may be organized, which, with a proper degree of diligence on the part of the judges, will be competent to do all the business, and still leave the number of judges and the expense of the establishment at least one-third below those of our sister States.

As to the manner of organizing the judicial force of the State so as to do the greatest amount of business with the least inconvenience to the public, great differences of opinion must necessa-

rily exist. No constitutional amendment can, therefore, obtain the sanction of two successive Legislatures and the people, unless it is very simple in its provisions; leaving the details of the system to future legislation. If the State was divided into two districts, and four of the circuit judges in each were organized into a court for the review, in the first instance, of their several decisions at the circuit, and two more judges were added to the supreme court, the undersigned is inclined to think those tribunals would be able to dispose of the common law business which would come before them, confining suits for sums under a certain amount to the local courts. This organization could be effected by a simple amendment of the Constitution, authorizing the Legislature to increase the number of justices of the supreme court; and, if necessary to remove any constitutional doubts as to the present power of the Legislature, declaring in express terms that the Legislature may organize the circuit judges, or any part of them, into such courts of original jurisdiction, or otherwise, as may be deemed for the public interest.

The undersigned believes an efficient organization of the court of chancery can be made by legislation merely, without an amendment of the Constitution. The organization which he would recommend to the honorable the Assembly, is the same as that reported by their judiciary committee at the last session, with perhaps some slight modification as to the arrangement of the circuits in reference to the amount of business in different parts of the State. This plan is to divide the State into four chancery circuits; the first comprising that part of the State which lies below the Highlands, the second, the northern and eastern part of the State, and extending west to the counties of Montgomery and Otsego; the third, extending west to Cayuga county or the Seneca lake, and the fourth embracing the residue of the State. That in each circuit except the first, an efficient Vice-Chancellor be appointed with an adequate salary, who shall hold his courts at one place, and devote his whole time to chancery business; and that the circuit judges be relieved from the performance of equity duties, to enable them to devote their whole time to the decision of common law suits.

The undersigned accompanies this report with the draft of a bill drawn in conformity with the above suggestions, which if

adopted by the Legislature, will carry such new chancery system into effect without altering the practice of the court from that which now exists under the provisions of the Revised Statutes.

All which is respectfully submitted.

R. HYDE WALWORTH

January 29, 1835.

AN ACT

To reorganize the chancery circuits, and to provide for the appointment of additional Vice-Chancellors.

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

§ 1. For the purpose of administering justice in the court of chancery, the state is divided into four chancery circuits, as follows:

The first circuit to comprise the counties of Suffolk, Queens, Kings, Richmond, New-York, Westchester and Rockland.

The second circuit to comprise the counties of Putnam, Dutchess, Orange, Ulster, Sullivan, Delaware, Columbia, Greene, Albany, Rensselaer, Schoharie, Schenectady, Saratoga, Washington, Warren, Essex, Clinton and Franklin.

The third circuit to comprise the counties of Montgomery, Hamilton, St. Lawrence, Jefferson, Oswego, Lewis, Oneida, Herkimer, Onondaga, Madison, Otsego, Chenango, Cortland and Broome.

And the fourth circuit to comprise the counties of Tioga, Steuben, Tompkins, Seneca, Ontario, Yates, Wayne, Livingston, Monroe, Genesee, Orleans, Niagara, Erie, Allegany, Cattaraugus and Chautauque.

§ 2. In each chancery circuit there shall be an officer of the court of chancery, who shall reside within the circuit, and be nominated the vice-chancellor of such circuit. He shall be of the degree of counsellor in the court of chancery; shall be appointed in the same manner, and hold his office by the same tenure, as the circuit judges.

§ 3. The present vice-chancellor of the first circuit, residing in the city of New-York, shall be vice-chancellor of the first chancery circuit, during his continuance in office.

§ 4. The vice-chancellor of the first chancery circuit shall receive the salary now allowed by law to the present vice-chancellor of the first circuit; and the vice-chancellor of each of the other chancery circuits shall receive the same salary as is or may be allowed by law to the circuit judges, and to be paid in the same manner.

§ 5. From and after the first day of June next, the vice-chancellors of the several chancery circuits, shall, within their respective circuits, have and exercise the jurisdiction and powers, and perform the duties which, by the Revised Statutes or otherwise, are conferred upon, or required to be performed by, the circuit judges as vice-chancellors, or officers of the court of chancery; and as to such jurisdiction, powers and duties, shall be substituted in the place of the circuit judges within their respective chancery circuits: And all the provisions of law which are applicable to the said circuit judges as vice-chancellors or officers of the court of chancery, shall be considered as applying to the vice-chancellors of the several chancery circuits.

§ 6. All causes and matters in equity which shall be pending in the court of chancery before any of the circuit judges as vice-chancellors, or officers of the court of chancery, on the first day of June next, shall be transferred to the vice-chancellors of the several chancery circuits, as follows:

Those pending before the circuit judges of the second, third and fourth circuits, to the vice-chancellor of the second chancery circuit:

Those pending before the circuit judges of the fifth and sixth circuits, to the vice-chancellor of the third chancery circuit:

And those pending before the circuit judges of the seventh and eighth circuits, to the vice-chancellor of the fourth chancery circuit.

§ 7. Such causes and matters in equity may be proceeded in before the vice-chancellor to whom they are transferred, in the same manner as if they had been originally instituted or commenced before him.

§ 8. The vice-chancellors of the several chancery circuits shall hold four stated terms in each year, at such times as they shall re-

spectively appoint, and so many special terms as they shall deem proper; which stated terms when so appointed, shall remain unaltered for two years.

§ 9. The stated terms of the vice-chancellor of the first chancery circuit, shall be held at the city of New-York; those of the vice-chancellor of the second, at the city of Albany; those of the third, at the city of Utica, and those of the fourth at such place within the circuit as the vice-chancellor of such circuit shall appoint; which place when so appointed, shall remain unaltered for two years.

§ 10. The register of the court of chancery shall attend every court held by the vice-chancellor of the second chancery circuit, and shall be the clerk thereof; and the assistant register shall attend every court held by the vice-chancellor of the first chancery circuit, and shall be the clerk thereof. In the third chancery circuit there shall be a clerk of the court of chancery, who shall reside at the city of Utica, shall attend every court held by the vice-chancellor of such circuit, and shall be the clerk thereof; and in the fourth chancery circuit there shall be a clerk of the court of chancery, who shall attend every court held by the vice-chancellor of such circuit, and shall be the clerk thereof; and shall keep an office at such place as such vice-chancellor shall direct.

§ 11. Within ten days after the first day of June next, the clerks in chancery who are not continued in office, shall deliver the seals of the court, and the books, papers, moneys and securities in their hands as such clerks, as follows: Those living in the second chancery circuit, to the register, as clerk of that circuit; and those living within the third and fourth chancery circuits, to the clerks of such circuits respectively: And the register or clerk in chancery to whom such securities are directed to be delivered, may maintain suits thereon as successor to such former clerk.

STATE OF NEW-YORK.

No. 96.

IN ASSEMBLY,

January 27, 1835.

INTERROGATORIES,

Addressed to the Presidents, Cashiers, and other officers of the several Banks under the Safety Fund Law.

STATE OF NEW-YORK, }
IN ASSEMBLY, Jan. 27, 1835. }

Resolved, That the standing committee on the incorporation and alteration of the charters of banking and insurance companies be instructed to address interrogatories to the presidents and cashiers, or other officers, of the several banks under the Safety Fund, (except those in the city of New-York,) requiring immediate answers in writing, to such interrogatories, under oath, touching the practice referred to in the Governor's message, of exacting premiums on drafts as connected with the business of discounting, and also touching the practice, if any such exist, of causing their customers when applying for loans, to make the notes offered for discount payable at a distant place on which such banks may be in the habit of selling drafts at a premium, and also touching any other practices inconsistent with fair dealings on the part of these institutions towards the public.

And it is further resolved, That the said committee have power (should they find it necessary) to send for persons and papers, and that they report to this House the result of their investigations with all convenient speed.

By order,

P. REYNOLDS, Jr. Clerk.

[Assem. No. 96.]

1

INTERROGATORIES,

To be addressed to the presidents, cashiers, or the other officers of the several banks in this State under the Safety Fund, (except those in the city of New-York,) under the resolution upon that subject adopted by the Assembly, January 27, 1835.

1st. Has the bank of which you are an officer, when applied to for the discount of paper, compelled, required, encouraged, or recommended, directly or indirectly, the person so applying, to make his paper payable at places on which your bank was in the habit of selling drafts at a premium?

2d. Has your bank refused to make discounts unless the paper so offered was made payable at Albany or New-York?

3d. Has your bank discounted paper payable at either Albany or New-York; the officers of the bank, or any of them; knowing or having reason to believe, that the person properly liable for the payment of such paper, would not have funds at its maturity, at the place of payment?

4th. Has your bank discounted such paper, payable at Albany or New-York, the officers of the bank, or any of them; knowing or having reason to believe, or expect that the person obtaining the discount, would, previous to, or at the maturity of his paper, purchase of your institution a draft to be used in the payment of such paper so discounted by you?

5th. Has your bank discounted such paper, payable at either Albany or New-York, under an express understanding or arrangement with the person obtaining the discount, that he or any other person, should, at the maturity of the paper, purchase of your bank a draft on the place at which his paper was so payable?

6th. Has your bank discounted a draft or note, the officers of the bank, or any of them, knowing or having reason to believe that the proceeds of such draft or note would be applied to the purchase of a draft from your institution at a premium; to be used for the purpose of taking up a previously discounted draft or note belonging to your institution?

7th. Has your bank sold a draft or drafts, the officers of the bank, or any of them, knowing or having reason to believe that the draft or drafts so sold, were to be used or applied to the payment of any note or draft due to your bank, and payable at Albany or New-York?

8th. What amount has been received by your bank for premiums on drafts sold by you during the last year?

9th. What proportion of the drafts sold by your bank, during the last year, has been applied as payment upon debts, notes or drafts due to your bank?

10th. In how many instances has your bank, during the last year, sold drafts to be used by the purchaser in paying notes, drafts or debts due to your bank?

11th. Has your bank ever discounted paper, the officers of the bank, or any of them, expecting, or having reason to believe that your bank would be enabled to sell to the person obtaining the discount, a draft at a premium, to be used by him in the payment of his discounted paper?

12th. Has your bank, in all instances, sent or remitted the paper discounted by it, to the place of payment?

13th. In any instance when you have not so sent the discounted paper to the place at which it was payable, has your bank or any of its officers required or received the premium on a draft or drafts upon the place where such paper was payable?

14th. Has your bank, when such discounted paper has not been sent to the place of payment, required or received the payment of any charges for postage, protest or other disbursements, as connected with, or claimed, as accruing upon such discounted paper?

15th. How long has your bank pursued the business of requiring the paper of your customers, or a portion of them, to be made payable at Albany or New-York, and of selling drafts to pay such paper?

16th. If you have desisted from this kind of business, when did you so desist?

17th. Have you, as an officer of the bank, been admonished or advised, that the business of requiring paper payable at a distant place, for the purpose of enabling the bank to sell a draft to take up such paper, was improper, and should be discontinued?

18th. Have you used the funds of your bank, or procured money from your bank, with which you have, for you private benefit, purchased paper at a discount beyond the legal rate?

19th. How many notes or drafts has your bank received or discounted within the ninety days next preceding January 1st, 1835, which are payable at Albany or New-York?

20th. Has your bank appointed, authorized, or in any manner employed an agent or agents, for the purpose of procuring, recommending, or receiving paper for discount, with the understanding on the part of the bank, or any of its officers, that such agent should charge to, or receive from the person applying for, or obtaining the discount, any commission or compensation for the services of such agent; and if so, at what rate?

21st. Is your bank in the practice, directly or indirectly, of requiring those who obtain discounts from it, to make their payments in the notes of banks other than your own; and if so, for what reason?

22d. Has any paper been presented at your bank for discount, been declined or refused, and the same subsequently presented by a broker or any other person, and discounted; and has any officer of your bank participated, directly or indirectly, in the profits of the endorsement or brokerage of any such paper, or any other paper presented at your bank for discount?

23d. Have any loans been made by discounts or otherwise, to any broker for the business of exchange or brokerage, in which any officer of your bank was interested, directly or indirectly; and if so, what is the amount of such loans for the ninety days next preceding January 1, 1835?

24th. Has your bank employed any broker or brokers or other person or persons in the city of New-York or elsewhere, and furnished him or them with funds for the purchase, at a discount, of the bills of your bank with the view to gain?

25th. Has the bank, of which you are an officer, or any of its officers made it a condition, directly, indirectly or impliedly, of the discounting of any note, draft or other evidence of debt, that the borrower should receive therefor, the notes or bills of other bank or banks, at par—which notes were not at the time current or of par value at your bank; or the notes or bills of banks out of the United States, or out of this State, which were not at the time current and bankable at your institution? If yea, have such depreciated notes or bills been received or taken by such borrower of your bank, or any officer or officers thereof, at par, in pursuance of such understanding or condition? What amount of such depreciated paper has been so paid out by your bank or any of its officers or agents on behalf, or for the benefit of the bank? What was the current value of such paper at the counter of your bank at the time it was so paid out? What was the current value of it at the town, city or village where it was so paid out? And was the same received or taken by your bank, or any of its officers, or agents, on behalf or for the benefit of your bank, at less than par; and if so, at what per cent discount?

26th. Has your bank, by any of the practices alluded to in the foregoing interrogatories, or by any other means, (and if so, by what means,) adopted a course of business, with the intention on the part of its officers, or any of them, of receiving more than the legal rate on paper discounted by you?

No. 97.

IN ASSEMBLY,

January 30, 1835.

REPORT

Of the committee on the judiciary on the petition of inhabitants of the town of Whitestown, for the appointment of a master in chancery, to be located at Whitesboro', Oneida county.

Mr. Krum, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the town of Whitestown, in the county of Oneida, for the passage of a law authorising the appointment of a master in chancery, to be located at Whitesboro',

REPORTED:

That the petitioners represent, that there is, at present, one master in chancery in the village of Vernon, and two in the city of Utica.

From a knowledge of the fact, that the village of Whitesboro' is but four miles from the city of Utica, the committee are of opinion, that no serious inconvenience can result from refusing the prayer of the petitioners, and that it would be imprudent, and against good policy, to multiply those offices, unless in very special cases. Your committee are, therefore, of opinion, that the prayer of the petitioners ought not to be granted.

No. 99.

IN ASSEMBLY,

January 31, 1835.

REPORT

Of the committee on the petition of aliens on the petition of Mary Johnson.

Mr. Patterson, from the committee on the petition of aliens, to which was referred the petition of Mary Johnston of Franklinville, in the county of Cattaraugus,

REPORTED:

That the petitioner represents, that she is in possession of a lot of land in the said town of Franklinville, that was conveyed to one John Johnston and your petitioner by the Holland Land Company; That the said John Johnston died without becoming a naturalized citizen of the United States, leaving five children, the fruits of his former marriage, viz: James Johnston, John Johnston, William Johnston, Margaret Johnston and Robert Johnston; and that it was the understanding between your petitioner and the said John Johnston, that the part of said land belonging to said John Johnston should descend to, and belong to his said children above mentioned.

The petitioner asks that a law may be passed releasing the right of the State to the above mentioned land to her, and to the above mentioned children of the said John Johnston, deceased.

The petition is signed by the petitioner, and verified by oath before James Burt, a justice of the peace.

Your committee are of opinion, that as the above mentioned premises were conveyed to the petitioner and the said John Johnston, and as the petitioner is now in possession of said premises, there can be no well founded objection to granting the release asked for; and they have prepared a bill, with such provisions as seemed proper to your committee, and have directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

January 31, 1835.

REPORT

Of the committee on the petitions of aliens, on the petition of Elizabeth Favie, and others.

Mr. E. Strong, from the committee on the petitions of aliens, to whom was referred the petition of Elizabeth Favie, Jaque Favie, Elizabeth Sainetmeme, Piere Favie and Margaret Bosfrout, aliens,

REPORTED:

The petitioners represent, that they are the widow and children of Piere Favie, late of the town of Le Ray, in the county of Jefferson; that the said Piere Favie was a native of France, and had removed to the place aforesaid with a view of becoming a citizen of the United States; that he purchased a farm situate in the town and county aforesaid, containing fifty acres, and ninety-seven hundredths of an acre of land, of one William Phelps, and took a deed duly executed and acknowledged for the same, the consideration having been fully paid, which deed is dated the 15th day of July, 1830, and is recorded in the office of the clerk of the county aforesaid, August the 9th, 1830, in book E 2d, of deeds, at page 455; that the said Piere Favie died at the place aforesaid, on the 17th day of August, 1833, leaving the petitioners, his widow and children.

The petitioners pray for a law to be passed, releasing all the estate, right, title and interest of the people of this State, of, in and
[Assem. No. 100.]

to the above described premises aforesaid, to the said petitioners, vesting the same in them, their heirs and assigns.

Your committee are moved to the conclusion, that the prayer of the petitioners ought to be granted, and have prepared a bill for that purpose, which they beg leave to present.

No. 102.

IN ASSEMBLY,
January 29, 1835.

REPORT

Of the select committee on the petition of George Ohll, to change his name.

Mr. Roosevelt from the select committee, to whom was referred the petition of George Ohll to change his name,

REPORTED:

That the petitioner represents (and his representations are duly verified by affidavits) that he was born in Philadelphia. His father died when he the petitioner was very young, upon which his mother married again; to one Ernest Kass, of the city of New-York, baker, he, the petitioner, being at the time about nine years old. The petitioner was brought up by his said step-father, and has always from the time of his mother's second marriage, been called by the name of Kass, and by that name he transacts business in the city of New-York. He has a wife, and four children under age, who have always been called and known by the name of Kass. The petitioner further represents that he is desirous of purchasing real estate, and of taking the title in the name by which he is universally known, and therefore prays the Legislature to pass an act, to change the name of himself, his wife and children, from Ohll to Kass.

Your committee, considering that the petitioner and his family have, from the circumstance of the second marriage of his mother during his infancy, been always called by the surname of his
[Assem. No. 102.]

step-father, and that the name thus acquired, and long continued by usage, may with great propriety be established by law, have instructed their chairman to ask leave to introduce a bill for that purpose.

No. 103.

IN ASSEMBLY,
January 29, 1835.

REPORT

Of the select committee on the petition of Curtis Peck.

Mr. Lockwood, from the select committee to which was referred the petition of Curtis Peck, praying for permission to build a suitable wharf or dock for landing passengers and freight from steam-boats, in which he is concerned, in the town of Rye in the county Westchester,

REPORTED:

That similar grants have been frequently made by the Legislature of this State, for the purpose of promoting the commercial intercourse of the inhabitants and facilitating the transportation of goods.

The committee are enabled to state the following facts, to wit:

1. The said Curtis Peck now owns the land adjacent to the place where it is proposed to build the said dock or wharf.
2. That there is at present near the same place a sort of bridge, dock or wharf, which has been used for several years for the purpose of landing passengers, goods, &c., and which is at all times extremely inconvenient and sometimes dangerous.

The committee have, therefore, unanimously come to the conclusion that the prayer of the petitioner ought to be granted. They have prepared a bill, and directed their chairman to ask leave to introduce the same.

[Assem. No. 103.]

No. 104.

IN ASSEMBLY,

January 31, 1835.

REPORT

Of the committee on claims on the petition of Chauncy Persons for relief.

Mr. M. H. Sibley, from the committee on claims, to whom was referred the petition of Chauncy Persons for relief,

REPORTED:

The petitioner represents that, in December, 1828, he was one of the guard of the State prison at Auburn. That on the 4th day of that month, he discharged his musket on the wall of the prison yard at the close of prison hours, in obedience to orders, and in pursuance of the established regulations. That the musket which was placed in his hands for the performance of such duty, and which belonged to the State, was bursted by such discharge, and he thereby so severely wounded, as to render the amputation of his left arm necessary, which was soon after done. That severe and protracted sickness followed such injury; and in consequence of the shock which his whole person received by such explosion, he is much enfeebled, and rendered incompetent to earn his support. That he is 28 years of age; ignorant of any mechanic art, having been accustomed to common labor only, and is now in a needy and distressed condition, destitute of any means of livelihood.

These statements are corroborated by the concurring and favorable representations of more than thirty of the most respectable citizens of the village of Auburn, who bear witness to the character of the petitioner, and unite in his prayer for relief.

The petitioner further states, and verifies by affidavit, that the bursting of the musket which caused the injury, was not occasioned by his negligence or want of care, but by a flaw or other defect in the piece; and in this, he is supported by the representations of the agent of that prison, made personally to your committee. The agent does not know, however, from actual inspection, or otherwise, that such was the cause of the accident. The proof upon this point, although not as full and satisfactory as desired, leaves little doubt, in the minds of the committee, that the present destitute and distressed situation of the petitioner is to be imputed to a defective musket belonging to the State, put into his hands for the purpose of performing a specific duty, and an injury sustained thereby, while in the service of the State, without indiscretion or culpable negligence on his part.

Under these circumstances, your committee are of opinion, that he has claims upon the justice of the people of the State; and have directed their chairman to ask leave to bring in a bill for his relief.

No. 105.

IN ASSEMBLY,
January 29, 1835.

REPORT

Of the select committee on the petition of inhabitants of Great Valley, in the county of Cattaraugus, to extend the time for the collection of taxes in said town.

Mr. Burke, from the select committee, to whom was referred the petition of sundry inhabitants of the town of Great Valley, in the county of Cattaraugus,

REPORTED:

That the petitioners set forth in their petition, that in consequence of the unavoidable absence of the supervisor of said town from the State since the first of December last, the *corrected* assessment roll for the said town has not been delivered to the collector thereof, agreeable to the requisitions of the statute; and that, therefore, the collection of taxes is not in progress in said town.

Your committee do not doubt the existence of the facts set forth in the petition, and, therefore, are of the opinion that the prayer of the petitioners ought to be granted. They have therefore instructed their chairman to ask leave to introduce a bill.

No. 106.

IN ASSEMBLY,

January 30, 1835.

REPORT

Of the Attorney-General, in obedience to a resolution of the Assembly, requesting his opinion in relation to contracts for the labor of convicts in the State Prisons.

ATTORNEY-GENERAL'S OFFICE, }
Albany, Jan. 29, 1835. }

To the Speaker of the Assembly.

SIR—

In obedience to a resolution of the Assembly, I submit herewith a report in relation to contracts for the labor of convicts in the State Prisons.

I am, respectfully,
Your obedient servant,

GREENE C. BRONSON.

REPORT, &c.

The Attorney-General, in obedience to a resolution of the Assembly, requesting "his opinion on the question whether the several contracts for the labor of convicts in the State Prisons may be legally modified or annulled," respectfully submits the following

REPORT:

The Attorney-General has ascertained that the agents of the two prisons have severally made contracts for the labor of convicts, which will expire by their own limitation within about five years. But two of the contracts, which terminate in the year 1838, severally contain a clause giving the contractor a right of renewal for five years, and may consequently extend to the year 1843. The right is not reserved to the State or its officers to put an end to the agreements.

The law has confided to the agents a discretion almost without limit, in relation to contracts of this description; and if there has been no fraud, and there are no facts other than such as have come to the knowledge of the Attorney-General, he is of opinion that these agreements are obligatory on the State. 2 Rev. Stat. 763, sec. 26.

If the contracts are valid, they can not be "legally modified or annulled," without the consent of both parties.

Although no one can have a legal right to annul his own contract without the concurrence of the other party, yet there may be cases in which the refusal of an individual to perform an executory agreement would not be deemed morally wrong, if his refusal were accompanied with a tender of ample amends to the other party. And if the State, acting on some great principle of public policy, should refuse to proceed with the contracts in question, making provision at the same time for a full indemnity to the other parties, it could not properly be regarded as a breach of the public faith.

Respectfully submitted.

GREENE C. BRONSON, *Att'y-Gen.*

Albany, January 29, 1835.

No. 110.

IN ASSEMBLY,

February 2, 1835.

REPORT

Of the committee on colleges, academies and common schools, on a resolution of the Assembly, of the 31st January.

Mr. Wetmore, from the committee on colleges, academies and common schools, who were instructed by a resolution of this House, adopted on the 31st ult., to inquire into the expediency of amending the law in relation to the time of making reports by the commissioners of common schools and county clerks,

REPORTED:

That by the existing provisions of the Revised Statutes, it is made the duty of the commissioners of common schools in each town, between the first day of July and the first day of October, in each year, to make and transmit to the county clerk, a report in writing, bearing date the first day of July, on subjects connected with their official duties. In case the commissioners in any town shall neglect to perform the duties enjoined upon them, the clerk of the county is required to give notice of the omission to the clerk of such town, who shall, immediately after the expiration of the time specified, assemble the commissioners for the purpose of making their report. It is also made the duty of each county clerk, between the first of October and the first of December, in every year, to make and transmit a report to the Superintendent of Common Schools.

The proposition submitted to the consideration of the committee is, to require that the commissioners shall transmit their reports to the county clerk by the first day of August, and that the clerks of counties shall fulfil their portion of the duty by the first day of October in each year. The object sought to be accomplished by the alteration is, to afford the Superintendent of Common Schools more adequate time for the preparation of his annual report to the Legislature.

Upon a careful examination of the subject referred to them, the committee are of opinion, that no disadvantage can result from the proposed amendment, but, on the contrary, that the duties of the Superintendent will be much facilitated by the change, and the public convenience thereby promoted.

The committee have, therefore, instructed their chairman to ask leave to introduce a bill.

No. 111.

IN ASSEMBLY,

February 2, 1835.

REPORT

**Of the select committee on the petition of Isaac Peck
and Elijah Peck.**

Mr. Jackson, from the select committee, to whom was referred the petition of Isaac Peck and Elijah Peck, asking for permission to erect a dock,

REPORTED:

The petitioners represent, that they are desirous to erect and maintain a dock adjacent to their lands in the village of Flushing, in Queens county, lying on Flushing creek, for the landing of passengers and freight from steam-boats in which they are concerned, and for other commercial purposes.

Your committee, on a careful examination of this application, is well satisfied, and some of them from their own personal knowledge, as well as from the recommendation of a large number of respectable inhabitants of that village who have united in the prayer of the petitioner, that a good and substantial dock at that place is much wanted.

The committee are of the opinion, that this application, if granted, will not interfere with the navigation of said creek, but, on the contrary, will enable vessels to load and unload their cargoes with more ease and greater facility. They have, therefore, prepared a bill, which they ask leave to introduce.

No. 112.

IN ASSEMBLY,

February 3, 1835.

REPORT

**Of the committee on the militia and the public defence
on the petition of officers and members of the first
regiment of horse artillery.**

Mr. Lockwood, from the committee on the militia and the public defence, to whom was referred the petition of the officers and members of the first regiment of horse artillery,

REPORTED:

That it appears from the representation of the petitioners, as well as from information communicated to your committee, that much difficulty exists in keeping up the organization of the corps of horse artillery. The great expense attendant upon the equipment of members, and the arduous duty which often devolves upon them, have operated to deter individuals from enlisting in these corps. Occasions are of frequent occurrence in the city of the New-York, when the services of mounted troops are deemed necessary by the constituted authorities. The committee may refer to the circumstances connected with the riots in that city during the past summer, and to the valuable services rendered at that time by the horse artillery in aid of the civil authority, as offering a sufficient reason for extending legislative aid in maintaining the character and efficiency of this important branch of the public defence.

The prayer of the petitioners extends no farther than for exemption from jury duty, after a faithful service of seven years; and your committee see no reason why it should not be granted. The committee have, therefore, instructed their chairman to introduce a bill.

No. 113.

IN ASSEMBLY,

February 2, 1835.

REPORT

Of the committee on colleges, academies and common schools on the petition of the trustees of School district No. 7, in the town of Skaneateles, Onondaga county.

Mr. Wetmore, from the committee on colleges, academies and common schools, to whom was referred the petition of the trustees of school district No. 7, in the town of Skaneateles, in the county of Onondaga, praying for legal authority to sell a school-house and lot, and to make disposition of the proceeds thereof:

REPORTED:

That under the present law, the trustees of school districts are without authority, in certain cases where the site of a school-house has been changed, to dispose of the lot and building formerly occupied. The necessity of an amendment of existing laws to provide for such cases, will be apparent. With the view, therefore, to afford relief in the instance presented to them, as well as to furnish a remedy for an obvious deficiency in the system, and thereby render similar applications for legislative interposition unnecessary, the committee have prepared a bill, and instructed their chairman to ask leave to introduce the same.

No. 114.

IN ASSEMBLY,

January 31, 1835.

REPORT

Of the committee on the judiciary on the petition of the board of supervisors of Dutchess county.

Mr. Livingston, from the committee on the judiciary, to which was referred the petition of the board of supervisors of the county of Dutchess relative to the compensation of the district attorney of said county for his services,

REPORTED:

That they have examined the tariff of fees allowed to district attorneys, and that they find the fees allowed by law are no more than a just compensation for the services which district attorneys are compelled to perform. The supervisors of Dutchess county ask that the district attorney of their county shall receive a stated salary of one thousand dollars per annum, in lieu of the compensation now permitted and authorized. The supervisors do not state any reason why the prayer of their petition should be adopted. It would, perhaps, be considered as invidious in the committee to suggest, that the supervisors of Dutchess county might find an ample remedy in applying for a retaxation of the bill of cost presented by the district attorney of their county. But as your committee are not informed of any improper charges made by the said district attorney, they therefore recommend that the prayer of the petition be denied.

All which is respectfully submitted.

[Assem. No. 114.]

No. 115.

IN ASSEMBLY,

February 2, 1835.

REPORT

Of the committee on grievances on the petition of
Nerum Abbott.

Mr. Adams, from the committee on grievances, to which was referred the petition of Nerum Abbott, praying for compensation for damages sustained by the overflowing of his lands, occasioned by the breaking away of the banks of the Chemung canal, submitted the following

REPORT:

The petitioner alleges in his petition, that in 1833, he resided in the town of Elmira, in the county of Tioga, on a lot of ground on which he had erected a dwelling house and a large blacksmith shop, about 15 or 20 rods west of the Chemung canal; that he was carrying on the blacksmith business; and that by the extraordinary rains and consequent unprecedented flood which happened in July last, the embankment of the Chemung canal gave way above the premises of the petitioner, and the flood and water bursting therefrom, came down along the premises of the petitioner; that the water soon dug a channel of some 25 rods in length, from 30 to 40 feet in width, and 7 or 8 feet in depth; that such channel was on the west side of his buildings, and encroached upon and cut off several feet of his lot, injured and threw down part of his cellar wall, and rendered it necessary to remove his family and furniture in boats; that his property was injured in removing it; that three or four hundred bushels of coal were injured, and some car-

ried away; that he was interrupted in his business, and that in all, he sustained a loss of not less than \$500.

In entering upon the duties assigned to your committee, they find that the principal causes of complaint hitherto presented and referred to them, are alleged to have arisen from breaches in the canals, and from accidents occurring on the line of navigation.

It is deemed to be a matter of great importance, as well for the interests of the State as in doing uniform justice to the claims of its citizens, that there should be some uniform rule of legislation upon claims of this character. If an uniformity of rule be not observed, it is easy to perceive that injustice may and will often be done; in some instances, money may be drawn from the State by management, false representations and fraud, by the interested applicant, while other claims, founded upon the representations of an honest applicant, may be rejected.

What leading principles for the general rule of action by your committee, and by which they would test the various matters of this class coming under their consideration, has been the subject of due deliberation.

It will be found, in looking into past reports of the Canal Board and the Canal Commissioners, that an uniform rule of action upon the subject of the rights and liabilities of the State and individuals has not been observed.

The Canal Board, in the report upon the petition of Charles Baker, for compensation for injuries alleged to have been sustained by a breach in the Champlain canal, take the ground, that if the canals had been constructed by an incorporated company, in the manner the State has constructed them, and the bank of the canal was carried away by a freshet, and the waters thereby let out upon the adjoining fields, a claim for damages arising from such breach could not be sustained either in law or equity; that where no want of attention nor any neglect is imputed to the superintendent, or any other agent of the State having charge of the canal, whatever injury may be sustained by a providential occurrence, must be endured by the person sustaining the injury. This report may be found in the Assembly Documents of 1829, No. 107.

In the same volume, Dec. No. 197, the Canal Commissioners in their report upon the petition of John Brown, the owner of a boat

loaded with barley, and navigating the Erie canal, the boat in descending a lock settled upon the bick-horn of an anvil lying in the bottom, whereby a hole was thrust into the bottom of his boat, and his boat and loading injured, seem to take ground entirely different from the grounds taken in the report first above referred to. In this last report the broad ground is taken, that the State is in no event to be liable for an injury, though it be the result of the most palpable negligence of its agent or agents. They say in the report, that there is no law which makes the State an insurer against the damages and risks which may happen to boats and their loading on the canal; that if those who are engaged in the navigation, wished to be insured against the perils of the canal, they might doubtless find those who, for a premium would insure. Or if any lock-tender or superintendent should be guilty of gross negligence in the discharge of his duty, by which boats or property on the canal should be lost or damaged, there could be no doubt but that the party injured could maintain an action at law against such such lock-tender or superintendent, to recover the damage.

With the positions taken in this last report, your committee feel constrained to differ. An individual who navigates the canal is bound to pay the rate of toll prescribed by the State, for the privilege of navigating, and he is not, nor should he be compelled to pay an insurance premium in addition to the payment of such tolls, to protect himself against accidents, in nowise chargeable to his own conduct. But should he incur the additional expense of paying such premium, and effecting such insurance, and should sustain a loss, the cause of which could be clearly traced to the negligence of the State agents, it is believed that the State would be liable to the insurer for the damage sustained through the negligence of the State agent. Nor do your committee deem it to be law or justice, that an individual in the lawful exercise of his rights in navigating the canal, who is damaged by running upon secreted obstacles, carelessly dropped and negligently permitted to remain in the canal by the State agents, not chargeable with any negligence on his part, should be turned over to the only remedy—of an action on the case against such State agent or lock-tender. The injured party could not be compelled to take this only and doubtful remedy, did the public works belong to an individual or corporation; in such case, the well settled principles of the common law would hold the principal accountable for the negligence of his

agent. And your committee do not believe that a different rule, as against the State for the negligence of its agent, does or ought to exist. It is true that the injured person might maintain an action against such agent for injuries resulting from his negligence. So could the State for any damages incurred by it from the negligence of such agent. And it would be but right that the State itself, should make its offending agent account for his negligence.

Your committee, therefore, in furtherance of the important object of uniformity of legislative action upon the subjects above mentioned, adopt the rule as laid down in the report of the Canal Board upon the petition of Charles Baker, first above referred to, and are of the opinion that in cases where damages are sustained by persons navigating, or owning property on the line of the canals, resulting from the negligent acts of the State agents, the State should be compelled to remunerate the sufferer for his loss, in the same manner as an individual, or corporation would be held answerable by law for the damages resulting from the negligent acts of their agents. Requiring in all cases, the like proof to charge the State as would be required at law to charge such individual or corporation.

The claim for relief upon the petition under consideration, rests upon the statements in the petition as above mentioned, and is in no other way sustained. But if the petition be regarded as true, the petitioner is not entitled to any relief from the State; it clearly appearing from the petition that the loss or damage complained of was, in the language of the petition, occasioned by an unprecedented flood, against which no human means could guard, and therefore in nowise chargeable upon the State or its agents. Your committee have therefore directed their chairman to ask leave to submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the above mentioned petition, and that the petitioner have leave to withdraw his petition.

IN ASSEMBLY,

February 3, 1835.

REPORT

Of the Canal Commissioners on the petition of John Herkimer.

The Canal Commissioners, to whom was referred, by the Assembly, the petition of John Herkimer,

REPORT:

The petitioner alleges that he is the owner, and in possession of several lots of land in Danube, in the county of Herkimer, through which the Erie canal passes: that about three acres of one of said lots are separated from the residue thereof by the canal, and that he has no bridge to pass on it for cultivation: that soon after the canal was completed, he made application to the Canal Commissioners for remuneration for the damage done to his property, which they refused or neglected to make, and that they also refused to build a bridge for his accommodation, whereby he has lost the use of said three acres of land. He also states that he has other lots which have, for a number of years, been inundated by water issuing out of the canal, insomuch that he is unable to raise any crops thereon. He states that he was out of the State during the existence of the acts of April 20, 1825, and April 14, 1827, extending the time for presenting claims for damage from the canals, and was consequently unable to avail himself of the benefits intended by them, and prays for relief.

In the Comptroller's office, among the appraisals, made by William C. Bouck and Henry Seymour, and certified by them, of the
[Assem. No. 116.]

damage to the proprietors of land situate in German-Flats and Danube, by the construction of the Erie canal, over and above the benefits therefrom, the damage of John Herkimer is appraised, in one entry, at two hundred and twenty-eight dollars, and in another entry, at fifty dollars. Among the vouchers in support of the account of the acting commissioner is the receipt of John Herkimer, of which the following is a copy:

"Rec'd, Washington, Jan'y 5th 1824, from Henry Seymour, Esq. Canal Com. of the Erie canal, the sum of two hundred and seventy-eight dollars, being the amount awarded to me for damages done by reason of said canal passing through my lands.

(Signed.) JOHN HERKIMER."

It is respectfully submitted, that these appraisals and the receipt, and the payment of them after the canal had been several years fully in operation on this part of the line, is a satisfactory answer to the petitioner's claim.

MICHAEL HOFFMAN,
JONAS EARLL, JUNIOR,
WM. C. BOUCK.

January, 31st, 1835.

No. 117.

IN ASSEMBLY,

February 3, 1835.

REPORT

Of the committee on colleges, academies and common schools, on the petition of the trustees of school district No. 2, in the city of Rochester.

Mr. Wetmore, from the committee on colleges, academies and common schools, to whom was referred the petition of the trustees of school district No. 2, in the city of Rochester,

REPORTED:

That the petitioners pray for the passage of an act to establish and render permanent the existing boundaries of their district.

From representations made to the committee, it appears that the location of the school-house is central in the city of Rochester, and that the district property is valued at about two thousand dollars. The trustees are desirous of erecting a new and costly edifice of such description as shall be an ornament of the city. It is stated that the taxable inhabitants are unanimously in favor of the contemplated improvement, provided they can be assured of the permanency of the district limits.

By the provisions of the Revised Statutes in relation to common schools, the commissioners are specially charged with the duty of establishing, regulating and altering the limits of school districts. This power seems to the committee to have been lodged in the proper hands, and, under ordinary circumstances, they would con-

sider legislative interference as unnecessary and inexpedient. In the present instance, however, and in view of the objects set forth in the petition, it is believed that sufficient reasons exist to justify a departure from the general rule. The committee have, therefore, instructed their chairman to ask leave to introduce a bill.

No. 119.

IN ASSEMBLY,

February 3, 1835.

REPORT

Of the committee on privileges and elections, on the petition of sundry inhabitants of the town of Avon, Livingston county.

Mr. Wilcoxson, from the committee on privileges and elections, to which was referred the petition of sundry inhabitants of the town of Avon, in the county of Livingston, praying that the law regulating "elections, other than for militia and town officers," may be so modified as to secure the citizen, in his person, against a wanton abuse of power on the part of the inspectors; and when committed to custody by them, an opportunity of having a fair and impartial trial, before sentence and condemnation,

REPORTED:

The facts, on which the petitioners base their application, are contained in a printed paper attached to their petition, purporting to be an affidavit of Horatio Pearson, in which, among other things, the said Horatio deposes, in substance, as follows: that on the last day of the last general election, held at Kneeland's inn, in the town of Avon, while standing in the entry contiguous to the room in which the board of inspectors were sitting, and there peaceably and quietly reading an electioneering handbill, Alfred B. Field, one of the electors, and there actively engaged as a challenger on the part of the whig party, in passing deponent towards the inspectors' room snatched the paper in the hands of deponent and tore off a part of it, accompanying his act with some hasty

[Assem. No. 119.]

expression, which deponent thinks was "give that to me:" that deponent repelled this insult, by a thrust of his open hand against the side of Field's face, and somewhat quickened Field's movement into the room where the board of inspectors were sitting; saying to Field, at the same time, I will not take that from you, you impudent puppy, or words to that effect: that there was no commotion or excitement whatever produced; nor did the transaction in the slightest degree disturb the harmony of the assembly, or at all disturb the board of inspectors, or any of the electors then present, except the said Alfred Field: that Field made complaint to the board, who, after taking their dinner, and after the lapse of an hour, and after considering the subject, made out a warrant committing the deponent to the county jail ten days, by virtue of which deponent was committed to the county jail, on and from the eleventh to and including the twentieth of November, then instant.

The law which the petitioners pray may be modified will be found in 1st vol. Revised Statutes, page 137, sections 36 and 37.

By these sections the board of inspectors are authorized to maintain regularity and order, and enforce obedience to their lawful commands during the election, and during the canvass and estimate of the votes after the closing of the poll: and if any person refuses to obey their lawful commands, or by disorderly conduct in the presence or hearing of the board interrupts or disturbs their proceedings, by an order in writing to commit the person so offending to the county jail of the county, for a period not exceeding thirty days.

By a law passed in the year 1801, a similar provision was made, conferring equal, if not more arbitrary power on inspectors of elections, which remained in force until the adoption of the law above cited. What the law was prior to that year your committee have not thought it necessary to ascertain. They are not aware that during this long period of time, (during which there has been a careful revision of our statutes,) any serious complaints have been made against inspectors of elections, for exercising this power in a wanton, cruel or oppressive manner, or without cause.

The petitioners themselves regard the case referred to by them important only "as shewing, (as they allege,) that in one case the granted power has been grossly abused." Your committee do not

feel called upon to express an opinion approving or disapproving of the conduct of the inspectors in this particular case: but they are satisfied, from their own knowledge—knowledge derived from experience and observation; the necessity of clothing inspectors of elections with discretionary power, and summary process to maintain order and regularity, and enforce obedience to their lawful commands; a power, the character of which, in its exercise, must strike dread in the mind of any one who feels disposed to make disturbance, or refuses to obey the legal requirements of the inspectors. The exercise of it must be positive in its effects, and summary in its execution. Were it not so, the objects for which it is given would be entirely frustrated.

The object of the law is to secure to each and every elector the privilege of voting, without molestation; to enable the clerks of the board to keep a correct poll list of the voters; to secure the ballots deposited from being destroyed, and the board from being intruded upon or their proceedings interrupted. These objects are of the first magnitude and of the greatest importance, and considering the numbers who crowd around the polls, their excited feelings; their personal abuse of each other; their readiness to resent and give insults; and the desperate strife for mastery; show most satisfactorily that no ordinary power in the hands of the inspectors would be sufficient to guard, protect and secure these objects. But the petitioners urge and press upon our consideration the great danger of its being abused, by incompetent and biased minds, charged with its execution, and regard all the power conferred, beyond what is necessary for the present protection of the board, as unnecessary, and an infringement of the rights of the citizen. That it may be abused will not be denied; but that this is a sufficient reason for a repeal or modification of the law can not be conceded. All delegated power is liable to abuse. Yet, in many instances, the law has conferred upon individuals much greater and more arbitrary power than it has upon inspectors of elections, and that too, when there would seem to be less danger in withholding it. Judges of courts of record may commit for contempts, such as disorderly, contemptuous or insolent behavior, committed during the sitting of the court, in immediate view and presence, and directly tending to interrupt its proceedings, or to impair the respect due to its authority. This is doubtless a high and arbitrary power, and may be exercised by a capricious, pre-

judiced and vindictive judge: and we have reason to believe that it has been so frequently exercised. Yet the high object to be attained renders this law necessary. Nay, we go further, and declare the persons of the judges inviolable, and throw around them the impenetrable shield of the law, and will not permit them to be excepted to, or challenged, even for corruption, except by indictment, or impeachment. Is the respect due to a judge on the bench of more importance than the security of the persons of the inspectors presiding at an election? Is the preservation of order in a court of record of more importance than the preservation of the ballot box containing the evidence of a freeman's will? It would seem so, for we go further to protect the judge than we do the inspector; the former we declare inviolable, while we make the latter responsible for misbehavior in his office, and responsible in damages for a wanton, malicious or capricious exercise of power. He may also be indicted and punished criminally. So long, therefore, as we hold these officers responsible, (as we do all other officers possessing a special and limited jurisdiction,) for their good behavior, and subject them to punishment for misbehavior, your committee are of opinion that the citizen has all the protection afforded him which the nature and exigency of the case will permit; and that the prayer of the petitioners ought not, therefore, to be granted.

All which is respectfully submitted.

No. 120.

IN ASSEMBLY,

February 3, 1835.

REPORT

Of the Canal Commissioners on the petition of John W. Wisner.

The Canal Commissioners, to whom was referred by the Assembly, the petition of John W. Wisner, submit the following.

REPORT:

The petitioner states that in 1831 he engaged as a sub-contractor to Jacob Westlake, to construct a lock at the junction of the Chemung canal with the river; that the lock was located between two buildings, which were so near each other, that the usual slope to the banks could not be given, without removing the buildings. He states farther, that he apprised the contractor, and Mr. Hutchinson the engineer, that unless the usual slope was given to the banks, they would cave into the pit; that the engineer replied that it would be expensive to remove the buildings, and that if the banks slipped in, the builder would be paid the expense of the work.

The petitioner farther states, that under the expectation of having his expenses paid, he commenced excavating the pit, and in its prosecution encountered great difficulties from the sides caving in, and the quantity of water proceeding from springs, which he was under the necessity of bailing; and also, that the floods from the river twice inundated his work.

He states that as soon as he had excavated the pit, he called Mr. Wright, the assistant engineer, to estimate the expense of the extra work; that Mr. Wright estimated the expense at \$650, and

[Assem. No. 120.]

assured the petitioner that it should be paid as soon as the Canal Board met. He states farther, that at two sessions of the Board of Canal Commissioners, he applied for the payment of this estimate, but that the same has never been allowed him; and also, that Col. Westlake has told him, he had also laid his claim before the Board of Canal Commissioners, and that the same, nor no part thereof had been allowed.

The petitioner estimates his damages at \$1,300, and prays the Legislature to remunerate him.

Westlake and McConnell were the contractors for constructing the lock in question. By the terms of their contract they were to receive a stipulated price for the lock, and a price per cubic yard for the masonry. These prices were to include the expense of excavating the pit, putting down the foundation, and performing every kind of work necessary to complete the lock, except the furnishing of iron, and the paddle-gates; and these prices were also to cover all contingencies which might arise in the execution of the work.

The excavation of the pit consisted of about one and a half feet in depth below the bottom of the canal, for the reception of, the bottom of the lock. This lock was located as the petitioner represents, between two buildings, and near the Chemung river. The excavation for the canal at this place was twelve or fourteen feet deep, and the space so contracted, that the usual slope could not be given to the banks, without removing the buildings.

The Commissioner who had charge of the work did not see it while the petitioner was excavating the pit, and putting down the lock foundation; but he understood at that time, and there is no doubt of the fact, that the banks caved into the pit, that the water was troublesome, and that altogether, it was an expensive job.

The allegation of the petitioner that Mr. Hutchinson directed him to incur the extra expense, and that he should be paid; that Mr. Wright estimated the extra expense at \$550, and promised that it should be paid as soon as the Canal Board met may be true, but is not as well sustained as it should be. If this was as the petitioner states, it is a little singular that he did not obtain the certificate of the engineer; evidence indispensably necessary to sustain his claim. If the engineers had made these alleged engage-

ments, it would have been their duty to have reported them to the Commissioners, as is customary in such cases. Such a report has not been made, and the Commissioners are inclined to the opinion, that there is some misapprehension on the part of the petitioner, in regard to what passed between him and the engineers.

The law authorizing the construction of this canal, "provided that on due notice being given," the Commissioners "shall receive proposals accompanied with good sureties to construct and complete said canal and feeder, for a sum which in the aggregate shall not exceed \$300,000."

To comply with this act, it became necessary to stipulate in the contracts that the prices for the items of the work named, should cover all contingencies which might arise in the execution of the work.

This provision is not ordinarily incorporated in canal contracts, but under the law in question, it became indispensably necessary, in order to form an estimate of the aggregate cost of this canal.

In 1833, application was made to the Canal Board by several contractors on this canal, for allowances; but the Canal Board decided that the conditions of these contracts excluded these claims from the operation of the statute, authorizing the Board to make allowances.

After this decision the claimants applied to the Legislature for relief, and a law was passed extending the provisions of the Revised Statutes to the contracts on this canal; thereby rendering ineffectual that condition, which imposed on the contractor the risque of contingencies.

Westlake and McConnel who were contractors for section number 13, and for seven locks, made application to the Canal Board in 1834 for extra allowances on the work they had executed; and in their account for extras, they claim an allowance on the lock pit in question of \$550. for excavating quick sand, slides from the face of the banks, and for expense of bailing water.

On this item of their claim they were allowed and paid \$300.

WM. C. BOUCK,
MICHAEL HOFFMAN,
JONAS EARLL, Junior.

February 3d, 1835.

No. 123.

IN ASSEMBLY,

February 5, 1835.

REPORT

**Of the select committee on the petition of inhabitants
of the town of Gates, Monroe county.**

Mr. D. Sibley, from the select committee, to whom referred the
petition of the inhabitants of the town of Gates,

REPORTED:

That it is set forth in said petition, and known to your committee to be true, that by the act of the last session of the Legislature incorporating the city of Rochester, a portion of the former town of Gates is taken from said town, and made a part of the territory embraced in the limits of the said city. That almost all the town officers, and all the inspectors of election but one, reside in what is now the city of Rochester, and that the place appointed for holding the next town meeting is also in said city. Your committee, therefore, deem the prayer of the petition to be reasonable, and have accordingly prepared a bill, fixing the time and place for holding the next town meeting, and naming three inspectors of election to preside at the same, and respectfully ask leave to introduce the same.

STATE OF NEW-YORK.

No. 124.

IN ASSEMBLY,

February 5, 1835.

REPORT

Of the committee on claims on the petition of Lucas Elmendorf.

Mr. M. H. Sibley, from the committee on claims, to which was referred the petition of Lucas Elmendorf, for a law authorizing the Comptroller to execute deeds to him of two lots of land sold for taxes,

REPORTED:

That, at the Comptroller's sale in 1830, Arnold Nelson purchased 450 acres of lot 66 in great lot 36, in the Hardenburgh patent, in the county of Delaware, for taxes of 1822 to 1826, inclusive. That the said lot was returned to the Comptroller's office as containing 650 acres, and was assessed to Lucas Elmendorf, the petitioner; that upon the payment into the treasury of the purchase money on such sale by the said purchaser, a certificate in the usual form was delivered to him by the Comptroller; that the land so sold remained unredeemed until the 12th April, 1832, when the petitioner handed to a clerk in the Comptroller's office a list of his lands which had been sold for taxes, (embracing quite a number of lots and parcels of land,) with written memoranda set opposite to each piece, indicating the petitioner's wishes in relation to the redemption or non-redemption of the same; that against the said lot 66 was written "not to be redeemed." That at the time this list was so handed in, the said office was much thronged with per-

[Assem. No. 124.]

sons engaged in the transaction of business, and the petitioner left the list with the clerk, requesting him to make out the amount of taxes on the land marked for redemption, and advise the petitioner of the gross amount of the same, when he should call again: that the petitioner on returning to the office again found the officers much engaged, but was presented with the amount of money required to redeem the lands, for which certificates of redemption were then prepared and handed him, which he paid without examination, being then in great haste to leave the city, which he soon after did; that upon returning home and examining his papers, he found that the tax, &c. on lot 66 had been included in the amount of money which he had so paid, and that a certificate of the redemption of the said lot had been delivered to him; that he returned to the Comptroller's office, explained the mistake, which was made obvious to the Comptroller, but he declined to rectify it, because he had not the power to do so, and informed the petitioner that his only relief was by application to the Legislature.

It further appears, that it was not his intention to redeem the said land; because he had purchased the aforesaid certificate of Arnold Nelson, the purchaser at the sale, and taken an assignment of the same.

Under these circumstances, the petitioner asks for the passage of a law authorizing the Comptroller to cancel such erroneous redemption, and requiring him to execute a deed of the said 450 acres of said lot 66 to the petitioner, as the owner or assignee of the said certificate of sale; and also that the Comptroller be required to refund to him the money so paid by mistake on such redemption.

The committee has found some difficulty in recommending the passage of such a law, from the fact that it is obvious from the transaction, and indeed is expressly admitted in the petition, that the object of the petitioner in omitting to perform his reasonable duty to the government, by the prompt payment of his taxes, and putting the public authorities to trouble and expense incident to a sale, was with the view of buying in under such sale, for the purpose of avoiding the burthen of establishing, if it should become necessary, a long and complicated chain of proofs, upon which his title depends. And if the granting of the prayer of the peti-

tioner necessarily involved legislative sanction of such an employment of the tax law, your committee would be constrained to object to it. But when it is considered that the money, which was paid by the petitioner under the misapprehension before explained, belongs to the petitioner and not to the treasury, which had already received all that was due to it from this land, by the payment by Mr. Nelson of the purchase money on the tax sale; that the repayment of the money so erroneously received from the petitioner would virtually cancel and revoke the supposed redemption and leave the Comptroller liable to be called on to execute a deed to the petitioner in virtue of the certificate of sale so assigned to him, your committee have concluded that it will better comport with consistent legislation, and relieve that officer from all embarrassment on the subject, to recommend the passage of a law, directing the repayment of the said redemption money, the cancelling of the redemption, and the execution of a deed to the petitioner, as the holder of the said certificate.

It is suggested by the Comptroller in his report made to the Assembly on this subject on the 16th January, 1833, which will be found in document No. 27 of that year, as an objection, (and the only objection which occurred to that officer,) to granting the relief asked for in this case; "that there might be conflicting claims to the title of this land,"—"that it is impossible to say that the sales-book showing such lot to have been redeemed on the 13th April last," (1832,) "was not examined by individuals interested, or claiming to be interested in such lot, between that period and the 5th day of May after, being the expiration of the time allowed for redemption, and upon such examination finding such lot to have been redeemed, had left the office satisfied that their interest in this lot, so far as such sale was concerned, was not jeopardized."

It is possible indeed that there may be conflicting claims to this land, and that a deed to the petitioner under the tax sale, may prejudice the rights of others; but there is not the slightest evidence before your committee of the existence of any such claims; on the contrary, it appears that the petitioner has held the land ever since 1792; that in an action of ejectment he has established his title to adjoining lands held under the same title as this land; that he has paid the taxes on this land for a series of years, and that the taxes for which it was sold were assessed to him. Yet

out of abundant caution your committee have provided in the bill, which they ask leave to introduce, for the protection of the rights of unknown claimants.

The same petition also asks for the passage of a law directing the Comptroller to execute a deed to him of two hundred and seventy acres of land, described as the south-east quarter of great lot No. 29, in the Hardenburgh patent, in the county of Sullivan, bounded north by Robert Hope's farm, east by Abraham Roose's land, south by great lot No. 28, and west by lands of Lucas El-mendorf, (except 40 acres in the southeast corner thereof,) which above described premises, the petitioner states he purchased at a tax sale in April, 1826, received a certificate in due form of such purchase, which he has lost, and because he cannot therefore produce it to the Comptroller, that office doubts his authority, under the existing law, to execute a deed.

The facts upon which this application of the petitioner is founded, are so fully presented in the report of the committee on claims in 1833, which will be found in No. 201 of the Assembly Documents of that year; in the report of the same committee in 1834, which will be found at No. 30 of the Assembly Documents of that year, and in the report of the Comptroller before referred to, that your committee forbear to burthen the journal by a repetition of them.

The right of the petitioner to relief, upon this branch of his case, is clear; and the only question has been, whether the Comptroller was not vested with power to grant the relief. He is of opinion that he is not. The committee of 1833 thought he was, while the committee of 1834 concurred with the Comptroller.

These various opinions certainly show that there are well founded doubts of the present powers of the Comptroller over the subject; and as similar cases will be occurring, your committee have concluded to recommend that the petitioner be relieved by a general law, declaring the Comptroller vested with power to execute deeds to any owner of a lost certificate, upon production of the affidavit of the owner of such loss, and such other evidence of loss and ownership, as may be reasonable.

Your committee have directed their chairman to ask leave to introduce bills in conformity with the foregoing views.

No. 125.

IN ASSEMBLY,

February 2, 1835.

REPORT

Of the Comptroller in relation to payments to the
Court of Errors.

COMPTROLLER'S OFFICE, }
Albany, Feb. 2, 1835. }

TO THE ASSEMBLY.

The Comptroller, in answer to a resolution of the Assembly of the 29th January, which is in the following words, viz:

Resolved, That the Comptroller be requested to report to this House the expenses incurred and paid out of the treasury for, or on account of the Court of Errors, since the last session of the Legislature, with the specific sums, items and amount paid to each member, officer and servant thereof respectively, distinguishing the sum paid to each, and to whom and for what services, attendances, travel fees, expenses and charges, whatsoever the same may be:”

Respectfully submits the annexed statement, which shews the sums paid to the several members and officers of the Court of Errors since the last session of the Legislature. Two sessions of the court have been held since the adjournment of the Legislature—one in the city of New-York, and the other in the city of Albany. The sums paid to the several members at each session, are given separately.

The contingent expenses of the Court of Errors, since the last meeting of the Legislature, cannot be ascertained in this office, separate from the total amount of the contingent expenses of the Senate and Court of Errors for the year ending on the 30th of September, 1834.

Respectfully submitted.

A. C. FLAGG.

A STATEMENT,

Shewing the sums paid from the State treasury to the members and officers of the Court of Errors, between the close of the session of the Legislature in 1834, and the 1st of January, 1835.

SESSION IN NEW-YORK.

NAMES.	No. of days attendance.	Am't paid for attendance.	Am't of travelling expen- se.	Total.
David M. Westcott,.....	4	12 00	25 80	37 80
Leonard Maison,.....	4	12 00	24 00	36 00
Ebenezer Mack,.....	4	12 00	82 20	94 20
John G. McDowell,.....	4	12 00	75 00	87 00
Allan Macdonald,.....	4	12 00	9 00	21 00
Charles W. Lynde,.....	4	12 00	94 80	106 80
H. I. Quackenboss,.....	4	12 00	43 20	55 20
Wm. H. Seward,.....	4	12 00	98 40	110 40
John G. Stower,.....	4	12 00	81 00	93 00
Albert H. Tracy,.....	4	12 00	148 50	160 50
Myndert Van Schaick,.....	4	12 00	.....	12 00
Josiah Fisk,.....	4	12 00	90 00	102 00
Henry A. Foster,.....	4	12 00	78 00	90 00
John Griffin,.....	4	12 00	156 00	168 00
Jehiel H. Halsey,.....	4	12 00	112 50	124 50
John C. Kemble,.....	4	12 00	46 80	58 80
Charles L. Livingston,.....	4	12 00	.....	12 00
Jona. S. Conklin,.....	4	12 00	36 30	48 30
Herman B. Cropsey,.....	4	12 00	6 00	18 00
Samuel L. Edwards,.....	4	12 00	85 80	97 80
Thomas Armstrong,.....	4	12 00	103 80	115 80
John W. Edmonds,.....	1	3 00	36 00	39 00
Peter Gansevoort,.....	1	3 00	45 00	48 00
John F. Hubbard,.....	4	12 00	90 00	102 00
Francis Seger,.....	..	.....	54 30	54 30
Reuben H. Walworth,.....	1	3 00	55 80	58 80
Samuel Nelson,.....	4	12 00	64 80	76 80
Jacob Sutherland,.....	4	12 00	45 00	57 00
John Savage,.....	4	12 00	45 00	57 00
John F. Bacon,.....	4	12 00	45 00	57 00
James Livingston,.....	4	12 00	45 00	57 00

SESSION IN ALBANY.

NAMES.	No. of days attendance.	Am't paid for attendance.	Am't of travelling expenses.	Total.
Herman B. Cropsey,.....	54	162 00	51 00	213 00
John G. McDowell,.....	47	141 00	82 50	223 50
John Griffin,.....	54	162 00	111 00	273 00
Jona. S. Conklin,.....	54	162 00	81 00	243 00
Trumbull Cary,.....	39	117 00	78 00	195 00
Peter Gansevoort,.....	54	162 00	.....	162 00
John F. Hubbard,.....	48	144 00	45 00	189 00
Myndert Van Schaick,.....	49	147 00	45 00	192 00
H. I. Quackenboss,.....	47	141 00	45 00	186 00
Josiah Fisk,.....	54	162 00	45 00	207 00
Charles W. Lynde,.....	54	162 00	49 80	211 80
David M. Westcott,.....	47	141 00	36 00	177 00
Wm. H. Seward,.....	41	123 00	50 40	173 40
Robert Lansing,.....	54	162 00	54 30	216 30
Sam'l. L. Edwards,.....	37	111 00	40 80	151 80
Francis Seger,.....	54	162 00	43 80	205 80
John Sudam,.....	40	120 00	19 20	139 20
Ebenezer Mack,.....	51	153 00	49 50	202 50
Allan Macdonald,.....	54	162 00	53 40	215 40
Thomas Armstrong,.....	54	162 00	58 80	220 80
Leonard Maison,.....	53	159 00	24 00	183 00
John G. Stower,.....	51	153 00	36 00	199 00
Jehiel H. Halsey,.....	53	159 00	70 50	229 50
Albert H. Tracy,.....	53	159 00	96 60	255 60
John W. Edmonds,.....	43	129 00	9 00	138 00
Henry A. Foster,.....	42	126 00	33 00	159 00
John F. Hubbard,.....	30	90 00	45 00	135 00
William I. Dodge,.....	54	162 00	48 00	210 00
John C. Kemble,.....	45	135 00	1 80	136 80
Reuben H. Walworth,.....	54	162 00	11 40	173 40
Jacob Sutherland,.....	54	162 00	.....	162 00
John Savage,.....	54	162 00	.....	162 00
John F. Bacon,.....	54	162 00	.....	162 00
James Livingston,.....	54	162 00	.....	162 00
James D. Wasson,.....	54	162 00	.....	162 00
Isaac W. Bishop,.....	44	132 00	19 20	151 20
Samuel Nelson,.....	54	162 00	19 80	181 80
				20,215 80

STATE OF NEW-YORK.

No. 127.

IN ASSEMBLY,

February 5, 1835.

REPORT

Of the committee on claims, on the petition of Gilbert D. Dillon for relief.

Mr. M. H. Sibley, from the committee on claims, to which was referred the petition of Gilbert D. Dillon for relief,

REPORTED:

That the petitioner is an inhabitant of Kingston, in Ulster county: that while engaged as first lieutenant of the Ulster artillery, and in obedience to orders from the Adjutant-General, in paying military honors to the memory of the late Governor, De Witt Clinton, then recently deceased, the accidental discharge of a cannon wounded him so severely as to confine him to his room for many months: and that after a long and painful sickness, attended with burthensome expense and pecuniary loss, he was finally left with an impaired constitution, with his right arm stiff and his right hand almost useless. For this injury, received while engaged in the performance of a public duty, enjoined upon him by lawful command, and, so far as appears, without culpable negligence on his part, he asks relief.

The important facts stated in the petition are corroborated, by the affidavits of Henry Tappen and Jacob K. Trumbour, to which the committee refer.

Assuming the case to be correctly stated, and the committee have no doubt it is substantially so, it presents one of peculiar hardship on the part of the petitioner, and has appealed strongly

[Assem. No. 127.]

to their sympathies. Finding that the petitioner was remediless under any existing law, your committee have sought to bring his case within some safe general principle which would justify its favorable consideration by the Legislature. Your committee are all of opinion that the application is founded in justice; and some of them have not been able to distinguish Dillon's case, so far as his claim to relief is concerned, in point of principle, from the cases of revolutionary, invalid, or other pensioners, or from the claims of other citizens receiving injury to person or property, while engaged in the public service, and as the unquestionable consequence of being so engaged. It is thought, that the justice and validity of claims of this nature do not depend so much on the character or importance of the occasion in which they originate, as on the fact of employment in the public service, pursuant to the requisition of lawful authority, and the actual execution of duty with reasonable care and discretion at the moment of receiving the injury. In this view, and under all the circumstances of the case, the committee have concluded to recommend his case to the favorable consideration of the House, and have instructed their chairman to ask leave to introduce a bill for his relief.

STATE OF NEW-YORK.

No. 128.

IN ASSEMBLY,

January 23, 1835.

REPORT

Of flour inspected by John Lane, late Flour Inspector of the city of New-York and county of Kings.

Report of John Lane, late inspector of flour in the city of New-York and in the county of Kings, from 22d February to 1st November, 1834.

<i>Inspected in N. Y.</i>	<i>Av. val. per bbl.</i>	<i>Amount.</i>
217 bbls. extra superfine flour,	\$5 50	\$1,193 50
25 ½ " " "	3 00	75 00
823,333 " superfine flour,	5 12½	4,219,581 62½
30,251 ½ " "	2 81½	85,080 93½
15,279 " fine flour,	4 87½	74,485 12½
78 ½ " " "	2 68½	209 62½
11,925 " bad "	4 50	53,662 50
83 ½ " " "	2 50	207 50
8,220 " fine middlings,	4 00	32,880 00
6,549 " middlings,	3 50	22,921 50
6,372 " ship stuffs,	2 75	17,523 00
14,639 " rye,	3 35	49,040 65
4,778 hhds. Indian meal,	15 50	74,059 00
18,190 bbls. "	3 50	63,665 00
10 " buckwheat,	5 25	52 50
10 ½ " "	2 87½	28 75
Total,		\$4,894,666 21½

RECAPITULATION.

671,895 bbls. wheat flour; fees 1 cent per bbl.,.....	\$8,718 95
30,437 ½ " " " 1 "	304 37
14,639 " rye, " 1 "	146 39
10 " buckwheat, " 1 "	10
10 ½ " " " 1 "	10
4,778 hhds. Indian meal, " 3 " hhd.	143 34
18,190 bbls. " " 1 " bbl.	181 90
Weighing 14 bbls. light, at 6 cents,.....	84
<hr/>	
Whole amount of fees,	\$9,495 99
Disbursements for inspection,.....	5,015 39
<hr/>	
	<u>\$4,480 60</u>

Inspected in Kings county during the year 1834, 4,532 bbls. of flour; fees for inspection, 2 cents per bbl.; received by Mr. Thom. Carpenter, deputy inspector for that county, for his compensation. Amount of fees, \$90.64.

A detailed statement of disbursements by the flour inspector of the city of New-York, from the 22d of February to the 1st of November, 1834, viz:

C. P. Tappan, deputy inspector, 8½ months, at \$104.16	
	per mo. \$128 30
Daniel Brinkerhoff, " 8½ " at \$104.16 "	846 30
James B. Oakley, for one month's services as inspector,	50 00
John Marshall, from 22d March to 1st Nov. at \$50 per month,	412 50
P. T. Chamberlin, 5½ months services as deputy, at \$50 per month,	275 00
Charles J. F. T. Hendry, clerk from March 1 to Nov. 1, at \$21 per month,	168 00
For seven laborers employed at \$5 a week,	1,169 99
William Cox, for charcoal from 10th March to 27th Aug.	67 57
Job Haskell, for charcoal from 6th Sept. to 25th Oct. . .	28 50
Peter J. Nevius & Son, for 6 months rent for office, at \$175 per year,	87 50
Samuel Willetts & Co. " " \$50 "	25 00
Westervelt & Bogert, " " \$50 "	25 00

Carried forward,..... ●

Brought forward,..... \$	
James N. Cobb, ½ ton Peach Orchard coal, April 3,....	2 23
Samuel B. Reeves, 1 ton " " Sept. 29, ..	8 00
Martin & Booth's bill, for brands, gimlets, augurs, &c., from 22d Feb. to 1st Nov.,	208 31
G. Higgins, grates for furnaces, from 25th April to 23d July, inclusive,	3 00
Cartage, saw filing, saw files, &c.,	19 01
Stationary, one large leger, \$12.50; paper, day book, cash book, &c.,	23 19
Amount paid to R. McCarty for cedar bolts, plugs, patent balances, flour and corn meal augurs, gimlets, brands, scratching irons, furnace kettles, splitting knives, saws and bucks, desk, table, chairs for office; offices, 17 South, 252 Front and 83 Dey-streets, with the privi- lege attached to them from 22d Feb. to 1st May, &c.,	750 00
	\$5,015 39

I certify that I believe the above statement to be correct.

C. P. TAPPAN,
Inspector of Flour, &c.

New-York, January, 1835.

STATE OF NEW-YORK.

No. 129.

IN ASSEMBLY,

January 23, 1835.

REPORT

Of C. P. Tappan, Inspector of Flour in the city of New-York.

Report of flour inspected in the city of New-York, from November 1, 1834, to January, 1835.

<i>Inspected in N. Y.</i>	<i>Av. val. per bbl.</i>	<i>Amount.</i>
317,425 bbls. superfine flour,	\$5 12½	\$1,626,803 12½
11,641 ½ " "	2 81½	32,740 31½
4,244 " fine,	4 87½	20,689 50
1,719 " bad,	4 50	7,735 50
49 ½ " "	2 50	122 50
2,833 " fine middlings,	4 50	12,748 50
2,303 " middlings,	4 00	9,212 00
1,753 " ship-stuffs,	2 75	4,820 75
2,565 " rye,	3 35	8,592 75
1,715 hhds. Indian meal,	15 50	26,582 50
4,272 bbls. "	3 50	14,952 00
39 " buckwheat,	5 25	204 75
20 ½ " "	2 87½	57 50
Total,		\$1,765,261 68½

RECAPITULATION.

330,277 bbls. wheat flour; fees for inspection, 1 cent,	\$3,302 77
11,690 ½ " " " " 1 "	116 90
Carried forward,	\$3,419 67

[Assem. No. 129.]

	Brought forward,.....	\$3,419 67
2,565 bbls. rye flour; fees for inspection, 1 cent,		25 65
1,715 hhd. Indian meal, " 3 "		51 45
4,272 bbls. " " 1 "		42 72
39 " buckwheat, " 1 "		39
20 1/2 " " " 1 "		20
	<hr/>	
Total amount,.....	\$3,540 08	
Disbursements,.....	2,255 53	
	<hr/>	
	\$1,284 55	
	<hr/>	

A detailed statement of disbursements by the flour inspector of the city of New-York, from the 1st of November, 1834, to the 1st of January, 1835, viz:

D. Brinkerhoff, as deputy, for two months services,	\$1,284 55
P. T. Chamberlin, " " at \$50,	100 00
John Marshall, " " " "	100 00
Charles J. F. T. Hendry, clerk, " at \$21,	42 00
Martin & Booth's bill, for brands, gimlets, &c.	60 25
G. Higgins' bill for grates for furnace kettles,	2 75
P. J. Nevius's bill for two months office rent, at \$175	
	per year,
	29 17
Samuel Willetts & Co. " " at \$50 "	8 33
Westervelt & Bogert, " " " "	8 33
Stationary,.....	3 84
Job Haskell for six loads charcoal, at \$3.50 per load,	21 00
Thos. Conor, for one "	4 25
N. Schureman, for 205 cedar bolts, at 25 cents each,	51 25
Files, filing saws, cartage, &c.	14 90
Laborers for deputies and sawing plug stuffs,.....	374 54
Paid Thomas Lane, administrator for the estate of John Lane, late flour inspector, deceased, for tools for carrying on the business of flour inspector, viz: plugs, cedar, bolts, brands, augurs, gimlets, furnace kettles, plug and coal baskets, &c. &c.,	150 37
	<hr/>
	\$2,255 53
	<hr/>

STATE OF NEW-YORK,
CITY AND COUNTY OF ALBANY, ss. }

C. P. Tappan, of the city of
New-York, being sworn, says, that the within is a true and cor-
rect report of the flour inspected by him from November 1, 1834,
to January 1, 1835.

C. P. TAPPAN.

Sworn to this 15th day of }
January, 1835, before me. }

HENRY P. NUGENT,
Commissioner of Deeds.

No. 130.

IN ASSEMBLY,

February 5, 1835.

REPORT

Of the committee on the petition of aliens on the petition of Patrick Rooney.

Mr. Patterson, from the committee on the petition of aliens, to which was referred the petition of Patrick Rooney, of the city of Albany,

REPORTED:

That the petitioner represents, that on the 23d day of September, 1834, he purchased of one Mary Moore, alias Mary Murphy, one equal undivided half of two certain lots of land in the first ward of the city of Albany, and paid her five hundred dollars therefor: That the said Mary Moore, alias Mary Murphy, died in October last, intestate, leaving no lawful issue whatever.

The petitioner further represents, that at the time he made the purchase above mentioned, he supposed the said Mary Moore, alias Mary Murphy, had a perfect right to sell and convey the said land above mentioned, but he has since learned that she was an alien, not naturalized.

The petitioner, therefore, asks that a law may be passed releasing the right of the State to the said lands to him, the said Patrick Rooney.

The statements contained in the petition are verified by the oath of the petitioner before Anthony Gould, a commissioner of deeds.

After a full investigation of the subject, your committee are of opinion, that an act should be passed in conformity to the prayer of the petitioner, and have directed their chairman to ask leave to introduce a bill.

No. 131.

IN ASSEMBLY,

February 4, 1835.

REPORT

Of the select committee on the memorial of the inhabitants of Queens county for a new court-house and jail therein.

Mr. Jackson, from the select committee, to whom was referred the memorial of sundry inhabitants of the county of Queens, praying for the passage of a law authorizing the board of supervisors of said county to raise moneys to purchase a suitable site, and to erect thereon a new court-house and jail,

REPORTED:

That the memorialists represent, that the present court-house and jail of said county is a wooden building, and has been erected for a period of more than forty years: has always been considered extremely inconvenient in its arrangement for the purposes for which it was originally erected, and, for a long time past, manifestly insufficient for the safe keeping of prisoners confined therein; and notwithstanding all the precautions of the board of supervisors, and the utmost vigilance of the sheriff, escapes have, for several years past, become alarmingly frequent.

The memorialists further represent, that in consequence of the age and present condition of the court-house and jail; the increase of population and wealth in the county; the entire insecurity of the jail, and the improper location thereof, it has become almost indispensable that a new court-house and jail should be erected, better calculated for the due restraint of criminals, and more con-

venient in its location than the present building is capable of being made. They represent that the site of the present court-house and jail is upon the northern edge of the great Hempstead plains; has but few houses in its immediate neighborhood, and but one public house, capable of affording accommodations only to a small part of those who usually attend court. They ask to have a new court-house and jail erected, and that the same be located in or near some considerable village nearest to the centre of population, thereby affording those necessary accommodations so desirable to all who are compelled to attend the courts; such a situation, the memorialists represent the village of Hempstead affords: the large and respectable public-houses established in this village can conveniently accommodate as many as usually attend the courts.

The memorialists, therefore, respectfully request that provision may be made by law, authorizing the board of supervisors of said county to raise, by tax upon the taxable property of the aforesaid county, in the ordinary manner, any sum which they may deem sufficient, not exceeding ten thousand dollars, to purchase a suitable site, and to erect thereon a new court-house and jail; and that they have power to sell and convey the present court-house and jail, with the land appertaining thereto; and further, to authorize the board of supervisors, should they deem it expedient, to procure the money which may be necessary for the purposes aforesaid, or any part thereof, by loan, to be reimbursed in annual payments, or otherwise, as to them shall seem advisable, and most for the interest of the county.

Your committee, in investigating the subject, are satisfied that the representations of the memorialists are correct. That the building now used as a court-house and jail, is in a poor, weak condition, unfit for the safe-keeping of prisoners; and not being aware of any very serious opposition to the wishes of the memorialists, they are, therefore, of the opinion, that their prayer should be granted, and ask leave to introduce a bill.

No. 132.

IN ASSEMBLY,

February 7, 1835.

REPORT

Of the committee on colleges, academies and common schools, on the memorial of the trustees of the Mount-Pleasant academy. .

Mr. Wetmore, from the committee on colleges, academies and common schools, to whom was referred the memorial of the trustees of Mount-Pleasant academy,

REPORTED:

That the memorialists ask to be relieved from liabilities incurred in the purchase of marble, and other building materials, from the State quarries and prison at Sing-Sing. The circumstances under which the contracts were made, and the causes which have led to the inability on the part of the trustees to fulfil their engagements, are minutely detailed in the memorial which is annexed to, and forms a part of this report.

The committee are fully aware of the importance of guarding the avenues to the treasury, and of avoiding every unnecessary appropriation of the public means. The case under consideration, however, is one of peculiar hardship, and appeals strongly to the Legislature for a liberal exercise of its powers. The embarrassments from which the memorialists desire to be relieved, have arisen in the performance of public duties, interesting and important to the community. The committee believe it to be a wise

and just policy that seeks to encourage the efforts of enlightened and philanthropic citizens in the cause of education; they have come to the conclusion, therefore, that the prayer of the memorialists ought to be granted. Leave is accordingly asked for the introduction of a bill.

PETITION

Of the trustees of Mount-Pleasant Academy, in the village of Sing-Sing, Westchester county, for relief.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

The memorial of the trustees of Mount-Pleasant Academy, in the village of Sing-Sing, county of Westchester, respectfully sheweth:

That your petitioners have, for a number of years past, been assiduously engaged in rearing and maintaining a literary institution, that might essentially aid the cause of literature and science in our favored country: That under the smiles of Providence, their academy has been rising and its pupils multiplying, until the buildings heretofore occupied by the institution had become wholly inadequate to their comfortable accommodation.

In anticipation of this result, your petitioners were constrained, two years ago, to make arrangements for more enlarged accommodations: and for this purpose, they purchased a large and eligible lot of ground, and entered into a contract for the erection thereon of a large and substantial edifice of rough stone, whereby they became responsible in the amount of 12,000 dollars.

The foundation of this building was unfortunately laid in the fall of the year, and not being sufficiently defended during the succeeding winter, just as the walls were completed to the height of three stories, about one-quarter of the building actually fell to the ground.

Upon this disastrous occurrence, your petitioners, having no confidence in the foundation, were utterly unwilling to have the ruins repaired, and to avoid all legal controversy with the contractor, were induced to enter into a new contract, whereby they subjected themselves to additional responsibilities, for the sake of having the entire walls taken down, the foundation removed, and the whole building commenced anew.

This has been done; and although the work was necessarily delayed beyond the time first contemplated, whereby your petitioners have lost about a half year's income of the premises, the building is completed, and has been occupied by the institution since the last spring.

The means by which your petitioners have been enabled to accomplish, thus far, this great undertaking, under these peculiarly discouraging circumstances, have been, in addition to the avails of their former lots and buildings, the voluntary subscription of themselves and others friendly to the object, and a permanent loan of \$3,000, the interest of which is provided for out of the rents of

the premises; and it is confidently expected that the principal will be gradually reduced by the same and other means.

But in bringing their accounts to a close, your petitioners find some demands against them which they have no available means of discharging. Among these, they would beg leave to state, is a demand due to the State Prison in this village, amounting to \$406.71, principally for additional stone, rendered necessary by the entire rebuilding of the walls. And your petitioners would further state, that in the progress of the work, one of their number, who had previously contributed liberally to the erection of the building, was induced to become personally responsible to the agent of the prison, in the amount of \$300, for materials previously furnished for the academy, and which he has paid to the agent, with the expectation that the trustees would be able to indemnify him, and discharge all other demands against them; but the latter they are unable to do, as the payment of the said sum leaves them in debt to other individuals to about the same amount, and destitute of any means to meet them.

Your petitioners, therefore, respectfully, but earnestly pray, that in view of the peculiarly trying circumstances under which they have prosecuted this laudable enterprise, not for their individual advantage, but for the benefit of our common country, your honorable body would pass an act, exonerating them from the payment of said debt of \$406.71, due to the State Prison, and for the refunding of the said \$300 paid by one of their number to the prison, for materials furnished in the building of their academy, and for which they are accountable.

And your petitioners would respectfully add, that much as they need the sympathy and aid of your honorable body, they would not have presumed to prefer this request, were the State Prison now, as in former years, dependent on appropriations from the State for its successful operation. But having learned with pleasure, from the report of the inspectors and agent, that, for the last two years, it has not only sustained itself, but has actually yielded several thousand dollars of surplus revenue, your petitioners are induced to look with confidence to this source, as the means of relief from their present embarrassment. And they would take the liberty of stating another circumstance, which may entitle their petition to a favorable consideration: that a considerable portion of this debt has been incurred for stone on which little labor was bestowed after its removal from the quarry.

Under these circumstances, your petitioners appeal to your honorable body for that relief which, if granted, will materially alleviate their embarrassment, and encourage and assist them in their patriotic enterprise, while it will not diminish the ability of any existing institution.

EDWARD KERNEYS, *Pres't.*
AARON WARD, *Secretary,*
Of the trustees of Mount-
Pleasant Academy.

Sing-Sing, Dec. 25, 1834.

IN ASSEMBLY,

February 7, 1835.

REPORT

Of the committee on claims, on the petition of Solomon Davis for the conveyance to him of lot No. 31, in the "two mile tract."

Mr. M. H. Sibley, from the committee on claims, to which was referred the petition of Solomon Davis, with the affidavits and certificates thereto annexed,

REPORTED:

It appears that the petitioner, in 1823, settled among the Oneida Indians as a religious teacher, residing on lot No. 31, on the "two mile tract," then belonging to the said Indians; and that he so continued until the summer of 1833, when the last of the said Indians migrated to Green Bay: that the good offices of the petitioner were rendered in promoting the policy of the State, in procuring the emigration of the Indians, and that in order to encourage the same, he went with them at his own expense. It further appears, that the said lot No. 31 was, in 1824, as part of a larger tract, bought and paid for by the State: that in 1825, the Legislature authorized the Indians to exchange other lands for the said lot, that a missionary might continue to reside thereon; and although such exchange has never been in fact made, yet the petitioner has been permitted, by the successive Governors of the State, to continue on the said lot, with the assurance from the late Governor Throop that he would be paid for his improvements thereon: That those improvements are worth several hundred dollars, and the petitioner still occupies the premises.

He asks for a law directing payments for his improvements out of the State treasury, or that the land may be conveyed to him, upon his paying to the State the fair value thereof prior to those improvements.

Accompanying the petition are two affidavits—one by Stephen Parkhurst, and the other by Erastus Stoddard; and two certificates—one of which is signed by J. L. Williams, John Smith and Timothy Jenkins.

Stoddard testifies that he built a barn on the lot in question in 1831 for the petitioner, which cost \$310. Parkhurst, in his affidavit, estimates the improvements, including buildings, fencing, orchard, clearing, &c. at upwards of \$700. The certificates corroborate the general statements of the petitioner; and that of Mr. Savage, who was some time a member of this House from Oneida county, confirms the fact, that an assurance was given by the late Governor Throop to the petitioner, that he should have the preemptive right to the lot; and that the petitioner accompanied the Indians under his care to Green-Bay.

Upon viewing the whole case, the committee unanimously recommend the passage of a law, providing for a just appraisement of the said lot No. 31 at its present cash value, and of the improvements made thereon by the petitioner, and the conveyance of the land to him upon his paying such value, exclusive of the value of the said improvements; and have instructed their chairman to ask leave to introduce a bill to this effect.

STATE OF NEW-YORK.

No. 134.

IN ASSEMBLY,

February 7, 1835.

REPORT

Of the Commissioners of the Land-Office, on the petition of S. Newton Dexter.

The Commissioners of the Land-Office, to whom was referred, by the Assembly, the memorial of S. Newton Dexter, respectfully

REPORT:

That on the 29th day of July, 1812, Seth Capron procured a loan of money from the people of this State, and to secure the payment of which, he executed two certain bonds and mortgages—the first being a mortgage on lots Nos. 6 and 7 in the Sedaquda patent; describing lot No. 6 as containing 109 acres, and No. 7 as containing 97 acres. The premises were to secure the payment of \$2,291. The second mortgage and bond, to secure the payment of \$3,709 and interest, were executed likewise on the said 29th of July, 1812; for lots Nos. 1, 2 and 3 in the same patent. Lot No. 1 was described as containing 83½ acres; lot No. 2 as containing 73 acres; and lot No. 3 as containing 79½ acres of land.

The mortgaged premises contained in both were sold on a foreclosure by the Attorney-General, on the 1st June, 1825, and bid in by him, and on the 1st August following, he released the same to the State.

The Commissioners of the Land-Office, on the 27th January, 1826, appointed William G. Tracy and John D. Nellis commissioners
[Assem. No. 134.]

ers to appraise the several lots so purchased, who, by a certificate bearing date the 23d day of February, 1826, reported lot No. 1, containing 83½ acres, worth \$20 per acre.

A certificate of purchase was given by Simeon De Witt, Surveyor-General, on the 3d day of January, 1828, to the memorialist, S. Newton Dexter, for said lot No. 1, for the sum of \$1,675; and is described in said certificate as being "All that certain piece or parcel of land situate in Deerfield, in the county of Oneida, and which is known and distinguished by the name and description of lot number one, in the division of great lot number two, on the north side of the Mohawk river, in the Sedaqueda patent, according to a map and field book of the said great lot number two, made by Charles C. Brodhead, surveyor, in the year 1804, and containing eighty-three acres and three-quarters of an acre, be the same more or less."

On the 25th November, 1833, the memorialist paid in full the balance of principal and interest due the State, and on the 26th of the same month, received letters patent for the same.

The allegation of the memorialist is, that he has paid for 83½ acres, whereas, by a subsequent survey, and from the presentation of the map made by Charles C. Brodhead in the year 1804, (which map is herewith presented,) it appears that his lot contains only 81½ acres.

The State having derived title to the premises by and under the mortgage of Seth Capron, and finding no official survey, map or field-book thereof in the Surveyor-General's office, we presume none were made. The description in the certificate and patent to the petitioner were taken from the mortgage of Capron; and the petitioner paid the price of 83½ acres of land, at \$20 per acre.

Respectfully submitted.

WILLIAM CAMPBELL,
JOHN A. DIX,
GREENE C. BRONSON,
A. C. FLAGG,
Commissioners of the Land-Office.

February 7, 1835.

No. 135.

IN ASSEMBLY,

January 29, 1835.

REPORT

Of the Commissioners appointed under the "act concerning State Prisons."

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

The Commissioners appointed by his Excellency the Governor under the act concerning State Prisons, passed May 2d, 1834, respectfully submit to the Legislature the following

REPORT:

The law under which they derive their power, requires them to *examine into all matters relating to the government, economy and discipline of the State Prisons of this State, and into the manner in which the convicts are employed, and the mechanical trades and other labor carried on in the said prisons.* They are also required to report to the Legislature at its next session, *whether any, and if any, what alterations or improvements may be made in the government or discipline of the said prisons, and also as to the expediency of teaching mechanical trades to the convicts; and also whether any, and if any, what mechanical business carried on at either of said prisons, ought to be discontinued by reason of its injurious competition with the labor of mechanics or artizans out of the prisons, or for other cause.*

For these purposes the Commissioners were authorized "to examine the Inspectors and agents of the State Prisons, and any other

[Assem. No. 135.]

person or persons appearing before them on oath," &c. The Commissioners soon after their appointment, proceeded to investigate the subject committed to their charge by a personal inspection of the State Prisons, and by an examination on oath, of the different officers of the prisons, and also of such citizens as voluntarily appeared before them, or attended upon the written request of the Commissioners. They have experienced from all persons with whom their investigation has led to an intercourse, a disposition to promote their wishes, and to facilitate their inquiries and afford the necessary means of information.

They have collected a mass of testimony on the subject, which is herewith submitted. Some of this evidence is interesting and valuable, while other parts of it may appear of little consequence, but which is derived from persons so situated that the Commissioners felt themselves required to examine them for the purpose of ascertaining the true state of the matters respecting which the examinations were made. The Commissioners have also caused to be prepared, statistical tables of information shewing the condition and circumstances of the class of persons at present subject to the discipline of the State Prisons in this State, in order that the Legislature may the better judge what laws are necessary or expedient to prevent the commission of crime.

The law under which the Commissioners were appointed is general and comprehensive in its terms as to the subjects of inquiry, and they are conscious that in an investigation of such moment, more time than they have been able to devote since their appointment ought to have been taken to enable them to look into the experience of their own and of other States and governments, and to examine the learning with which the subject abounds, and upon mature reflection to form opinions and reduce them to the form of a report with a view to the action of the government upon it. The subject of legal punishment for offences against society, is one of exceeding interest, and has engaged much of the attention of legislators and philanthropists in times past; it has more especially within the last few years been a matter of much solicitude in the science of government.

Among other important results, those who have had the most experience and have best examined the subject, have become satisfied that old offenders who were really vicious and accustomed to

crime, rarely reform under any state of prison discipline; and further, that association among convicts makes bad men worse, and tends to eradicate and destroy whatever of good principles remain among the less criminal and hardened subjects of punishment.

That State Prisons and penitentiaries should produce crime instead of preventing it, may be a new and startling idea to those whose attention has not been given to the subject: But that such was the fact under the prison discipline formerly existing in this State, and which still obtains in some of the other States and in most of our county jails, is a truth of which every individual may satisfy himself upon investigation. This is an unnecessary state of things, and is only continued for want of information.

Inprisonment as a punishment *should always be solitary*; in the wicked and corrupt it prevents them from teaching others—in youthful and venial offenders it leads to reflection, penitence and virtuous reformation—it may be severe, but it is salutary severity. To the innocent before trial, it is certainly desirable to enjoy the satisfaction of conscious rectitude in solitude, rather than to be associated with felons and miscreants for companions and bed fellows. By confinement in solitude, the offender against the happiness of society is deprived not only of the power of repeating his offence, but of the advantages of a situation of which he has proved himself unworthy, while the mind, that gift of heaven, is left free to measure out in its lonely reflections a degree of remorse and suffering proportionate to the offence committed, with infinitely greater certainty of adaptation to the extent of moral guilt, than any human tribunal can arrive at. Solitude must however be accompanied by labor, so as to give some reflection to the mind and activity to the animal functions; and experiments have proved that if too long continued without labor, it will not only destroy the health, but will actually impair the mental faculties, and finally terminate in idiocy or death. Moral and religious instruction are also great assistants in producing reformation, in that class of convicts from whom such a result, under any circumstances, may be expected. They set the mind upon the right train of thought, and tend to prevent utter despair and wretchedness from holding the object of punishment up to his own view as beyond hope or mercy.

It is this principle of *solitary confinement with labor and instruction*, upon which the discipline in our State Prisons is based. The solitude at night is entire, and though the convicts work together in the day time, it is in silence and without intercommunication; and is as great a degree of solitude as is consistent with their convenient and profitable employment, and with the immediate necessities of life. Under the system adopted in this State, we may, from its general harmony with the philosophical principle of *labor in solitude*, assume the views of those by whom it was first introduced. Whether it would not be better if there was no departure from the principle of entire and absolute solitude, and if our prisons were so organized and constructed as to have the convicts do their labor, and have their necessary wants supplied each in his own cell, is perhaps a question to be hereafter settled by experience. The penitentiaries of our sister State, Pennsylvania, are so constructed. The principle of solitary confinement with labor and instruction, is there fully developed; punishment by the infliction of stripes is not used, and the officers of the prison and others, the friends of the system, are entirely convinced of its practicability and of its superiority over every other system.

The Auburn system, generally so called because it was first adopted in this State at Auburn, and by which name we refer to the prison system of the State as existing at Auburn and Mount-Pleasant, has been however more generally approved and adopted by those who have been led to inquire into it.

State Prisons have been recently constructed on the Auburn plan in the States of Maine, New-Hampshire, Vermont, Massachusetts, Connecticut, Maryland, Tennessee, Kentucky, Missouri, Illinois and Ohio; also in Upper and Lower Canada, besides numerous city prisons and county jails. The propriety of non-intercourse among convicts is now so well established, as to be no longer a question. The Auburn plan has tried and well settled advantages over all the old prisons. This State has had the honor of bringing to a high degree of perfection a penitentiary system which, though not new in principle, was little known or practised, but which from its practical results here, has excited the attention and admiration of philanthropists and statesmen both in this country and in Europe. By its great advantages in economy of expense, and in its salutary effects upon convicts, it has produced an entire reformation in the prison discipline of the United States, if

not in the world. It becomes us under this state of things, to be still foremost in bringing the system to the highest possible state of perfection, while at the same time we should be careful to do nothing to impair its usefulness.

The Commissioners are required to investigate and report upon two distinct questions—the first of which embraces the whole penitentiary system, and is in reference to the discipline, economy and government of the State Prisons. They have scrutinized with some care these matters in both the State Prisons, and while they accord to the present managers of those institutions great praise and credit for the high degree of discipline and good order prevailing in them, and for the general excellence of their respective administrations, and give their testimony to the talents, integrity and entire devotion to their duties, of the respective agents, they still feel called upon to state with entire freedom every defect or erroneous practice, by the removal or obviating of which our penitentiaries may, in their judgment, be in any respect improved.

The first important observation that arrests their attention, is the circumstance that there is a manifest difference in the two prisons, in the effect of the discipline, intended to be similar, upon the minds and feelings of the convicts. This difference has been before observed by official persons, as well of this State as of other States, and by foreigners, who have referred to it in their writings. In looking for the causes of this difference, it may be traced in part to the fact, that the laws under which the two prisons are governed are different from each other in some essential particulars, and necessarily carry with them a different spirit of government and discipline; and in part to a want of frequent intercommunication between the officers of the two prisons; and in part also to the individual character of the respective agents.

At Mount-Pleasant the agent appoints his deputy and all the under keepers. At Auburn the inspectors appoint those officers.

At Mount-Pleasant the agent in practice fixes the salary of the several assistant keepers, subject to the general regulation, that they shall not average to exceed \$500 each, though by the letter of the law this is the duty of the inspectors. At Auburn the salaries are fixed by law for every officer.

The Inspectors of the prison at Mount-Pleasant reside at a distance, and only make visits at stated periods with considerable intervals, and the practice has been, that many of the powers vested by law in the Inspectors, are in fact exercised by the agent. He makes the contracts and is entrusted with, and has the whole government and direction of the prison and its officers, and is rarely controlled or interfered with by the Inspectors. At Auburn the Inspectors reside in the immediate neighborhood of the prison, and are in habits of daily intercourse with the agent; and all contracts and important measures are made under their immediate supervision.

At Mount-Pleasant no person is admitted into the prison to see the convicts but by special permission of the agent, and this is only given to those having business or seeking information, and is not intended to be promiscuous or general. At Auburn all persons who choose visit the prison establishment by paying twenty-five cents. Its government is consequently in some degree under public observation, and subject to the moral influence of public opinion.

The individual views of the agents are also somewhat different. The one relies almost entirely upon a rigid penal discipline enforced with a strong arm. The other brings to his aid, in a greater degree, a moral influence upon the minds of convicts.

The chaplains' duties are not performed alike. At Auburn this officer has a room in the prison, and his whole time is devoted to the improvement of the moral condition of the convicts, and he is the confidant and adviser of the agent. At Mount-Pleasant the chaplain resides in the village of Sing-Sing, and only visits the prison at stated periods for the discharge of his duties.

These discrepancies in the penitentiary system of the same State, ought not to exist; one or the other is the better system, and probably both may in some respect be improved.

The government at Mount-Pleasant is in a high degree vested in one man; that at Auburn partakes more of the republican character.

The difference between the two prisons in respect to corporeal punishment, is not as great as has been generally supposed, and

from the comparison of the reports of the keepers as to the amount of flagellation actually inflicted, the Commissioners believe there is very little difference between them at this time.

At the Mount-Pleasant prison some recent regulations adopted by the Inspectors have had the effect to diminish the amount of whipping without impairing the discipline. In a government where all power is in effect vested in a single individual, and his direction is the law of the place, the whole discipline and economy becomes moulded to his peculiar character and views; his mind pervades the entire system.

The Commissioners are of opinion that sufficient attention is not given in the practice of discipline to the operation upon the minds and feelings of the convicts: That it is not properly appreciated, that convicts are, like the rest of mankind, most effectually governed through the means of their mental faculties; that they are capable of reflection and judgment, actuated and impelled by the passions, influenced by hopes and fears, moved by stripes to anger and revenge, and entertaining even there, if permitted, pride and ambition. True they are sent there to receive the punishment adjudged by the law for their offences, and are continually reminded of it by their humbled and abject condition, and their entire subjection to the will of their keepers; but the keepers have no right to add to the punishment imposed by the law; the prisoners are under their charge merely for the purpose of safe keeping according to the rules of the prison; and instead of having complaints heard with a stern aspect, or treated with apparent indifference, or answered as is sometimes done by a reply that they were sent there to be punished, they should be listened to with kindness and attention. They should be led to believe that their sufferings are not aggravated, but rather alleviated by their officers, they should attribute their degradation to the strong arm of the law, and not be made to feel that their deepest suffering is the effect of petty tyranny. Their submission to discipline would not be impaired, but rather improved by these means; the effect upon their minds would be salutary, and the hopes of reformation would be promoted.

It has been assumed that a greater degree of severity was necessary at the prison at Mount-Pleasant than at any other, in consequence of its convicts being generally of a worse character than

those of other prisons, from the great number of desperate villains sent there from New-York. That class of men are chiefly persons of considerable intellect, and those more readily submit to power beyond their control. The worst men out of prison are not always the worst in prison. It is the dull animal being with but little mind that makes the worst subject in prison.

The Commissioners by no means recommend any relaxation in discipline, nor do they conceive such would be the necessary result of the course they suggest. The character of a keeper should unite in an eminent degree the qualities of humanity and sympathy with human suffering, with great firmness and decision of character. The assistant keepers, under the strict discipline of our prisons, necessarily possess great power over the convicts in their immediate charge. No human being should be placed in power, with absolute control over his fellow men, without a check or responsibility, in some form, to some other tribunal. Public opinion alone may exercise a sufficient restraint in cases where the abuse is exposed to public observation. Under these views, briefly expressed, the Commissioners recommend the following changes in the law.

The Inspectors at the two prisons should be alike in number and in their powers, and a majority should reside in the immediate vicinity of the prisons.

The agent at each prison should have the appointment of his own deputy, it being essential to the harmony and good order of the prison that a high degree of confidence should subsist between these two officers: The agent should also have the appointment of the guard.

The Inspectors should have the appointment of the assistant keepers, and the annual regulation of their salaries, subject to a general average limitation of say \$500. The Inspectors should hold frequent meetings; as often, at least, as once a month.

The office of chaplain under our system is one of much importance, and may be made of great use, both in reference to the discipline of the prisons and the moral reformation of the convicts; he should enjoy in a high degree the confidence of the Inspectors, and should be a kind of mediator between them and the convicts. The Commissioners would suggest that his duties should be extended, and, to a considerable degree, defined by law. They

would make it the chaplain's duty to devote his whole time to the prison and its concerns; he should have a room or office in the prison; he should hold constant intercourse with the convicts, and be looked upon by them as their friend, and should also be the adviser and confidant of the agent. Besides his religious duties, which might be left to his discretion, he should be required to keep a register of the conduct, character and punishments of all the convicts in the prison; and while a perfectly good understanding should be maintained between the chaplain and agent, the former should be independent of the latter, as far as possible, consistent with the police of the prison. The keepers should all report every morning in writing the several punishments inflicted by them the day before, with the name of the convict, a particular statement of the offence and the number of stripes inflicted. The chaplain should have the inspection of these reports, and note under each date every case of punishment; and it should be his duty at the first convenient opportunity and within a short period thereafter, to see and converse alone with the convict punished, and make note also of such conversation, and of the apparent effect upon each convict. His register should have an index in which should be entered in alphabetical order the name of every convict, with a reference to the page where it was registered. This register should be laid before the Board of Inspectors at each meeting, and should be carefully preserved. It should likewise be made the duty of the agent, or his deputies, to keep a daily journal of the police, in which should be entered all police rules, and his private memorandums of the state of discipline, and a brief statement of every infraction of the rules by the sub-keepers, and of their omissions to preserve proper discipline among the convicts whenever such cases come to his knowledge, and of all complaints made to him by prisoners of want of clothing, of bad food, being over worked, and of ill treatment by the sub-keepers. This journal should also be examined by the Inspectors at every meeting, and should be preserved. The chaplain should be a man of talents and philanthropy and devoted to his calling, and should receive a salary sufficient for his maintenance.

There is no reason why the officers of the State Prisons should not have their official conduct subject to inspection and scrutiny, like all other official persons; and while this plan would subject them to some degree of restraint, they would have no reason to

few censures if their duties were strictly performed. Besides other advantages, such a course would afford a valuable fund of information to the Inspectors and others concerned, and the short space of *time daily* devoted to their journals could be easily spared by the several officers.

The Commissioners are persuaded that the adoption of these regulations would in a short time be the means of bringing our penitentiary discipline to a high state of perfection. Permitting the prisons to be seen by visitors, has also, in their opinion, a salutary effect; and they would recommend having the practice in that respect of the Auburn prison adopted at Mount-Pleasant. At Auburn, visitors in general are not permitted to be seen by the convicts, but pass through blind alleys constructed for the purpose of enabling those placed there to watch the convicts without being themselves seen. These alleys are adopted to a partial extent at the other prison, and are very useful in maintaining a strict discipline, as neither convict nor keeper within the room knows when he is observed by unseen eyes.

Notwithstanding the solitary confinement by night, and the watchfulness of keepers during the day, communications between the convicts are not entirely prevented. The Commissioners ascertained to their satisfaction, that little items of intelligence of particular interest to prisoners are soon communicated to them; and instances of discussions upon abstract opinions have been ascertained to have taken place.

The prison buildings are all substantial, well constructed stone edifices, calculated for strength, convenience and durability. That containing the cells at Mount-Pleasant particularly is a noble structure, covering under a single roof 1000 cells. These are constructed in an inner building, entirely enclosed within an outer one of larger size. This was built after the Auburn prison, and was intended to be an improvement upon that, but in one respect the Commissioners believe the change was a bad one; that was in placing the iron grating doors of the cells flush with the outer surface of the wall. These doors are only about three or four feet apart; and where the prevention of conversation among convicts is so important a feature of discipline as in these prisons, they are of opinion that the old plan, of having the recess in the wall on the outside of the door, is quite preferable, if not essential. As

these are constructed, there does not appear to be any difficulty in maintaining a conversation from one cell to another, and that in rather a low tone of voice, by having the mouth of the one and the ear of another applied to the apertures in the grating of two contiguous doors. It is true, a sentinel is continually stationed in the building in which the cells are placed, and walks all night with entire silence along the extensive corridors in front of the cells; but the building is very large, being five hundred feet long and five stories high; the whole extent of the walk to pass every cell is about a mile in length, and the chances of detection are, consequently, not very great, unless the conversation should be long continued or often repeated. These doors might still be altered without great expense, and placed on the inner surface of the wall, so as to leave the recess of the door on the outside of the cell, which would also prevent the approach of the keeper from being discovered by the prisoner, until directly in front of his cell.

The cells in both prisons are warmed by stoves placed in the long halls between the outer and inner buildings, and are also ventilated from the same place, through the open work in the upper part of the doors. It would be an improvement of some consequence in the warming and ventilation, and also in the exposure of the entire interior of the cell to the observation of the keeper on duty, if the open work of the cell doors was extended quite to the floor. The Commissioners, however, do not intend to recommend any Legislative action on these points, but rather leave it to the discretion of the prison officers, having deemed it their duty to express their opinion upon them, as connected with the economy and discipline of the prisons.

The Commissioners are compelled to state their regret at the situation in which they find the female department of our penitentiaries. The attention of the Legislature has been so often called to this subject, by the yearly reports of the Inspectors of the prisons, by the annual messages of the Governors, and by the equally often repeated reports of committees of each House of the Legislature, and the deplorable moral condition of that class of convicts has been in those papers so well described, that it is sufficient here merely to refer to those documents to show the condition they are in. For the first and second Senate districts the female convicts are farmed out to the corporation of the city of New-York, at the rate of one hundred dollars per annum each, to carry their

sentences into effect. Should that corporation choose to decline taking them any longer, they would be, as far as the Commissioners can discover, without a *lawful home*, and have to go unpunished or be again hired out to some other person or corporation.

The Commissioners consider the early action of the Legislature upon this subject to be highly important; and they do not hesitate to recommend the passage of a law directing the erection of suitable buildings to receive and confine female convicts; and they have come to the conclusion, that they ought to be built at or near each of the two present State Prisons, and be under the general direction and management of the agents of those prisons, with a suitable matron to each, to have the immediate charge of them.

A difficulty has often occurred, to those who have had this matter under consideration, in reference to the enforcement of proper discipline among this class of convicts; and experience at Auburn confirms the difficulty. Reference is had to the infliction of stripes, which is practised upon male convicts for violation of prison regulations, and is, by all the officers of our prisons, considered entirely necessary. It is hardly to be supposed, that the Legislature would pass a law authorizing this mode of punishment, and it would certainly be difficult to find a suitable person to govern such a prison, who would be willing to perform that duty. That difficulty may be obviated, by substituting for the present discipline solitary confinement and low diet; this is found to be completely efficacious in all cases in the Pennsylvania prisons, where it is practised; or, if deemed expedient, the entire Pennsylvania system, which is constant confinement in solitude, with labor, may be adopted with respect to this class of convicts. In that kind of prison, one convict never sees another from the time he enters until he leaves; and there are no perceivable difficulties to prevent its perfect execution by the same agents who govern the present prisons. These wretched female convicts could, as well in the one as in the other, do something towards earning their subsistence. They would have the benefit of instruction and solitary reflection, which would lead them to repentance; and when discharged, if not reformed, they would probably return to the world not the worse for their imprisonment, which cannot be said of them under the *promiscuous discipline to which they are now subjected*.

These buildings might be erected, if done at the sites of the present prisons, almost entirely by the labor of convicts, and with

little or no appropriation from the State, if the financial condition of the prisons should continue as good the ensuing year as the past.

In reference to the second and most immediately interesting branch of the investigation required of the Commissioners by the statute,—that of mechanical labor and the teaching of mechanical trades in the State Prisons,—they are fully aware of the excited state of attention of a large and respectable portion of their fellow-citizens to the subject; and the importance which from this cause alone may be attached to any opinions they may express upon it, is to them somewhat embarrassing. There is, however, but one course before them, which is, to follow out the straight path of duty, and state freely their views on the subject submitted to their examination, and offer such suggestions as their most patient investigations and mature deliberations have led them to believe will prove, under all circumstances, best calculated to do justice to the honest mechanic, and at the same time maintain a valuable system of penitentiary discipline for the protection of the whole people.

The evils complained of in respect to mechanical labor in the State Prisons, may be fairly stated as follows:

First. That the products of the labor of convicts compete with, and lessen the fair price and amount sold of the mechanical products of honest citizens, in those articles manufactured in the prisons; and that, by this means, master mechanics lose a part of their business, and journeymen their employment.

Second. That by teaching convicts mechanical trades, the occupation of mechanics in general is degraded in public estimation, and a class of bad men are turned out to seek, in the shops of honest citizens, employment in the business they had learned in the prisons; and by this means mechanics are more exposed than other citizens to the association of convicts, and consequently more liable than others to be corrupted in their morals by them.

As to the first ground of complaint, the Commissioners are satisfied from personal examination, and from the evidence taken, that in *some articles*, and to *some extent*, this complaint is well founded and ought to be relieved.

As to the second—the idea that mechanical business in general is degraded in public estimation merely because it is carried on in

the State Prisons, is, in the abstract, unfounded and illusory; but it is morally certain, that mechanics of any given trade which is taught in the prisons, are more exposed to the association of discharged convicts than they would be if that particular business was not learned by prisoners; and it is equally clear, that as a body of men, the association of such convicts is both dangerous and degrading to persons of good character.

If it were easy to provide a perfect remedy for the evils here stated, it would hardly be necessary to examine into the *extent* of their influence and effects. The chief difficulties in the way of obviating them wholly, at a single blow, by the entire abolishment of mechanical labor, while local prisons are maintained, may be stated in a few words.

First. Common humanity requires that the lives, bodily health and mental sanity of confined convicts should be preserved, and experience has demonstrated, that this can only be done by active employment.

Second. Common justice requires that convicts should contribute by their labor to their own support.

Third. The influence of labor upon the minds of convicts is salutary, and tends to the diminution of crime in society, by restraining the vicious propensities always excited by indolence, and by employing in useful purposes, powers of body and mind that will find employment in some form or other, for good or for evil.

In case labor were abandoned in the State Prisons, and the convicts permitted to associate together, the degree of vice, of human depravity and degradation, would in a short time arrive to an extent hardly to be conceived, except by a mind familiar with the most corrupt and degraded human beings in the unrestrained and associated exercise of their depraved propensities. The common voice of the world has risen up against it, and decided that man has no right so to degrade his fellow men; nor would it be proper or prudent that a convict confined in such a prison for any considerable period, should be ever again permitted to return from the polluted den to spread his moral infection among society. Solitary confinement without labor offer much better hopes. Again, let reference be had to the history of penitentiaries. This has at different periods of time been a favorite theory of individuals,

who reasoned rather from their own resources than from the test of experience; but practical operation has uniformly shewn the fallacy of their hopes. Indeed, we need not go from home for an example upon this subject.

By a statute in 1821, the officers of the Auburn prison were directed to divide the prisoners into classes, the first of which, consisting of "the oldest and most heinous offenders," were directed to be shut up in cells constantly without labor. The effect upon the health of the convicts was destructive; several died, many were constantly in the hospital, and the keeper endeavored still to keep it up by occasionally giving the confined wretches exercise in the open air. The Governor interfered, and pardoned a considerable number of them, and it was finally given up and abandoned as impracticable.

To introduce transportation on the English Botany Bay plan, would be to take up that which the better opinion in that country has long since condemned; a system very expensive, and failing to answer the proper end and object of punishment. It is only a partial one, being applied to certain classes of convicts, while a far greater portion are confined at home in local penitentiaries, and is applicable to the worst class of convicts, whose punishment is for life or for very long periods. To carry it into execution, would require a naval and military armament and a foreign territory, and such a change of the relative powers of the general and State governments as can only be effected by some important changes in their respective constitutions. Much has been written respecting the benefits and disadvantages of penal colonics, and the subject involves interests and consequences quite too extensive to be discussed at length in this report. For a valuable dissertation on that subject, and indeed for a mass of useful and interesting information in reference to the various penitentiaries of the United States, including our own, the Commissioners would refer to a volume recently published in France, by Messrs. De Beaumont and De Toqueville, commissioners of the French government to examine the penitentiary system of the United States, and translated, with extensive and valuable notes, by Francis Lieber of Philadelphia, a distinguished scholar and philanthropist.

To banish convicts from the State, without providing for them a place of refuge and a guard, would be turning them loose to

commit depredations upon our neighbors. The injustice we should offer to others by such a system, would be in turn visited upon our own heads by other States; or if they, governed by a higher sense of duty, should refrain from retaliating, still convicts and rogues would voluntarily flock to an asylum where the punishment, in case of detection, was so light, and would make our State the peculiar field of their depredations.

It has been suggested, that convicts might be employed on public works prosecuted by the State. This is also impracticable to any useful extent. If employed on public buildings, or on cutting stone for locks for canals, or in any other branch of mechanical labor, the evil is in no respect removed. The State works are as useful in employing citizen mechanics as private enterprize. The whole amount of mechanical labor for the citizen mechanic to perform, would not be increased by such a change; nor is it otherwise practicable, as there are no State works of permanent continuance to be done.

The Erie canal employs but few men, and those are scattered through its whole extent, in small parties of three or four in a place; and the expense of guarding and confining convicts would be more than their services were worth. The employment upon all public works authorized by the Legislature, must be temporary in its character; and any disposition of convicts in that way, if practicable in a single instance, would be but temporizing with the subject, and leaving to others to do what had better be done at once, the regulation of a permanent system.

But the Commissioners believe that a remedy adequate to every practical and perceptible extent of the evil, may be adopted, without changing the essential principles of our present penitentiary system. The errors in the practice of the present prisons, have crept in by means of long continued efforts by the Legislature, and by the officers of the prisons, to render the labor of convicts productive, and to relieve the State from the burthen of a heavy annual appropriation to defray the expenses of the prisons, without considering the effect upon the mechanical industry of the country.

In recurring to former legislation upon the subject, and to the numerous and able documents which from time to time have been

presented to the Legislature by the different officers of government and by legislative committees, and not unfrequently by Commissioners appointed under legislative authority, it does not appear that apprehensions have at any time been entertained, that mechanical labor in the prisons might be carried on to such extent and in such degree of perfection as injuriously to affect the interests of citizen mechanics.

The chief burthen of all that has been heretofore written, read and acted upon the subject, has been to make prisons productive; to relieve the people from taxation for their maintenance. This grand desideratum has been at last attained, and it is indeed a matter of congratulation, and well worth the effort it has cost, and the consideration it has received. It ought not now to be lightly abandoned. Under these circumstances, it is the dictate of prudence to see if the new difficulty cannot be obviated without sacrificing this truly important point, at which we have with so much pains arrived.

The cause of the present embarrassment is easily discovered. The officers of the prisons have been entrusted with the disposal of a large operative power, for the purpose of turning it into profit. The most convenient way of doing it is to hire out their men at so much a piece by the day; and that mode giving the least trouble for the agent, also found favor with the public for its entire simplicity, and its requiring the employment of no active capital and creating no risk of loss. Consequently every opportunity has been embraced to hire out in this way, as many of the disposable hands as possible; and it has been considered better to receive a certain fixed sum, even though it were small, than to risk the purchase of stock to make up on account of the State.

Difficulty was found in getting employment for the whole number of convicts. To induce contractors to employ them, it was necessary to hire them for long periods of time, so that they might become profitable workmen. Contractors were also desirous of rendering their business permanent, as far as practicable. No limit was imposed by law, either as to the number of convicts to be let to one person, or to be employed in one branch of business, or as to the length of time for which they might be let out. By the statute, 2 Revised Statutes, 763, § 28, the agents are directed, whenever deemed expedient by the Inspectors, "to contract the

labor of convicts to such persons, and on such terms, as they shall deem most beneficial to the State:" And again, by section 44, it is made the duty of the agents "to use their best endeavors to defray the expenses of the prisons by the labor of the convicts." Had the former Legislature anticipated the results which their general powers and directions have produced, it would doubtless have guarded these unlimited enactments by proper restrictions. *Some limits to the number to be employed in any one branch of business, should have been made.* The branches carried on should have been *those with which the country is chiefly supplied by importation, and publicity of the time and place of letting contracts, should have been given, so as to allow full and free competition, and to produce such prices that the contractors could not afford to undersell the market.* Had regulations like these been early adopted, the present complaints would not have been heard.

As to the extent of the competition of the labor of convicts in prison with that of citizen mechanics, there have doubtless been erroneous impressions among that class of persons. During the last summer the agent of the Auburn prison, under the advice of the Commissioners, issued a large number of circulars, (nearly 2,000,) addressed chiefly to persons in his prison district, from whom he would be likely to obtain correct information. The whole number of answers received, was 319. The whole number of discharged convicts heard from, was 288, of whom 150 were said to be decidedly reformed, and 47 were pursuing trades which they learned in prison. Of all the letters, 167 stated the sale of articles manufactured in prison at the places where they were written, and 152 stated there were no sales in their vicinity. The whole number of the different kinds of State manufactures, mentioned as sold in their respective neighborhoods, is 32—16 of these have never been manufactured in the prisons, and two others have not been made for some years: And from these circumstances it is equally probable, that the writers were mistaken in reference to the place of the manufacture of many, if not most, of the other articles enumerated. In an answer to the last inquiry of the circular, whether mechanical business of the prison injuriously affected the interests of the mechanics in the place, 18 answered in the affirmative, 262 answered in the negative, and 19 had returned no answer to that question. The agent of the Auburn prison has appended to his report, extracts from all these answers.

Taking the prison at Auburn for the illustration, we have prepared from the statements in papers marked A and E, the following table, showing the number of convicts engaged in the several branches of business, the number of men in that prison who were before conviction mechanics in the several branches, and the difference in each trade, showing the actual increase of men in each branch by means of the prison.

Occupation.	No. employed in prison.	No. of same trade before conviction.	Increase.	Decrease.
Weavers,	54	10	44	
Tailors,	42	9	33	
Plane makers,	26	1	27	
Blacksmiths,	11	26		15
Copper-smiths,	6		6	
Lock-smiths,	15	1	14	
Machinists,	17	2	15	
Brass founders,	1	2		1
Comb makers,	41	2	39	
Bedstead makers,	2		2	
Cabinet makers,	16	15	1	
Polishers,	3		3	
Chair makers,	6	1	5	
Matters,	16		16	
Turners,	4	1	3	
Painters,	8	5	3	
Hame makers,	6	1	5	
Platers,	6	1	5	
Saddle tree makers,	20		20	
Shoemakers,	48	43	5	
Coopers,	55	12	43	
Clock makers,	22	1	21	
Cutting stone and masons,	14	16		2
Mill stone makers,	4		4	
Glazier,	1		1	
Carpenters and joiners,	5	34		29

There are various other convicts having had trades before conviction, whose business is not carried on in prison, and they are not included in the foregoing table, but who should be taken into account in stating the general result in reference to the whole body of tradesmen.

By this statement, we perceive at once the extent of the ground of complaint in reference to each branch. For instance, the tailors. The whole number of persons employed in that business is increased by 33, so that the market for their business must be increased by that amount, or the quantity of work must be diminished to that extent in mechanics' shops.

On the other hand, the business of blacksmithing is actually benefitted by having 15 of that trade transferred to other business, at least while in prison, and probably one-half of them permanently. So of carpenters and joiners. 29 persons are by means of this prison diverted to other branches, while in nearly every other branch carried on, the number of operatives is increased by it; and this is in some degree injurious to the persons engaged in those particular branches of business, or to some of them.

It is however a generally received opinion, that a country is prosperous in proportion to the extent of its products, including as well manufactures as agricultural; and that in proportion as the products are increased, the market and demand are extended with it. This opinion doubtless, as a general one, is sound, but it does not apply to all cases. There is such a thing as overstocking the market; but until the production is adequate to supply the demand, the latter is rather improved than lessened by an increased quantity; such at least is the opinion of practical men. It is very commonly said in respect to the introduction of manufactures in the country, that after they become numerous and well established, they are better enabled to sustain themselves than in their infancy. When the home consumption is supplied chiefly by domestic manufacture, prices are less liable to fluctuate in consequence of foreign importation.

In the selection of the branches of business to be carried on in the State Prisons, the officers in charge acted as might have been expected of them, under the legal instructions by which they were governed, and which have been before mentioned. They introduced those well established branches of business which the common wants of the country had fully developed, and which common experience had shewn were practical and profitable. Had they confined the operations in the prisons in each branch of business to the extent that it could be carried on by the convicts already skilled in the particular branch, there could have been no

just ground of complaint. Take for example shoemakers, of whom there are forty-three among the convicts confined at Auburn, who were mechanics before their conviction. Instead of employing 43 only at that branch, there are 48 engaged in that business. But if they had employed but the original shoemakers at that business, and had not taught the trade to other convicts, it would have been right in every sense. They would have merely compelled the idle and wicked to follow with assiduity their regular calling; the number of mechanics in that branch would not have been increased, nor would discharged convicts be turned out to enter shops where they were not free to enter before conviction. Had this course been adopted in respect to all other branches of mechanical labor which are carried on in this country to or nearly to the amount of the consumption, and no other employed there in any given trade than those who had previously learned it out of prison, no just ground of complaint would have existed, nor is there reason to suppose any would have been made. This then shews us at once the proper rule to be adopted.

The question that next occurs is, what to do with the residue of the convicts, such as laborers, farmers and those of trades which cannot be well carried on in the prisons. The only resource left, is to introduce new kinds of business from foreign countries, and teach convicts trades in those branches only. This may be rather troublesome at first, but it is entirely practicable, and when once fairly established, would probably be quite as profitable to the State as the business now pursued. Indeed there are other considerations of no small magnitude inducing to such a measure. It has always been considered highly desirable for every State to have within itself the power of supplying its own wants; and if the State Prisons and the labor of convicts could be made the means of producing or even of promoting an end so desirable, it would be a matter of much felicitation. The introduction and prosecution of new branches of business in the State Prisons, would ultimately produce the manufacture of similar articles throughout the country. Notwithstanding its origin from the prison, any branch of business found profitable, would find plenty of competitors for its gains.

All new business in the prisons is attended with a loss for a short period, until the convicts become expert and disciplined to it.

There are a great variety of articles now extensively used in this country, and with which it is supplied chiefly or wholly by importation from foreign countries, and the chief value of which consists in the labor bestowed in the manufacture. Among them may be named, files, needles, pins, shears, scissors, snuffers, fine knives, razors, and all fine cutlery; wrought nails, butts, screws, cotton, linen, silk, woollen and worsted hose; cotton, linen, worsted, silk and rubber webbing; carriage lace, carpeting, rugs; and finally, and especially, the manufacture of silk goods from the cocoons. The Commissioners see no good reason why some of the above enumerated articles may not, with propriety and profit, be introduced in the prisons. Other articles, doubtless, may with equal propriety be added to the catalogue. It would require time and attention, and probably the employment of artizans from Europe, in some branches. It might require the sending of an agent to Europe to ascertain respecting the manufacture of the several articles, and which of them it would be practicable, in our prisons, to make of such quality and with such facilities as would enable them to compete with the imported articles. The expense of an agent to Europe, to be gone four or five months, to obtain the requisite information, and to employ competent instructors in the several branches would be but trifling in comparison with the benefits anticipated; and the artizans employed would earn, by their services, their compensation. When the business should be once fairly established, by the proper instruction of a few convicts, it would require no further expense for that purpose; but the business would be continued as is done in the branches now prosecuted.

The labor of convicts could be let out by the piece, after the manufacture was once established, as is now done in many articles; and which is, perhaps, unless under peculiar circumstances, the preferable mode of disposing of their labor, as it dispenses with the necessity of having the presence of contractors or their agents much in the prison. Where convict labor is let by the day, the contractors' agents, having no motives to preserve the good government of the prison, and interested only in getting out of the convicts the greatest possible amount of labor, are strongly tempted to hold out private inducements to convicts, and perhaps to cause the keepers to inflict stripes sometimes improperly. Besides this, the statements of the earnings of convicts in both prisons, show a very decided advantage in favor of those who are employed by the piece, over those who are hired out by the day.

Should the suggestion above made, in reference to the future introduction of new branches of business into the prisons, be adopted, no just cause of complaint can be made by persons afterwards embarking in the same business. They will have gone into it under an existing state of things, which they will have no right to ask the public to change for their special benefit.

By this means, also, the second class of evils complained of, as well as the first, will be removed. Discharged prison convicts will not seek employment, in the trades they learned in prison, in the shops of citizen mechanics, and by that means expose their apprentices and journeymen to corruption, for the reason, that few or no shops will be carrying on any business *taught*, except such as shall have been established afterwards. While this result would be obtained, the other and highly important matter in which all citizens are interested, the moral reformation of the convict, will be equally promoted.

Convicts having no regular calling, will be taught one by which they may, when discharged, gain an honest livelihood, by establishing the business on a small scale, in some neighborhood, where the prejudices of the community are not so strong against prison convicts, but that they will purchase their wares and assist them in effecting their endeavors to earn an honest maintenance, for themselves, and perhaps an innocent family. To this end, in all new branches introduced and taught, the convicts should be perfected in their knowledge of all its parts, so as to enable them to set up for themselves when discharged; and the Commissioners take this occasion to mention a defect in the present practice in this respect, which, while it does not lessen the amount of injury to the citizen mechanic, either in reference to competition or to association, does not afford the full advantage, to the convict, of a perfect trade or means of subsistence, which he may set up and carry on for himself after his discharge.

The introduction of these new branches of business, so as to carry them on to any profitable extent, would require a considerable period of time. By reference to the statements herewith returned, of the existing contracts at the two prisons, marked B, and D, it will be perceived, that they have, most of them, yet several years to run, and that all are now in the course of actual execution. The several contractors have provided their materials, employed their agents, rented their ware-houses, and established

their market for their wares. They have vested rights, which cannot be taken away by Legislative enactment; and no doubt is entertained, but that the agents, in making their several contracts, have acted within the scope of their legal powers. It has been reported, that since this subject was under agitation, the agents of the prisons had renewed or extended the contracts, with a view to prevent a change. It is due to the agents to state, that this report is wholly untrue. No new contracts have been made or extended, at either prison, since the passage of the act of last winter, directing this investigation, except one for making cane seats at Sing-Sing, and except, also, contracts for marble for buildings, of short continuance, and all of which are stated in the papers marked B, and D. Most of the contracts on which the convicts are at present employed, will expire in the years 1838 and 1839. Before that time, the several branches of business above mentioned, or some of them, may be introduced, and may be then in such a state of operation, as to admit their immediate extension to the employment of convicts who will then be disposable. These important and extensive changes could hardly be well effected, *to that extent*, sooner, even if the vested rights of individuals did not interfere.

The manufacture of silk, which is included in the articles above enumerated, as likely to prove profitable and useful, deserves a more explicit notice. The Commissioners learned, from his Excellency the Governor, that the late Chief Justice Spencer had some views upon the subject, which he was disposed to submit for their consideration. They accordingly called upon Judge Spencer, and obtained his permission to append to their report his views, which he read to them, and which are herewith submitted, marked S. By some quite recent publications in the newspapers, it appears that a machine has been invented, and is now exhibiting at the Capitol in Washington, by which the difficult art of nicely reeling the silk from the cocoons, with that of preparing it for the loom, is attained with comparatively little labor. The Commissioners, upon considerable reflection, are satisfied, that this business may be introduced into both the State Prisons in this State with great advantage. The business of raising mulberry trees, and picking the leaves for the purpose of feeding the worms, is rather agricultural in character, and would be difficult of prosecution among convicts, who must necessarily labor in large numbers on a small space of ground; but the business of preparing the silk from the cocoons, and weaving it, presents no such difficulties,

and by starting those branches of the business in each of the prisons, and increasing it as fast as the supply of cocoons raised in the country for sale would warrant; and, at the same time, by taking measures to promote the production of cocoons in the country, by the offer of a fair price and a certain market for them, and by the immediate planting of that part of the State farm at Sing-Sing, which is not wanted for marble quarries, with the white mulberry, with a view to the raising of seeds and plants for distribution, it is confidently believed, the most beneficial results may be obtained. It is satisfactorily established, by experiment, that both the soil and climate of every part of this country are eminently adapted to the culture of silk, and that too of a very superior quality.

The present imports of silk goods into this country are enormous, and not less than from five to ten millions of dollars annually. If the introduction of so important an article, as a staple production, can be produced, or indeed in any degree promoted, by means of the labor of convicts, it would be something towards remunerating the country for their depredations. All efforts to produce such a result, with any reasonable hope of success, are, at least, highly worthy the attention of an enlightened Legislature.

The suggestion of Mr. Spencer, in his remarks upon the subject, that cocoons might be advantageously produced at the several county poor-house establishments, is also worthy of attention. The immediate planting of the white mulberry, to a considerable extent, upon the farms attached to the several county poor-houses, would not only be the means of supplying the prisons with cocoons, but would afford a profitable business for the several counties, and be peculiarly adapted to the feeble powers of most of the inmates of those establishments. The attention to be paid to this branch of the subject, which for its full development will take a period of several years, should not, in the mean time, prevent the adoption of the other proposed measures for the intermediate, and if it should prove necessary, permanent, employment of the convicts.

The conclusions the Commissioners have already stated, preclude the necessity of a detailed examination to ascertain, (if indeed that were practicable,) to what extent the opinions of mechanics, contained in the testimony, are well founded. They are,

as they indeed profess to be, interested witnesses, for which some allowance must be made. Some general estimates from the documentary evidence before us, with particular reference to the moral injuries to which the mechanical fraternity, as a body, are exposed, by reason of the present system, may, however, be proper and useful.

The table annexed to the report, marked A, shows the present employment of all the convicts in the prison at Auburn. That marked B, is a statement of all the subsisting contracts for convict labor at that prison. The paper marked C, is a statement, showing the present employment of all the convicts at the prison at Sing-Sing. The paper marked D, exhibits a statement of all existing contracts for convict labor at the same prison. The paper marked E, exhibits a variety of statistical information, respecting the convicts now in the prison at Auburn, including their former occupation, character and crimes, &c. The paper marked F, is a copy of a circular issued by the agent at Auburn, for information respecting discharged convicts, with a tabular statement, compiled from the answers. The paper marked G, is a statement similar to the last, in respect to the convicts at the Mount-Pleasant prison.

From the statement C, it appears that the whole number of convicts at work at mechanical business at Sing-Sing, is 477; of whom 316 had worked at some trade before conviction; consequently, the actual increase of that class of persons, by means of that prison, is now 161. From information shown in paper F, it appears, that out of 103 discharged convicts, who remained in the State, and who learned trades in the State Prison at Auburn, only 47 continued to work at them after their discharge. It is to be presumed, that a considerable share of the 161 above stated, at Sing-Sing, after being discharged, will leave the State. One-third of them is probably a fair estimate. If, of those that remain in the State, the same proportion continue to work at the trades they learned in prison, as is shown by the above statement from the Auburn prison, the number would be less than 49—suppose 50; which is probably the extent of the number that would remain in the State and pursue their prison taught trades. There is a less number of convicts employed in mechanical business at Auburn than at Sing-Sing, but if we assume the same result as above, it will be sufficiently accurate for this purpose. One hundred, then,

may be assumed as the probable number in both prisons at this time, of persons learning trades, who were not mechanics before, and who will remain in this State after their discharge, and practice their trades.

The whole number of mechanics in the city of New-York, is estimated, by the Trades Union in that city, at something over 21,000, and the whole number in the State at 125,000. The proportion of the above class of persons to the whole number of mechanics in the State, is as 1 to 1,250. By calculation of the sentences of the convicts at Auburn, taking those who are sentenced for life to be equal to the longest term of years for which any one is sentenced, which is 21 years, the average length of all the sentences is found to be a fraction over 5½ years. The 100 convicts above mentioned, will consequently take that length of time for their discharge, or about 18 each year. If we suppose that the whole number of 125,000 mechanics will be changed, that is, their places occupied by their successors, in an average period of 25 years, it will show an annual change of 5,000 in each year; or that number required, by means of apprentices and otherwise, to supply the place of those who die or depart from the State. The proportion of increase, by means of the prisons, to the whole annual increase, will stand as 18 to 5,000. If the present prison system should continue for 25 years, the proportion of those following trades taught in prison, to the whole number of mechanics in the State, would be as 18 to 5,000. By some it may be supposed, that in making this estimate, we should not be confined to such convicts as remain in the State and follow their trades. The whole number who are taught trades in prison, and who were not mechanics before conviction, in both prisons, is something less than 300; and resuming the calculation on this basis, as above, at 5½ years average term of sentence, will give 55 a year average of discharged. The annual number discharged would be, to the whole number of mechanics in the State, as 55 to 125,000; and the proportion to the annual increase of mechanics, as 55 to 5,000; which, in 25 years, would be the proportion to the whole. These proportions are so small, that the injurious influence upon mechanics, as a whole, must be imperceptible in practice, and only to be ascertained by examination.

It has been before stated, that, of the 477 convicts now at work at mechanical trades at Sing-Sing, 316 had before worked at trades;

but of the whole number of convicts in the prison, 404 were mechanics before conviction, which deducted from the number now at work, 477, will leave a difference of only 73.

In reflections upon the extent of the evils now existing, we should consider that all those who really pursue their trades for a livelihood after their discharge, and conduct with propriety, supporting themselves by honest industry, are to be excluded from the list of dangerous associates. We should also consider, that in our present penitentiary system, convicts do not learn their vices there, and that as before their conviction, mechanics as well as all other persons, were exposed to their dangerous associations; so after their discharge, other persons as well as mechanics are, to a certain degree, if not equally, again exposed to their corrupting influence.

It should also be borne in mind, that in any system of prison discipline by which common intercourse among convicts is permitted, and may we not say in any in which solitude is not united with labor, the convicts corrupt each other, and go out into the world with greatly increased skill in crime, by which means their art in corrupting others, and the dangerous influence of the whole body of convicts would be greatly increased. It should further be remembered, that individual interests ought always to yield, when necessary, for the public good; and that whenever for the purpose of good government, it becomes necessary to choose between those who are equal favorites, the interests of the less number should always submit to those of the majority.

Some remarks are due to the peculiar situation of one or two branches of business carried on in the prisons. The Commissioners are of opinion, that independent of the question as a branch of mechanical labor, the business of lock making, now carried on in both prisons, is an improper one to be taught to convicts, and dangerous to the public safety. It is stated in the testimony, that a skilful lock maker may, from merely observing the external form of the key-holes, prepare skeleton keys by which he will readily unlock all ordinary locks; and his knowledge of the internal guards and form of work is such, that unless a lock is of peculiar construction, he finds no difficulty in preparing keys for many locks even of the more expensive kind. A great share of the recent burglaries have been committed by means of false keys. Not

long since an ingenious convict at Auburn contrived to deposit two patterns of bank locks which had been made in prison, in a secure cover, safely imbedded in the body of a water log used outside of the prison walls to convey water into the prison, and which had been brought into the place where the convict was at work, to be repaired. The log when finished, was restored to its place outside the wall, and had it not been for the treachery of a fellow convict, the ingenious felon would probably have secured his prize in triumph after his discharge. In the opinion of the Commissioners, an effort should be made to induce the contractors to give up their contracts, or at least to have no new convicts learn the art. It is a dangerous trade for that class of citizens to be familiar with.

The business of marble cutting at the prison at Sing-Sing, is not let out by the day or otherwise to contractors, but the agent executes orders for the marble work of buildings, at such prices as may be agreed upon in each particular case. It was at first found very difficult by the agent to get that marble into use. It was rejected by builders on account of being supposed to be of a quality not satisfactory to public taste. The agent, with the view of introducing it, made some contracts at first at extremely low prices. These had the desired effect. It was perceived that the stone were valuable for building purposes, and prices for work have gradually been increased; and the State is now realizing the benefit anticipated by the location of the prison in the vicinity of those large beds of marble. Some of the noblest structures of architecture in the State, have been executed from this marble, and it is certainly desirable for the encouragement of the citizen builders and architects of this country, that they should enjoy the advantage of a full opportunity to participate in the execution and design of our costly marble edifices. The quarries are so extensive that they must be inexhaustible for ages to come.

If the convicts were confined to the operation of getting the marble out in blocks, and delivering it upon the wharf, it is believed that its use, instead of being diminished, would be greatly promoted. Builders would then become purchasers, and the greater quantity sold would make up for the difference of price between the wrought and unwrought marble.

From the views above taken, we consider that this is but carrying out the plan we have suggested, and that it is due to that par-

ticular branch of mechanics. There is hardly a doubt but that if the prison kept always a large supply of quarried marble on hand, rough dressed in blocks, for sale at reasonable prices, it would, from its cheapness and from its easy water transportation, meet with ready sales, and its use for churches and public buildings, wherever it could be floated, would soon become general.

All which is respectfully submitted.

ELISHA LITCHFIELD,
ELY MOORE,
ARPHAXAD LOOMIS.

January 29, 1835.

DOCUMENTS

Accompanying the report of the Commissioners appointed under the act of May 2, 1834, concerning State Prisons.

TABLE A,

Shewing the employment of all the Convicts in the State Prison at Auburn, December 31, 1834, and prices of labor.

Cotton Weave Shop.

Prices per man per day.	On contract.	
25 c.	Weaving tickings, &c, ...	34
15 c.	Spooling,	7
15 c.	Making harness for looms,	1
50 c.	Carpenter,	1
25 c.	Packing cloth,	1
25 c.	Warping and sizing,	1
25 c.	Waiter,	1
		— 46

For the State.

Weaving stockings,	2
do shirting,	2
do stripes,	1
Spooling,	2
Invalid,	1
	— 8
	— 54

Tailors Shop.

Price per each piece.	On contract.	
Great coats, 18 s.	Tailors,	40
Box coats, . 16 s.	Waiter,	1
Coats,		— 41

For the State.

Pantaloons, . 4 s.	Tailors,	2
Vests,	Barbers,	3
	Invalid,	1
		— 6
		— 47

Tool Shop.

Price per man per day.	On contract.	
30 c.	Plane makers,	28
30 c.	Dressing and piling timber,	5
30 c.	Oiler,	1
30 c.	Fireman,	1
25 c.	Waiter,	1
30 c.	Riving timber,	3
		—

39

Machine Shop.

Prices per man per day.	On contract.	
25 men at 40 c.	Blacksmiths,	6
21 " at 30 c.	Coppersmiths,	6
	Locksmiths,	15
	Machinists,	17
	Brass foundry,	1
	Waiter,	1
		—

46

For the State.

Blacksmiths,	5
Tinker,	1
Waiter,	1
	—

7

53

Comb Shop.

Prices per man per day.	On contract.	
43 men at 32 c.	Sawing stock,	1
1 " at 25 c.	Pressing do	4
	Scraping do	2
	Making dress combs,	2
	do trap do	2
	do side do	5
	do large do	5
	Polishing combs,	8
	Staining do	3
	Bending do	1
	Cutting side do &c.,	2
	Packing, do	2
	Rubbing and oiling combs,	1
	Washing do	1
	Grinding,	1
	Carving,	1
	Pointing side combs,	1
	Patent buff,	2
	Waiter,	1
		—

44

For the State.

Making kids, cans, &c.,	1
	—

45

Coverlet weave shop.

Price per man per day.		On contract.	
	30 c.	Carpet weavers,	5
	30 c.	Coverlet and diaper weavers,	3
	30 c.	Satinett weavers,	5
	30 c.	Flannel weavers,	4
	30 c.	Carders,	2
	30 c.	Spinners,	3
1 at 25 c. 2 at	15 c.	Draw boys,	3
	25 c.	Warpers,	2
	30 c.	Carpenter,	1
	15 c.	Spoolers and bobbin winders,	8
			— 36
			— 36

Cabinet shop.

Prices per man per day.		On contract.	
		Bedstead makers,	2
		Cabinet makers,	16
47 men at 35 c.		Chair makers,	6
9 " 25 c.		Turners,	4
1 " 50 c.		Painters,	6
1 " 17½ c.		Polishers,	3
2 picking hair,		Matters,	16
at 2 c. per lb.		Sawyers,	2
		Carver,	1
		Hair pickers,	2
		Shop waiters,	2
			— 60
			— 60

Hame shop.

Prices per man per day.		On contract.	
	30 c.	Hame makers,	6
5 at 50 c. 1 at	30 c.	Blacksmiths,	6
	30 c.	Filets,	4
	30 c.	Platers,	6
	40 c.	Saddle tree makers,	20
	30 c.	Riving timber,	2
	25 c.	Waiters,	2
			— 46
			— 46

Shoe shop.

Prices per each piece.		On contract.	
Fine boots,	16 s.	Fine boots and shoes,	7
" shoes,	5 s.	Coarse " "	7

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5

Coarse boots, ..	6 s.	Women and misses shoes and cacks,.....	20
Stoga fine do	8 s.	Binding,.....	5
Coarse shoes, ..	3 s.	Cramping boots,	1
Women's shoes,	3 s.	Dressing work and waiter,	1
			— 45

For the State.

Lace boots, ...	6 s.	Shomakers,.....	8
Misses shoes, 2s. 6d.		Barber,.....	1
Cacks,..... 1s. 6d.		Invalids,.....	1
			— 10
			— 55

Coopers' shop.

Prices per man per day.

		On contract.	
		Making whiskey barrels, ..	16
		“ provision “ ..	10
		“ tubs,	2
50 men at 28 c.		“ beer barrels,.....	1
6 “ 30 c.		“ hds.....	1
4 “ 1 s.		“ flour barrels,	18
1 “ 50 c.		“ i “ “	1
		“ churns,	1
		“ pails,	2
		“ and repairing tools,	1
		Tending kiln and grinding tools,	1
		Sawing staves,	2
		Repairing contractors' wa- gons,	1
		Blacksmiths,.....	2
			— 61

For the State.

Coopering,	1
Waiter,	1
	— 2
	— 63

Clock shop.

Prices per man per day.

		On contract.	
33 c.		Brass clock marker,	16
33 c.		Case makers,.....	6
33 c.		Painters,	2
25 c.		Waiter,	1
			— 25
			— 35

Kitchen.

For the State.

Bakers,	2
---------------	---

Cooks,	2	
Table waiters,	4	
Dish washers, &c.	6	
Hall waiters,	2	
Cutting rations,	1	
Waiter,	1	
Invalids,	3	
	—	21
		— 21

Hospital.

Sick,	4	
Nurses,	2	
	—	6
		— 6

North wing.

For the State.

Hammock mender,	1	
White washer,	1	
Sweeping and washing, ...	5	
Invalids,	3	
	—	10
		— 10

South wing.

For the State.

Sweeping and washing, ...	3	
Washing in machine shop, .	7	
	—	9
		— 9

North yard.

For the State.

Prices per man per day.
3 s.

Cutting stone,	11	
Making mill stones (contr.)	4	
Masons,	3	
Glazier,	1	
Carpenters,	5	
Soap boilers,	2	
Ostler,	1	
Waiter,	1	
Invalids,	3	
Sawing wood, cleaning, &c.	25	
	—	55
		— 55

4 at 1 shilling. By the terms of this contract, raw hands are to have 12½ cents per day, for two first months.

There is a verbal contract for the additional number of men.

Tool making.

Trueman J. McMaster and Zalmon J. McMaster, of Auburn, contractors; expires August 20, 1839.

Number of men contracted for, 45.

Number of men now employed, 39.

Prices per day—38 men at 30 cents, 1 at 25 cents.

Shoemaking.

Z. L. Webb and Geo. C. Williams, of Auburn, contractors; expires May 1, 1835.

Number of men contracted for, 41.

Number of men now employed, 41.

Prices per piece—Fine boots 16 shillings, coarse boots 6 shillings, fine shoes 5 shillings, coarse shoes 3 shillings; all other work in the same proportion; with a deduction of 11 per cent.

The men on this contract average about 28 cents per day.

Cotton weaving.

Robert Muir, Eleazer Hill, N. Garrow, and Geo. B. Throop, contractors, of Auburn; expires December 1, 1837.

Number of men contracted for, 85.

Number of men now employed, 46.

Prices per day—38 men at 25 cents, 1 at 50 cents, 7 at 15 cents.

Tailoring

Stephen Van Anden, of Auburn, contractor; expires January 1, 1839.

Number of men contracted for, 35.

Number of men now employed, 41.

Prices by the piece—Frock and body coats and cloaks 14 shillings, great coats 18 shillings, box coats 16 shillings, military coats 20 shillings, vests and pantaloons 4 shillings, box vests 6 shillings; all other garments in the same proportion.

The men on this contract average about 36 men per month, and their earnings about 30½ cents per day.

Brass clock making.

Clark B. Hotchkiss and Thadeus Benedict, of Auburn, contractors; expires May 1, 1839.

Number of men contracted for, 40.

Number of men now employed, 25.

Prices per day—24 men at 32 cents, 1 at 25 cents.

Machinery, locks, &c.

Albert Walcott, J. B. Hyde, J. L. Watrous and Cyrus Dennis, of Auburn, contractors; expires January 1, 1838.

Number of men contracted for, 50.
 Number of men now employed, 46.
 Prices per day—25 men at 40 cents, 31 men at 30 cents.

Comb making.

Daniel F. Cock, of Auburn, contractor; expires October 1, 1838.
 Number of men contracted for, 40.
 Number of men now employed, 46.
 Prices per day—5 men at 50 cents, 40 at 30 cents, 1 at 25 cents.

Saddle-tree and hame making and plating.

Peter P. R. Hayden, of Auburn, contractor; expires August 1, 1838.
 Number of men contracted for, 50.
 Number of men now employed, 46.
 Prices per day—5 men at 50 cents, 40 at 30 cents, 1 at 25 cents.

Carpet, coverlet and diaper weaving.

Josiah Barber and John Loudon, of Auburn, contractors; expires October 1, 1838.
 Number of men contracted for, 25.
 Number of men now employed, 36.
 Prices per day—23 men at 30 cents, 3 at 25 cents, 10 at 15 cents.

Cabinet and chair making.

John and Jesse Seymour, of Auburn, contractors; expires November 1, 1838.
 Number of men contracted for, 60.
 Number of men now employed, 60.
 Prices per day—47 men at 35 cents, 9 at 25 cents, 1 at 50 cents, 1 at 174 cents, 2 picking hair at 2 cents per lb.

Making Burr mill-stones.

Asaph D. Leonard, of Auburn, contractor; no time specified.
 Number of men contracted and employed, 4 at 3 shillings per day.

(C.)
STATEMENT showing the employment of convicts on contract and work for sale at the Mount-Pleasant State Prison, on the first day of December, 1884.

	Number of mechanics.	Number of laborers.	Total at work by the day.	Contract price per day.	No. at work by the piece.	Average earnings per day of those by the piece.	Average number at work by the day and piece during the year past.	Had worked at mechanical business previous to coming here.	Have learned or are now learning trades here.	No. that had worked at the same mechanical branch before coming here.
In the locksmith and blacksmith shops, as follows:										
Making locks,	21	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rough filing,	12	.....	.....	.....	.....	.....	.....	.....	.....	.....
Turning knobs,	5	.....	.....	.....	.....	.....	.....	.....	.....	.....
Preparing lock plates,	4	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arboring knobs,	2	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making grates,	3	.....	.....	.....	.....	.....	.....	.....	.....	.....
Blacksmiths,	6	.....	.....	.....	.....	.....	.....	.....	.....	.....
Brass founders,	3	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making locks by the piece,	8	.....	.....	.....	8	62 cts.	.....	.....	.....	.....
Turning lathes, &c. ....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....
	64	.....	60	40 cts.	.....	.....	54	51	13	.....
Total mechanics,										

Statement of the employment of convicts, &c.—Continued.

	Number of mechanics.	Number of laborers.	Total at work by the day.	Contract price per day.	No. at work by the piece.	Average earnings per day of those by the piece.	Average number at work by the day and piece during the year past.	Had worked at mechanical business previous to coming here.	Have learned or are now learning trades here.	No. that had worked at the same mechanical branch before coming here.
In copper nailed boot shop:										
Boot-makers,	46									6
Cramping and treeing boots,	11									2
Carpenters making boxes,	2									
Cap front stitchers,	5									
Cutting out work,	1	22								
Fitting, binding, cleaning of work, & packing,										
Total mechanics,	65		67	35 cts.			74	86	29	
In boot and shoe shop:										
On women's shoes,	27									
On men's coarse shoes,	12									
On men's kip boots,	10									
Cutting and treeing boots,	3									
Binding and fitting,		19 apprentices.								
Total mechanics,	52		64	35 cts.			62	49	3	40

In hat shop:									
19	Making silk hats,								
2	Making hat boxes,								
21	Total mechanics,	21	40 cts.	17	14	7			8
In the marble polishing shop:									
9	Cutting and fitting marble,								
6	Polishing marble,								
2	Sawing and rubbing,	4							
19	Total mechanics,	23	40 cts.	16	8	11			
In chair cane seat shop:									
10	Putting in cane,								
2	Bordering seats with cane,								
6	Sawing stuff and boring,								
	Cleaning off stuff, and waiter,	7							
20	Total at mechanical work,	27	37 cts.	10	13	8			2
In brass saddlery shop:									
3	Casting brass stirrups,								
33	Filing and polishing stirrups,								
	Trimming, packing, and waiter,	5							
35	Total mechanics,	40	97 cts.	34	30	5			4

[Assem. No. 125.]

Statement of the employment of coopers, &c.—Continued.

	Number of mechanics.	Number of laborers.	Total as work by the day.	Contract price per day.	No. as work by the piece.	Average earnings per day of those by the piece.	Average number at work by the day and piece during the year past.	Had worked at merchant's business previous to coming here.	Have learned or are now learning trades here.	No. that had worked at the same mechanical branch before coming here.
In and about coopers' shop:										
Making drudge casks,	8	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making rum hogheads,	8	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making corn meal hogheads,	9	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making turpentine barrels,	7	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making rum barrels,	25	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making iron bound beer barrels,	14	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making flaxseed tierces,	7	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making provision half-barrels,	6	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making lard and paint kegs,	20	.....	.....	.....	.....	.....	.....	.....	.....	.....
Making heads,	8	.....	.....	.....	.....	.....	.....	.....	.....	.....
Turning large wheel, sawing staves, &c. &c. ....	.....	16	.....	.....	.....	.....	.....	.....	.....	.....
Grinding tools, and waiter, .....	.....	21	.....	.....	.....	.....	.....	.....	.....	.....
Total at mechanical work in coopers' shop,	102	.....	.....	.....	139	37 1/2	157	74	96	9

In stone shop and quarries, and work connected with them:									
Cutting marble for university,.....	90	.....	.....	.....	.....	.....	.....	.....	.....
Cutting marble for church,	10	.....	.....	.....	.....	.....	.....	.....	.....
Total stonecutters,.....	90	.....	.....	.....	.....	.....	.....	.....	.....
Barrowmen, .....		.....	.....	.....	.....	.....	.....	.....	.....
Grinding tools, and waiters,	12	.....	.....	.....	.....	.....	.....	.....	.....
Quarrying and carting marble to shops, and loading vessels,	10	.....	.....	.....	.....	.....	.....	.....	.....
Blacksmiths sharpening tools for shops and quarries,	72	.....	.....	.....	.....	.....	.....	.....	.....
9	.....	.....	.....	.....	.....	.....	.....	.....	.....
477	185	322	.....	193	547	209	40	57	12
			.....	340	.....	683	310	161	

RECAPITULATION.

Total number mechanics, 477
 Total number laborers, 185
 ----- 662 at work for sale and on contract.
 Total number at work on contract by the day, 322
 Total number at work on contract by the piece, 340
 ----- 662
 Whole number that had worked at mechanical work previous to coming to prison,.... 316
 Have learned or are learning trades here, 161
 ----- 477
 Of this number, 115 had worked at the same mechanical branch previous to coming to prison.

Prison, 12th January, 1835.

NAME	Price per day.	Time when the contract will expire.	<i>Names of contractors, agents or superintendents.</i>
Samuel Kn...			
Joseph Cary	35 c.	6 Aug. 1838.	John Reynolds and Isaac Beals.
Richard Ha...	35	1 Oct. 1840.	John Lewis.
ton Haye	37½	19 Oct. 1838.	John Standish.
Elisha Bloo	40	1 Feb. 1839.	John C. Green & Chas. Wiltse.
do do	40	do	John B. Gregory.
do do	40	1 Mar. 1839.	Nicholas O'Brien.
William M.	37½	1 Sep. 1839.	None.

N. have the privilege of renewing them for five years

[Asses]

Contract with Jeremiah Chichester for 7 years, with the privilege of extending it to 10 years, by giving one year's notice previous to expiration of former term. Contract dated 26th December, 1832, for the employment of not exceeding one hundred and fifty men; at the following prices for each article made; all the stuff being furnished by the contractor.

For making quarter bound rum hhds.,.....	70 c. each.
“ corn meal hhds.,.....	65 “
“ iron bound rum hhds.,.....	62½ “
“ wine barrels,.....	40 “
“ rum and bear barrels,.....	31½ “
“ provision barrels,.....	25 “
“ flour do	12½ “
“ molasses hhd, shocks,.....	28 “
“ do do nests of 3,.....	12 s. pr nest.
Shaving and bunching hhd. hoops,.....	10c. p bunch.
Making lard and butter firkins,.....	10 c. each.
“ turpentine casks,.....	31½ “
“ provision half barrels,.....	18 “
“ shoe tierces,	31½ “
“ 2 barrel meat casks,.....	62½ “
“ 1½ do do	50 “
“ 1 do do	37½ “
“ flaxseed tierces,.....	28 “

At present employed on the above contract, 139 men in all. Mr. John Newhouse employed by the contractor to superintend the work.

Contract with John Groshon, dated 1st January, 1833, for 5 years, for not exceeding thirty men, at making locks, at the following prices:

4½ inch mortice locks,.....	\$3,
4½ “ rabited mortice locks,.....	\$4.50 each.
6 “ rim locks,.....	18 sh. “
8 “ rim do	28 sh. “
7 “ do	14 sh. “
9 “ do	32 sh. “
Book case locks,.....	15 sh. “
Sliding bolts,.....	14 sh. p pair.
Flush do	24 sh. “
8 inch front door locks, (night keys,)	\$6.50 each.
9 “ do do do	\$7 “
10 “ rim, double tumblers,.....	\$7 “
Venetian mortice locks,.....	\$4. “
Sliding door furniture,.....	\$40 pr. seth.

At present employed on above contract, 8 men.
No superintendent employed by contractor.

Reuben R. Finch & Co. have now 10 men employed at boot and shoe making, by the piece; women's shoes 28 cents per pair, men's coarse shoes 29 cents per pair, men's coarse boots 70 cents, men's fine boots 11 shillings. All the stock furnished by the contractor.

They have been thus employed for about two years; no time fixed on for its continuance.

I have no written contract for the above; they were put to work for them, as above stated, at a time when I had no other employment for them.

Statement of contracts for supplying marble, on which the stone cutters are now employed.

Contract with Morgan Lewis, chairman, and Archibald Maclay, dated 24th April, 1833, for furnishing all the marble necessary for the building of the New-York University in the city of New-York, to be finished early in the spring of 1835; at the following prices:

For second quality, or rough ax'd ashler, 40 cents per foot, superficial measure; measuring all such parts as are seen when laid in the building. Moulded belt course, 10 shillings per foot, running measure. Window sills and lintels, at 10 dollars per pair.

Ornamental work about the doors, &c. in proportion to above prices.

All the work for the above building will be completed on or before the first day of May next.

Contract with John Heath for marble for the basement and trimmings of a church in New-York; dated 2d June, 1834, to be finished in the spring of 1835; at the following prices:

8 large Ionic bases,.....	at	\$75 each.
8 do caps,.....	at	150 "
8 antæ bases,.....	at	50 "
8 do caps,.....	at	70 "

Ashler, 65 cents per foot, superficial measure. Window sills and lintels, and door sills, 60 cents per foot, superficial measure; flagging for portico, 60 cents per foot, superficial measure.

Plain 8 inch steps, 80 cents per foot, running measure.

8 " water table, 50 cts.	do	do
10 " do 75 cts.	do	do

Area steps, 60 cts.	do	do
---------------------	----	----

8 by 12 inch coping, 75 cts.	do	do
------------------------------	----	----

Contract with James H. Dakin, dated 30th of July, 1834, for marble for presbyterian church in Troy, as follows: Rough ax'd window sills and lintels, ashler for buttresses, and coping for buttresses, at 55 cents per foot superficial measure, 8 inches steps, 60 cents per foot running measure, to be finished by the first of April, 1835.

Contract with Seth Geer, dated 14th July, 1834, for marble trimmings for a gothic presbyterian church in New-York, consisting of ashler for towers and basement, curved and straight mouldings, tower cornices, tracery battlement caps, labels, steps, water table, &c. The whole for five thousand dollars: The work con-

tracted, to be finished as soon as the marble can be got from the quarries—will be finished on or before the first of May, 1835.

STATEMENT E,

Shewing the number, sex, color, age, crime, term of sentence, where born, where convicted, &c. of the convicts remaining in State Prison at Auburn, December 31, 1834.

Remaining in prison on Dec. 31, 1834, 649, viz:

White males,.....	565	
" females,.....	17	
	<hr/>	582
Black males,.....	57	
" females,.....	10	
	<hr/>	67
		<hr/>
		649

Ages of convicts remaining in prison, at the time of their conviction, viz:

From 10 to 15 years,....	2	From 45 to 50 "	20
" 15 to 20 "	97	" 50 to 55 "	11
" 20 to 25 "	157	" 55 to 60 "	10
" 25 to 30 "	106	" 60 to 70 "	8
" 30 to 35 "	65	Unknown,	101
" 35 to 40 "	42		<hr/>
" 40 to 45 "	32		649

Crimes for which they were committed, and the number who have committed the same crime.

Grand larceny,.....	211
Burglary,.....	85
Forgery,.....	76
Petit larceny, 2d offence,.....	74
Passing counterfeit money,.....	38
Assault and battery to kill,.....	23
Manslaughter,.....	14
Perjury,.....	13
Counterfeiting,.....	12
Rape,.....	11
Assault and battery to rape,.....	11
Robbery,.....	11
Arson,.....	11
Swindling,.....	10
Breaking jail,.....	7
Receiving,.....	6
Murder,.....	4
Incest,.....	3

Burglary and grand larceny,.....	3
Assault and battery to maim,	2
Bigamy,	2
Grand larceny and breaking jail,.....	2
Sodomy,	2
Mail robbery,.....	2
Felony,.....	2
Embezzlement,	1
Poisoning,	1
Burglary to kill,.....	1
Forgery and grand larceny,.....	1
Forgery and breaking jail,	1
Breaking jail and passing counterfeit money,.....	1
Bestiality,.....	1
Incest and arson,.....	1
Grand larceny and embezzlement,	1
Petit larceny, 2d offence, and arson,	1
Aiding prisoner to escape,.....	1
Incest and rape,.....	1

649

Term of sentence, with the number for each term.

For 2 years,	94	For 7 years,	44
2 " 1 day,	12	7 " 1 day,.....	1
2 " 6 months,..	1	8 "	12
2 " 8 " ..	1	9 "	2
3 "	126	9 " 3 days,.....	1
3 " 1 day,.....	1	10 "	56
3 " 15 "	1	10 " 1 day,	3
3 " 1 month, ..	1	12 "	2
3 " 3 " ..	1	14 "	14
3 " 6 " ..	2	15 "	2
3 " 11 " ..	1	17 "	1
4 "	56	20 "	2
4 " 7 months,..	1	21 "	2
4 " 10 " ..	1	Life,.....	30
5 "	167		
6 "	9		
6 " 10 months,..	1		

649

Where born, and the number born in each State and country.

New-York,	263	New-Hampshire,	11
Connecticut,	29	South Carolina,.....	4
Vermont,.....	30	Maine,	3
Massachusetts,	29	Maryland,	3
Pennsylvania,	20	Indiana,	2
New-Jersey,	19	Michigan,.....	1
Rhode Island,	7	Louisiana,	1
Virginia,	4	Kentucky,	1

Ohio,	2	France,	3
Illinois,	1	Spain,	1
District of Columbia,	2	Italy,	1
South America,	1	Corsica,	1
Ireland,	41	At sea,	2
Canada,	27	Unknown,	103
England,	26		
Scotland,	8		<hr/>
Germany,	3		649

Where convicted, and the number convicted in each county.

Albany,	17	Niagara,	16
Allegany,	7	Oneida,	44
Cayuga,	26	Onondaga,	45
Chautauque,	12	Ontario,	23
Chenango,	4	Orange,	2
Columbia,	6	Orleans,	5
Cortland,	8	Oswego,	14
Clinton,	17	Otsego,	19
Broome,	1	Queens,	1
Dutchess,	3	Rensselaer,	12
Erie,	48	Schenectady,	3
Essex,	6	Schoharie,	1
Franklin,	16	Seneca,	7
Genesee,	11	Saratoga,	18
Greene,	3	St. Lawrence,	28
Herkimer,	13	Steuben,	9
Jefferson,	21	Tioga,	11
Kings,	2	Tompkins,	19
Lewis,	1	Ulster,	2
Livingston,	9	Warren,	3
Madison,	7	Washington,	21
Monroe,	54	Wayne,	11
Montgomery,	24		<hr/>
New-York,	24		649

Occupation of convicts at the time and before conviction, with the number at each branch of business or mechanical trade.

Laborers,	277	Apothecaries,	2
Farmers,	66	Brass founders,	2
Shoemakers,	43	Machinists,	2
Carpenters and joiners,	34	Penman,	1
Blacksmiths,	26	Teacher,	1
Cabinet makers,	15	Bellows maker,	1
Masons,	13	Spinner,	1
Coopers,	12	Dentist,	1
Weavers,	10	Turner,	1
Sailors,	10	Hame maker,	1
Clothiers and dyers,	7	Spooler,	1
Painters,	5	Hatter,	1

[Assem. No. 135.]

Waiters,	8	Plane maker,.....	1
Bakers,	5	Printer,	1
Boatmen,	5	Chimney sweep,.....	1
Barbers,.....	5	Clock maker,.....	1
Tailors,	9	Ship carpenter,.....	1
Butchers,	5	Caulker,.....	1
Sadlers,	4	Brick maker,.....	1
Tanners,	4	Lock smith,.....	1
Merchants,	3	Chair maker,.....	1
Tinmen,	3	Gun smith,.....	1
Stone cutters,	3	Bleacher,	1
Millers,	2	Card maker,	1
Whitesmiths,.....	2	Carriage maker,	1
Comb makers,.....	2	Roed maker,	1
Gardners,.....	2	Distiller,	1
Physicians,	2	Engraver,	1
Cooks,	2	Plater,	1
Chandlers,	2	Females,	27
Pedlers,	2		—
Clerks,	2		649

Shewing the connection with the crimes of which they were guilty at the Auburn Prison, on the 1st day of August 1846

ED	Burglary.	Incest.	Sodomy.	Bigamy.	Grand larceny.	Petit larceny.	Breaking jail.	Total.
Of collegiate	....	....	....	....	1	....	....	4
Of academical	....	....	....	....	5	....	....	8
Of common	26	3	1	1	77	14	1	221
Of very poor	42	1	2	1	119	43	5	311
Without any,	28	1	....	1	71	40	4	203
	96	5	3	3	273	97	10	747
HABITS.	40	3	2	....	96	45	7	287
Excess	31	2	1	2	108	31	3	274
Modest								
Intemperate,	71	5	3	2	204	76	10	561
Temperate & moderate,	21	....	....	1	65	21	....	177
Total abstinent,	4	....	....	....	4	....	....	9
	96	5	3	3	273	97	10	747

Under the	392
ting previous to conviction, ..	33
Had inter	90
Left thei	—
sited convicted,	123
Had atte	269
Had beer	355
Had beer	123
Had com	478
Had beer	478
the married,	1046

Janud

[Assem.]

(F.)

CIRCULAR,

Issued by the Agent of the State Prison, Auburn, relative to discharged convicts.

STATE PRISON, AUBURN, }
September 26, 1834. }

DEAR SIR,

You are doubtless aware, that latterly considerable excitement has existed in many parts of the State, relative to the employment of convicts in mechanical labor in the State Prisons. Feeling deeply the importance of the subject, as connected with our penitentiary institutions, and anxious to learn, as far as possible, the effect which that labor has upon the citizen mechanics' interests, as well as the effects of our prison system upon the discharged convicts, allow me to solicit your answers to the following interrogatories:

First: Are you acquainted with any persons who have been discharged from either of the State Prisons? and if so, what are their names, places of residence; and what has been their conduct, habits and character, since their discharge, also before conviction, if known?

Second: What branches of mechanical, or other business do they prosecute? and to what extent?

Third: Are there any articles, manufactured in the prisons of this State, sold in your place? and if so, what kinds, and to what amount per annum?

Fourth: Does the mechanical business of the prisons injuriously affect the interests of the mechanics of your place? and if so, is it in the price, or the quantity brought into your market, or any other cause?

The information above sought, is not merely important to this State, but to the United States, as well as to European nations; inasmuch as it involves the permanency of a system of prison discipline, which has been considered the best extant, and which, in truth, has constituted a new era in the punishment and reformation of criminals in this country, and is now receiving the attention of the governments of Europe.

I therefore trust the subject will be considered of sufficient importance to claim your early and serious attention.

I am, with great respect,

Your obedient servant,

LEVI LEWIS,

Agent and Keeper.

Summary of the information collected from the letters in answer to the circulars issued by the Agent, during the last year, relative to discharged convicts.

First Inquiry:

Decidedly reformed,.....	154
Much improved,.....	45
Somewhat improved,	39
Unreformed,	50
	<hr/>
Total convicts heard from,	288
	<hr/> <hr/>

Second Inquiry:

Pursuing mechanical business since discharged,.....	113
Farmers, laborers, &c.,.....	153
Pursuing no business,.....	22
	<hr/>

Total convicts heard from,..... 288

Under this inquiry it appears, that of the discharged convicts heard from there were,	
Mechanics before conviction,.....	91
Mechanics while in prison,.....	194
Mechanics pursuing the same business before conviction, in in prison and since discharged,.....	39
Mechanics who learned trades in prison, and pursuing the same since discharged,.....	47
	<hr/> <hr/>

Third Inquiry:

First question—Affirmative,.....	167
Negative,	152
	<hr/>

Total answers received,..... 319

Second question—What kinds?

Barrels, trace chains,* combs, wooden ware, cabinet ware, bed-ticking, chairs, plated ware, saddle-trees, shoes, clothing, door handles and latches,* brushes,† halter chains,* hames, tools, clocks, spades,* shovels,* scythes,* hoes,* sickles,* forks,* hollow ware,* nails,* cutlery, buttons,† cotton carpets,* log chains,* cisterns, door trimmings,* hats,* hinges.* Amount not ascertained.

41 of the letters received mention and complain of articles not manufactured here, of which 27 complain of *chains*.

Fourth Inquiry:

First question—Affirmative,.....	18
Negative,	282
Not answered,.....	19
	<hr/>

Total answers received,..... 319

* Never manufactured here. † Not new manufactured here.

(G.)

TABLES

Shewing the color, ages, places of conviction, crimes for which convicted, length of sentences, former occupation, degree of intemperance, of education; number left orphans, and number of 2d, 3d, 4th and 5th convictions of the present 817 convicts at the Mount-Pleasant prison.

Whites,.....	618	Americans,	214
Blacks,.....	201	Foreigners,	203
	—————		—————
	817		817
Between 16 and 21 years of age,.....			218
Under 16 years of age,			38
Between 25 and 35 years of age,.....			412
Between 35 and 50 do			122
Between 50 and 60 do			23
Upwards of 60 years of age,.....			4
			—————
			817

Convicted in the following counties:

New-York,	424	Oneida,	6
Rockland,	4	Schoharie,	10
Suffolk,	10	Chenango,	3
Greene,	12	Monroe,.....	1
St. Lawrence,.....	4	Saratoga,	6
Schenectady,	12	Richmond,.....	2
Rensselaer,.....	63	Putnam,.....	2
Dutchess,	24	Delaware,	7.
Albany,	93	Madison,	2
Kings,	23	Otsego,.....	1
Franklin,	2	Washington,.....	6
Columbia,.....	27	Ulster,	14
Orange,	22	Essex,	2
Clinton,.....	7	Broome,.....	3
Sullivan,	6	Montgomery,	4
Westchester,	10	Queens,.....	5
	—————		—————
	743		74

Total,.....817.

Convicted of the following crimes:

Burglary,.....	171	Grand larceny,	342
Counterfeit money,.....	53	Perjury,	8
Highway robbery,	27	Petit larceny, 2d offence, ..	69
Violating the grave,.....	1	Assault and battery to kill,..	21
Threatening to murder,..	1	do do to rob,..	1
Buggery,	2	do do to rape,	9
Sacrilege,	1	Riot,.....	1
Forgery,.....	42	Receiving stolen goods,....	13

Swindling,	5	Manslaughter,	9
Embezzlement,	1	Poisoning,	1
Breaking jail,	6	Aiding in escape from jail, ..	1
Conspiracy and fraud, ...	1	Bigamy,	6
Arson,	5	Obtaining goods on false pre-	
Rape,	19	tences,	1
	<hr/>		
	335		482
			335
			<hr/>
		Total,	817
			<hr/>

Occupation before sentence:

Architect,	1	Blacksmiths,	27
Brush makers,	4	Bookbinder,	1
Butchers,	*15	Barbers,	16
Bakers,	14	Brickmakers,	3
Bellows maker,	1	Brass founders,	2
Bar keepers,	*3	Boatmen,	*22
Blind maker,	1	Brewers,	*2
Basket makers,	3	Coopers,	9
Carpenters,	47	Chair makers,	2
Clothiers,	14	Cabinet makers,	9
Calico printers,	3	Coppersmiths,	2
Coach makers,	2	Comb maker,	1
Clock maker,	1	Cooks,	*6
Cartmen,	*6	Copper-plate printer,	1
Chimney sweeps,	*9	Clerks,	*7
Clothes scourer,	1	Collegian,	*1
Druggist,	*1	Cane maker,	1
Distiller,	1	Dentist,	1
Farmers,	*51	Gardeners,	*4
Grocers,	4	Engineer,	1
File cutter,	1	Glass blowers,	4
Gunsmiths,	2	Glass cutter,	1
Hatters,	9	Hostlers,	*4
Iron founders,	6	Lawyers,	*5
Junk store keeper,	*1	Locksmiths,	3
Laborers,	*132	Music teacher,	*1
Machinists,	4	Millwrights,	4
Merchants,	*7	Masons,	19
Porters,	*2	Nail maker,	1
Pedlers,	*4	Pin makers,	2
Printers,	10	Painters,	16
Plane maker,	1	Physicians,	*5
Plumbers,	2	Sail maker,	1
Shoemakers,	57	Sadlers,	3
Segar makers,	2	Silversmiths,	2
Silver plater,	1	Stone cutters,	12
English soldiers,	*3	Seamen,	*68
Stage drivers,	*5	Servants,	*4

Rope maker,.....	1	Riggers,.....	2
Turner,.....	1	Teachers,.....	*5
Tanners and curriers,....	14	Type founder,.....	1
Tailors,.....	13	Tobacconists,.....	6
Tallow chandler,.....	1	Upholsterers,.....	3
Tuscan hat maker,.....	1	Weavers,.....	12
Waiters,.....	*45	Wheelwrights,.....	4
Watch makers,.....	4		

 511 306
 _____ 511

Those marked thus, * not counted as mechanics, 413

The residue counted as mechanics,..... 404

Total, 817

In any degree intemperate,.....	409
Crime committed under the influence of liquor,.....	377
Living with their wives,.....	243
Not living with their wives,.....	70
Not able to read,.....	156
Very poor education,.....	269
Common education,.....	373
Liberal education,.....	19

_____ 817

Orphans, and such as were left without guardians under 16 years of age,.....	334
Orphans under 16 years of age,.....	196
Second convictions to State prison,.....	143
Third do do	29
Fourth do do	7
Fifth do do	1

Opinion of Judge Spencer on the manufacture of Silk in the Prisons.

Public meetings in various parts of the State, indicate a growing dissatisfaction on the part of the mechanics and others, with the manner of employing the convicts in the State Prisons, which is represented as injuriously interfering with the mechanical pursuits of our fellow citizens. It is far from my intention to express any opinion upon a subject appropriately within the action of the Legislature; but it may be found just and expedient to yield to the remonstrances of the great body of the mechanics, so far as essentially to change the present system of State Prison labor; and it may be found difficult to devise a mode of employing them profitably, free from the objections now made.

In the event that the present system shall be materially modified, the suggestions I have to make may not be unworthy of attention; and if I mistake not, they will obviate the evils to be apprehended from a change of the present system, and a compliance with the request of those who now complain. I conceive it abso-

lutely necessary, as well to the healths as to the morals of the convicts, that they should be employed in some work which shall indemnify the State for their support. A state of idleness and inaction would render them more hardened and depraved; and a permanently heavy charge upon the virtuous and industrious citizens, might beget such a disgust as to work a change in our ameliorated code, and might re-introduce a code much more sanguinary. Without further comment, I will proceed to state a mode of employing the convicts, which appears to me free from all objection.

I must premise, that it became my duty during the twenty-first Congress, as chairman of the committee of agriculture, to devote considerable attention to a proposition from a highly respectable source, on the culture and manufacture of silk. The result of my researches and reflections was, a thorough conviction that in all parts of the United States, silk of a very superior quality can be produced in a short period of years, and in abundant quantities; and that there are no difficulties which may not be overcome at a comparatively small expense. If the project in either of its branches, the manufacture or the culture of silk, or both, should be adopted by the Legislature, it would be entirely free from the objection, that it came in competition with any mechanical employment now carried on; and should any of our citizens hereafter embark in the same pursuits, they will have been forewarned that the State has entered on this business with a view to give satisfaction and relief to existing complaints. The points principally to be considered are, whether the climate of this State is genial to the raising of the silk worm; whether the silk which may be produced will be of a good quality, and whether the reeling of the silk from the cocoon, and the manufacture, can be profitably conducted by the convicts under proper instruction. It is well known that the best and only proper food for the silk worm is the leaf of the mulberry. The white is much preferred to the purple, and affords better silk. Within a few years the Chinese mulberry has been introduced into this country. I am unable to speak of the relative superiority of the white and Chinese, but experience has tested the value of the white mulberry. In 1829, Mr. Duponceau, a most respectable, learned and patriotic citizen of Philadelphia, became acquainted with a Mr. De Homergue, a native of Nismes in France, who came to this country at the request of a society of gentlemen of Philadelphia, who proposed to enter on the culture of silk, with high recommendations of his skill in the culture and manufacture of silk, and especially in the art of reeling silk from cocoons. The result of this acquaintance was, the publication of essays on the subject generally, with the view of exciting public attention to what Mr. Duponceau considered a highly important national object. In these essays Mr. De Homergue asserts, that after making experiments on the produce of the American silk worm, the results were truly surprising, as they show a superiority in the silk produced by the American worm over that of any other country that he had ever seen; and he says, "they promise

an immense source of riches to the United States." "The first thing, he says, which struck him, was the extreme fineness of the silk which he extracted from the cocoons; they were of the white species, and of a dazzling lustre." Again he says, "the white cocoon appears to be numerous in this country, and their silk is truly beautiful; but it is not in quality only, but also in the quantity of the material they produce, that surpasses those of other countries."

In 1830, Mr. Duponceau sent specimens of the silk reeled by Mr. De Homergue from the American cocoon, to Lyons in France, to be assayed, and the opinion given by Mr. De Homergue was confirmed by the public assayer, who pronounced the silk to be of a superior quality. Mr. De Homergue manufactured several articles from the silk reeled by him; two flags on which were painted the arms of the United States, one of which was suspended in the hall of the House of Representatives; and several smaller articles, which were of excellent quality. The cocoons referred to by Mr. De Homergue were produced near Philadelphia; and lest it might be supposed that the climate of Pennsylvania is more favorable to the culture of the worm than that of this State, it need only be mentioned, that the culture of silk has been successfully prosecuted in Windham county, in the State of Connecticut, which is very nearly in the same latitude as Albany, for more than seventy years: And although they have manufactured nothing but sewing silk, and have had a very imperfect method of reeling the silk from the cocoons, it has proved a profitable business. The manufacture there of sewing silk amounted, as far back as 1810, to \$27,373 in that year. Mr. De Homergue informed me that their mode of reeling was very defective, and that they sustained a great loss in applying their silk to the manufacture of sewing silk instead of fabrics; whereas the French and Italian sewing silk was made from the refuse silk, and he much regretted their loss by this misapplication.

That our soil and climate is favorable to the rearing of the mulberry, is a fact too well established and notorious to require any observation. The worm has been successfully raised in various parts of this State, within my own knowledge, and I presume within the knowledge of several gentlemen of both Houses of the Legislature; and I consider it as well ascertained that the climate of this State is genial to the silk worm.

The greatest hindrance hitherto to the culture of silk, has been the difficulty in extracting it from the cocoon; the reels in use in France and other parts of the continent where the worm is raised, are so imperfect that it has been considered an art of difficult acquisition to reel the silk in an even and perfect manner from the cocoons, so as to be suitable for fabrics; and from the circumstance that the worm is not reared to any considerable extent, if at all, in England, it would be necessary to procure instructors in the art of filature, from France or some part of the continent of Europe, unless indeed American ingenuity has surmounted the difficulty. It has been confidently asserted that Messrs. Gay and

Mosely of Connecticut, have invented a machine for extracting the silk from the cocoons, greatly simplifying the process, by which the fibre of the thread is preserved from fretting by friction, and is consequently less liable to break in the weaving; and I have seen within a few days, an account of the exhibition of their reel, and its operation in a very satisfactory manner in the Capitol at Washington. If this reel should answer the purposes attributed to it, then one of the most serious and one of the greatest difficulties in the culture of silk in this country, is already overcome.

I have already said that the culture of silk does not exist in England, and the same remark applies to Mexico, and yet it is certain that the mere manufacture of silk in England is one of its greatest sources of wealth. If with a more genial climate we can produce the silk and manufacture it, may it not be safely affirmed that it will be to us also a greater source of riches and wealth?

Immediate measures ought to be undertaken, under the auspices of the State, to induce the planting of the mulberry, either by judicious bounties, or exemption to a certain extent from taxation. I think it would be advisable for the State to purchase tracts of land in the vicinity of the State Prisons, say two hundred acres for each, and immediately commence the cultivation of the mulberry in a way to ensure a supply of leaves in the shortest period possible, to the end that the worms may be raised by some of the convicts. If the public can rely on finding a market for their cocoons at the State Prisons, then a strong inducement will be held out to the rearing of the worm: And when it is considered that the process is perfectly simple, and that it requires only the labor of women and children, subtracting nothing from other agricultural labor, and that the gains are almost all clear profits, it ought not to be doubted, that in a few years there will be an abundant supply of cocoons, which from the great facilities of transportation, can readily be conveyed to the Prisons. Inasmuch, however, as we cannot expect a supply of cocoons in sufficient quantity for the prisons, in a less time than five or six years, and it may be more, and as it is desirable that the new system shall go into operation as soon as may be, I perceive no objection to the adoption of measures to procure at once a supply of unmanufactured silk, with which to commence the instruction of a portion of the convicts in the art of manufacturing. There can, I think, be no doubt, with such a widely extended commerce as we enjoy, unmanufactured silk can be procured on terms as favorable to us as to the English manufacturer. With regard to instructors, they can be obtained at all events from England, and it is believed that they are already in the country among the emigrants from England. There should be a skilful superintendent, and two or three other good workmen engaged on the express condition to instruct the convicts in the various processes of dyeing and manufacture.

When it is considered that the convicts are of all ages, and that they are ingenious, it scarcely admits of a doubt, that a considerable portion of them would be apt learners, and, after some time,

be capable of instructing others, and thus, whilst we were preparing to rear the worm and produce the cocoon, the art of manufacturing could be attained. If, after all, we are to have recourse to the foreign reel, and should be obliged to obtain instructors in the art of reeling, it would, I think, be advisable to begin with that also at once. Cocoons can be procured, with little trouble, in sufficient quantities to afford instruction in the art of reeling, and one or more instructors can be procured. In a report made to the House of Representatives in Congress, in 1829, it was stated, that the importation into the United States of silk fabrics, in five years, from 1821 to 1825, inclusive, amounted to \$35,165,494; of which only \$7,968,011 were exported; and, by a document recently published, it appears that the importation of silks from France alone, in 1833, amounted to \$6,256,000; so that our importation of silk goods from various countries, can not be less than about \$10,000,000 annually; exceeding considerably the value of our bread stuffs exported.

These facts would seem to call for a united effort, to avail ourselves of the advantages within our power, in opening a new source of industry, holding out the assurance of such rich rewards to the agriculturists, and the mechanical ingenuity of this country.

If the convicts in our State Prisons are able, by their labor, at the low prices for which they have been let out, to maintain themselves, and even produce a surplus, can it be reasonably doubted, that after a short time, they will be able, in the culture and manufacture of silk, to increase the profits of the prison?

I had omitted, in its proper place, to state, that the county poor-houses would be very proper places to rear the silk worm. They have generally farms attached to them; in these should immediately be planted mulberry trees. The inmates of these houses are generally incapable of severe labor, but are very well adapted to gathering the leaves and tending the worms. This employment would be a lucrative business, and the poor-houses alone, in a few years, would afford cocoons to employ a considerable number of the convicts. The duty of organizing and bringing into operation the plan proposed, may properly be confided to one or more of the State officers, with the aid of the officers and inspectors of the prisons. I can not speak of the expense of the necessary machinery, and the compensation to the instructors, but it may be safely asserted, that these are insignificant when compared with the high advantages and the rich rewards, which may safely be anticipated; besides the satisfaction of quieting the apprehensions and complaints of our deserving fellow-citizens.

If the State of New-York shall be the first State in the Union to introduce, on a large scale, the culture of silk, and its manufacture also, she will have another claim on the admiration of her co-States; and, if any suggestions of mine shall aid in this great and splendid enterprize, it will afford me high satisfaction.

A. SPENCER.

January 28, 1835.

NOTE.—The evidence and examinations accompanying this report will be printed in a separate document.

No. 136.

IN ASSEMBLY,

February 9, 1835.

REPORT

Of the select committee on the petition of Hiram Pratt, treasurer of Erie county.

Mr. Plumb, from the select committee to which was referred the petition of Hiram Pratt, treasurer of the county of Erie,

REPORTED:

That it appears to your committee, the sum loaned from the State, in pursuance of the act passed April 8th, 1834, for the purpose of extinguishing the debts due for building a new jail, and for the purpose of erecting a fire proof clerk's office in said county, was inadequate to the payment of all the said debts, and the erection of such a building for a clerk's office as the safety of the public records seemed to require: and that a part of said debts for building said new jail remain unpaid, and no clerk's office has yet been built in said county; but all the records and papers belonging to said office are now kept in one of the rooms of the courthouse, which is not a fire proof building.

It also appears, that by a certificate of the board of supervisors of the said county, the petitioner was directed to apply to the Legislature for an act authorizing a loan to the said county of Erie, to the amount of two thousand five hundred dollars, with authority, also, to the board of supervisors of said county, to raise the said sum of money, with interest, by tax, to be levied and raised in said county in the years 1836 and 1837; and that the said sum of money to be borrowed as aforesaid, should be applied

[Assem. No. 136.]

to the extinguishment of debts due from said county on account of building the new jail, and for erecting a fire proof clerk's office for said county.

The notices of the application having been duly published, your committee ask leave to bring in a bill accordingly.

No. 137.

IN ASSEMBLY,

Februry 10, 1835.

REPORT

Of the committee on grievances, on the petition of
Nathan Bumpus and others.

Mr. Adams, from the committee on grievances, to which was referred the petition of Nathan Bumpus and others, asking for a compensation for claims upon lots of land Nos. 28 and 64 in the Freemason's patent, in the town of Litchfield, in the county of Herkimer,

REPORTED:

The claim set up by the petitioners, is substantially stated in the report of the select committee of the last House of Assembly, on the petition of Anthony Rhodes and others. See Assembly Documents of 1834, No. 302.

The petitioners ask for the passage of a law authorizing the Commissioners of the Land-Office, or any three of them, to investigate and determine the claims of the petitioners and others, for payments made by them to the State upon a certain mortgage upon the aforesaid lots; and to provide for the payment of such sums as the said Commissioners may determine to be due, if any.

Your committee, in examining the claim, find that it has been long the subject of agitation: in the Assembly Journal of 1826, page 511, &c. it will be seen that the State officers investigated it; at page 560, it will be seen that Mr. Monell, from the committee on claims, made a report favoring it. Mr. Hubbard, from the committee on claims, upon the petition of Nathan Underwood,

[Assem. No. 137.]

made a favorable report, (See Senate Doc. of 1830, No. 395,) and brought in a bill for his relief, which passed and became a law.— See Session Laws of 1830, page 292.

Your committee feel not called upon to give any opinion for or against this claim, other than to say, that, from the favorable attention which it has heretofore received, the desire of the petitioners that it should be finally disposed of by the decision of the officers above mentioned, is not unreasonable; they have, therefore, directed their chairman to ask leave to introduce a bill for that purpose.

STATE OF NEW-YORK.

No. 139.

IN ASSEMBLY,
February 3, 1835.

REPORT

Of the Bank Commissioners, in answer to a resolution of the Assembly of the 10th of January and 5th of May, 1834.

TO THE HONORABLE THE ASSEMBLY OF THE STATE OF NEW-YORK.

The Bank Commissioners in answer to a resolution of the Assembly of the 10th of January last, which was modified by a subsequent resolution of the 5th of May, requiring a statement of *dividends* and *deposits* in the several banks subject to their visitation which have remained unclaimed since the first of January, 1830, except where the depositors or proprietors of dividends were known to be living and not insolvent,

RESPECTFULLY REPORT:

That the annexed list contains the information required, so far to comply substantially with the terms of the resolutions. It is impracticable in many instances to ascertain the dates of deposits as well as the amount of stock upon which the dividends were made, without very great labor and inconvenience. The accounts are brought forward from one ledger to another, in most cases, without giving the dates of the original transaction, and in order to ascertain particulars every book prior to 1830 must be examined.

The old ledgers are very numerous in some of the banks, and the labor of examining them all would be immense, because several
[Assem. No. 139.]

rat if not all the banks in the series must be examined, and the examination repeated in each case separately.

There are in the city banks very many small balances of accounts remaining, which have been brought forward from time to time, but which, from their magnitude, can be of little or no interest to any one, and we have not thought it requisite therefore to trouble either the Legislature or ourselves with a long list of balances, which, if ever claimed, would be scarcely worth the expense of printing. All balances of \$25 and over are included in the list.

Respectfully submitted.

**C. STEBBINS,
GEO. R. DAVIS,
LEWIS EATON,**

Bank Commissioners.

Albany, Feb. 3, 1833.

LIST

of certain Deposites and Dividends which have remained unclaimed of the several Banks, since the first of January, 1830—such Deposites and Dividends having been made prior to that date.

NAMES.	Date of deposits or dividend.	Deposites. Amount.	Dividends. Amount.
<i>Ontario Bank.</i>			
Benjamin Ellicott,	May, 1828, .....	.....	583 99
<i>Utica Branch Bank.</i>			
D. Cande, jr.....	July, 1821,	10 62	
Benton W. Hazard,.....	March, 1827, ..	10 00	
<i>Bank of Auburn.</i>			
William Brittin,.....	1821 to 1828,..	.....	95 58
<i>Newburgh Bank.</i>			
John Little,.....	March 17, 1814,	100 00	
Jane Walker,	May & Oc. 1829, .....	.....	10 50
John Dill,	Sundry dates,..	.....	72 78
<i>Orange County Bank.</i>			
Horace Adams,.....	Sept. 24. 1827,..	715 00	
Charles Brown,	March 10, 1827,	16 02	
Levi Q. Fowler,.....	May 16, 1826, .	5 74	
D. Brown,.....	Jan. 16, 1822, .	16 00	
<i>Bank of America.</i>			
John Ashfield,	Sundry dates,..	.....	75 00
Sarah E. Austin,	do ..	.....	12 50
James Anderson, jr.,	do ..	.....	2 50
Sarah H. Armstrong,.....	.....	.....	50 00
Fanny Brown, .....	.....	.....	14 00
Joseph Burr,.....	.....	.....	75 00
George Colt, .....	.....	.....	57 00

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposit or dividend.	Deposites.	Dividends.
		Amount.	Amount.
Susan Coonhoven,	37 50
Abigail F. Davenport,	49 00
Newbury Davenport,	28 00
Mary Ann Davenport,	45 00
Francis L. Davenport,	21 00
Esther Doughty,	3 00
Elizabeth Eldridge,	57 00
Mary Ellis and others, in trust,	25 00
Abby Fowler,	5 00
Thomas Gibbons,	150 00
Joseph Head, in trust,	40 00
Gideon Howland, jr.,	65 00
Abraham S. Hallet,	15 00
John Holding,	7 50
Jesse Hoyt,	2 50
Walter Jones,	15 50
John Lathrop,	38 50
James Lewis,	37 50
Elizabeth Lockwood,	32 50
William Lockwood,	32 50
Buckingham Lockwood,	30 00
Charles Lawton & Co.,	30 00
Mary Magee,	3 50
John Mawatt, jr.,	70 00
Jedediah Macy,	6 00
J. M. Mason, in trust,	7 50
Thomas Orange,	30 00
Henry Post, jr.,	20 00
Marshall Paulet,	60 00
Lewis Pintard,	102 00
Lewis P. Pintard,	22 50
Marianna Pritchard,	150 00
Ann Richards,	5 00
Mary Spraggs,	6 00
Catharine Swan,	24 00
John Sharpe,	7 50
John Taylor for J. Ellis's est.,	210 00
Phebe Turbell,	5 00
Frances M. Upton,	7 50
J. C. Vandenluevel,	75 00
Henry Walsworth,	11 40
F. B. Winthrop, in trust,	1 50
Robert Bache & Co's. estate,	141 58	

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposits or dividend.	Deposites.	Dividends.
		Amount.	Amount.
ohn Bradley,.....	.....	333 00	
ohn Brown.....	.....	100 00	
iam'l. F. Clapham,.....	.....	100 00	
George F. Davenport,.....	.....	300 00	
Joseph Franklin,.....	.....	104 28	
Richard Forest,.....	.....	92 17	
S. Hathaway, jr. & Co.,.....	.....	49 32	
Forsefield & White,.....	.....	26 89	
Cetchum & Carpenter,.....	.....	31 40	
Robert Macomb,.....	.....	31 05	
Fouverneur Morris,.....	.....	27 80	
Cyrus Pratt,.....	.....	113 51	
Phillips & Prime,.....	.....	81 20	
W. A. Rhodes,.....	.....	35 35	
os. Sintern,.....	.....	41 31	
L. V. Wagner,.....	.....	50 00	
<i>City Bank, N. Y.</i>			
I. Carson,.....	.....	46 15	
I. Harris,.....	.....	50 00	
M. Byrd,.....	.....	50 00	
Proctor & Swift,.....	.....	100 00	
Minturn & Pell,.....	.....	46 95	
Geo. Simpson & Co.,.....	.....	100 00	
ared Mansfield,.....	Nov. 1815,.....		56 25
J. Newton,.....	Nov. 1818,.....		9 00
Lewis Pintard,.....	May, 1819,.....		52 50
A. H. Lawrence & Co.,.....	do.....		6 25
Rachel Webb,.....	May, 1820,.....		7 50
Henrietta Banks,.....	do.....		25 00
I. D. Sedgwick,.....	Nov. 1820,.....		18 75
S. D. Fleming, in trust,.....	do.....		30 00
Bartlet & Barnum,.....	do.....		27 50
James Anderson,.....	Nov. 1821,.....		12 50
William Keese,.....	May, 1822,.....		12 50
Henry Waddel,.....	Nov. 1822,.....		125 00
Nancy Bradford,.....	Nov. 1822&1823.....		19 00
William Few,.....	May, 1823,.....		62 50
Daniel Higbie,.....	Nov. 1823,.....		28 12
Maria Banyer,.....	do.....		22 50
Eliza Bancker,.....	1823 and 1824,.....		78 74
George Gallagher,.....	1824,.....		56 87
Lydia Edwards,.....	May, 1824,.....		4 50

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposit or dividend.	Deposites. Amount.	Dividends. Amount.
Peter Carmant,.....	Sundry dates, ..	.....	142 00
Samuel Trumbull,	May, 1825, .....	.....	27 60
John B. Scott,	do .....	.....	5 75
David Plant,	do .....	.....	16 10
A. C. McWhorter,.....	do .....	.....	50 60
George Humphreys,.....	do .....	.....	3 45
Philip Embury,.....	do .....	.....	11 50
Benj. Elsdon,	Sundry dates, ..	.....	43 25
J. C. Anderson,	do .....	.....	23 10
Joseph Burr,.....	1828 and 1829, ..	.....	444 00
Abraham O. Stansbury,	Nov. 1828, .....	.....	21 60
<i>Union Bank.</i>			
J. C. Jones,.....	May, 1812,.....	.....	104 00
P. Mead,	Nov. 1811, .....	.....	14 00
M. Foot,	1812 and 1813, ..	.....	60 00
J. P. F. Bourdell,	May, 1813, .....	.....	45 00
J. Carpenter,.....	do .....	.....	30 00
M. Seaman,.....	do .....	.....	30 00
R. Seaman,.....	do .....	.....	30 00
J. Bacon,.....	Nov. 1813, .....	.....	5 25
M. Clarkson,.....	do .....	.....	21 00
A. Mercer,	do .....	.....	175 00
C. Tysen,	do .....	.....	10 50
Polly Alsop,	May, 1814,.....	.....	3 00
J. Davenport,	do .....	.....	19 50
E. Kane,	do .....	.....	13 50
W. & S. Robinson,	do .....	.....	6 00
W. Tracy,	do .....	.....	15 00
J. G. Warren,.....	do .....	.....	24 00
R. L. Hunt,.....	1816 and 1817, ..	.....	25 00
R. Seaman,.....	Nov. 1816, .....	.....	25 00
Thomas Whytler,	do .....	.....	11 25
James Carpenter,.....	May, 1817,.....	.....	25 00
Peter Brown,	do .....	.....	53 75
John Davenport, jr.,	May & Oc. 1817 ..	.....	55 00
John P. Warren,	May, 1817, .....	.....	10 00
J. Brooks,	Nov. 1817, .....	.....	45 60
Philip Grim,	1817 and 1818, ..	.....	240 00
J. Marshall,.....	Nov. 1817, .....	.....	30 00
S. Marshall,	do .....	.....	25 00
D. & S. Marshall,	do .....	.....	50 00
John Ellis's estate,.....	May, 1818,.....	.....	106 25

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposite or dividend.	Deposites.	Dividends.
		Amount.	Amount.
G. Mellen,.....	May, 1818, ...	.....	31 25
Smith & Lawson,.....	do .....	.....	3 75
L. Brooks,.....	Nov. 1818, ...	.....	5 00
Coit & Fowler,.....	do .....	.....	3 75
Thomas Bartran,	May, 1820, ...	.....	10 50
Eliza Bucknor,	do .....	.....	9 00
Elisha Coit,.....	do .....	.....	1 50
A. McCollum,.....	Sundry dates, ..	.....	29 50
Asa Mann,.....	May, 1820, ...	.....	6 00
John Currie's estate,	Nov. 1820, ...	.....	62 50
E. Wakeman,.....	May, 1821, ...	.....	12 50
Corn's. Tysen,	Nov. 1821, ...	.....	7 50
W. Berrien,.....	May, 1822, ...	.....	57 50
R. Seaman,.....	May, 1823, ...	.....	25 00
E. V. Ludlow,	Nov. 1823, ...	.....	7 50
C. C. Van Alen,.....	do .....	.....	6 25
Sally Peirce,.....	May, 1824, ...	.....	17 50
Mary Peirce,.....	do .....	.....	13 75
Thomas Bartram,.....	May, 1825, ...	.....	8 75
J. F. Smith,	do .....	.....	72 50
N. Boisawbin,.....	1825 and 1826, ..	.....	528 00
J. P. Dunn,.....	do .....	.....	55 00
Thomas Carr,.....	Nov. 1826, ...	.....	73 75
James P. Cook,.....	do .....	.....	16 25
A. Hubbard,	do .....	.....	25 00
W. Williams,	do .....	.....	5 00
Walter Booth,	May, 1827, ...	.....	16 20
W. Whitlock, jr.,.....	.....	.....	33 75
J. Burr,.....	1828 and 1829, ..	.....	340 20
G. Joseph,.....	Nov. 1828, ...	.....	16 20
Joseph Sandford,	do .....	.....	48 60
W. Cooper,.....	May, 1829, ...	.....	129 60
N. Merritt,.....	do .....	.....	270 00
T. Martin,	do .....	.....	10 80
N. Richards,	do .....	.....	40 50
Mary Jackson,	Nov. 1829, ...	.....	13 50
Lewis Pintard,.....	do .....	.....	13 50
<i>Tradesmen's Bank.</i>			
Daniel J. Brooks, .....	.....	147 50	
Josiah Briggs,.....	.....	40 00	
David T. Cooper,.....	.....	26 48	
Catharine Cozine,.....	.....	56 00	

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposits or dividend.	Deposites. Amount.	Dividends. Amount.
Henry Fegan,.....	42 00	
E. Howe & Co.,.....	107 86	
Eliza Ann Henry,	50 00	
D. Seaman,.....	54 59	
C. H. Smith,	238 00	
Allan C. Warner,.....	29 19	
Richard Wells,.....	47 18	
Wasson, Topping & Co.,	30 87	
John P. Guinip,	July, 1826, .....	.....	4 00
Ann Mayo,	July, 1826&1828 .....	.....	51 20
Thomas Winship,.....	Jan. 1826, .....	.....	9 05
Arthur Burtis,	Sundries, .....	.....	20 00
<i>Merchants' Bank.</i>			
W. Bayard,.....	259 40	
E. Blair,	51 38	
J. W. Barton,.....	25 70	
W. P. Beers,.....	201 58	
J. Blackwell,.....	75 12	
F. Barker,.....	212 41	
E. Russ,	192 28	
G. Truman,.....	77 21	
Forks & Chew,.....	30 00	
John Hemsted,	25 00	
D. Humphreys,.....	47 42	
Leonard Lisnard,	90 85	
Edmond Kirby,	111 36	
John Hone,.....	102 30	
Hamilton & Burgess,.....	55 91	
James Keeler & Co.,	82 22	
Z. McCallen,.....	35 77	
T. & J. McCoun,	32 32	
W. D. Maltbie & Co.,.....	56 27	
H. McIntyre,	26 30	
P. & M. Mesin & Co.,.....	48 56	
Quinten Miller,.....	213 00	
William Ogden,	92 06	
James Chutham's estate,.....	25 63	
Nath'l. McVicken,.....	29 93	
Henry Seymour,	117 29	
James R. Smith,.....	132 54	
C. P. Van Ness,	152 00	
W. P. Van Ness,.....	126 85	

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposits or dividend.	Deposites.	Dividends.
		Amount.	Amount.
Bmedes & Canfield, .....	.....	15 25	
J. Stoutenburg, .....	.....	33 96	
Winn & Butler, .....	.....	20 00	
os. Smith, .....	.....	115 60	
Francis V. Revier, .....	.....	32 25	
R. Quackenbush, .....	.....	47 00	
John J. Robinson, .....	.....	26 00	
Rebecca Rockwell, .....	.....	67 73	
John Brazier,	1804,		67 50
Benjamin Pell & Son,	do		45 00
William Posbrook,	do		15 00
James Laing,	do		22 50
Jordan Mott,	do		37 50
John Forsyth,	1805,		15 00
Samuel Johnson,	do		30 00
Philip Livingston,	do		25 00
Peter Ludlow,	do		40 00
Willet Seaman,	do		95 00
Sarah C. Walton,	do		15 00
John Blackwell,	do		396 25
Richard McCurdy, .....	.....		50 00
Samuel Margatroyd,	1806,		24 00
Thomas Prince,	do		2 00
Anthony Steinback,	1806 and 1809,		106 25
James Walker,	1806,		38 00
Augustus Wright, .....	.....		50 00
Cariton Blondel, .....	.....		661 50
Eliza Nostrand, .....	.....		11 50
Robert McCullen,	1807,		33 75
Anne White,	do		27 00
Samuel Camman,	do		112 50
Jaleb Mudge, .....	.....		22 50
Sarah E. Waltrous, .....	.....		22 50
Van Wyck Weeks,	1808,		67 50
Robert L. Livingston,	do		40 50
Eliza Annin,	1809,		11 50
John Landon, .....	.....		4 50
Charlotte Mowatt, .....	.....		20 50
Matilda F. S. Ridley, .....	.....		72 00
James Gibson, .....	.....		27 00
Sherrwood & Babcock, .....	.....		45 00
Wm. Neilson,	1810,		18 00
J. & E. Nicholins, .....	.....		18 50

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposit or dividend.	Deposites. Amount.	Dividends. Amount.
Joachim Bergh,	1811, .....	.....	33 75
John Jackson,	Sundry dates, ..	.....	60 75
Valentine Seaman,	1811, .....	.....	45 00
Archibald Dunlap,	1812, .....	.....	36 00
James Hazard, .....	.....	.....	18 00
Moses Judah, .....	.....	.....	11 25
George Suffern, .....	.....	.....	20 25
John Hazard, .....	.....	.....	0 00
William Kerr, .....	.....	.....	22 50
John S. Roulet,	1813, .....	.....	168 75
Peter Laing, .....	.....	.....	45 00
John Stanton, .....	.....	.....	112 50
Mary Kerr,	1815, .....	.....	22 50
G. H. Van Waggener,	do .....	.....	11 25
Richard McCurdy,	do .....	.....	56 25
F. H. Pendleton, .....	.....	.....	18 00
John Kane,	1817, .....	.....	2 25
Richard Williamson, .....	.....	.....	131 75
Eliza Clarkson,	1818, .....	.....	24 00
Philip Jacobs,	Sundry dates, ..	.....	317 50
Moses Judah,	1820, .....	.....	6 25
William Nielson,	Sundry dates, ..	.....	222 00
Thomas Wright,	1821, .....	.....	10 00
Arch'd. Dunlap,	1822, .....	.....	24 00
Eliza Brown,	do .....	.....	30 00
John Douglass, .....	.....	.....	16 50
Samuel D. Hubbard, .....	.....	.....	25 50
Arch'd. Byrne,	1824, .....	.....	18 00
Sarah C. Clarkson,	Sundry dates, ..	.....	16 50
David G. Hubbard,	1824, .....	.....	3 00
E. E. Ellis,	1825, .....	.....	30 00
Geo. Farrington, .....	.....	.....	60 00
John J. Jones and others, ex's,	.....	.....	22 50
Sarah Stanton, .....	.....	.....	52 50
Mary E. Wood,	Sundry dates, ..	.....	330 00
John Hone, .....	.....	.....	30 00
Daniel R. Lowrie, .....	.....	.....	15 00
North & Fank,	1826, .....	.....	21 00
N. Van Antwerp, .....	.....	.....	45 00
Abeel & Bla. kwell, .....	.....	.....	37 50
<i>New-York State Bank.</i>	.....	.....	.....
Jacob G. Lansing,	1805, .....	.....	27 00

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposite or dividend.	Deposites. Amount.	Dividends. Amount.
James Spalding,.....	1805, .....	.....	14 85
Robert Taylor,.....	do .....	.....	16 75
Henry Coit, jr.,	do .....	.....	16 87
Cornelius Lansing,.....	do .....	.....	23 02
Jerrit S. Voeder,.....	1806, .....	.....	3 07
John Williams, jr.,.....	do .....	.....	13 56
John Close,.....	do .....	.....	9 00
Sally Phelps, .....	.....	.....	9 00
Michael Bagley,.....	1807, .....	.....	1 80
Henry Harbeck,.....	.....	.....	0 00
John Barnard,.....	.....	.....	9 00
John Yates,	1813, .....	.....	16 87
Jerrit Groesbeck,	1817, .....	.....	59 00
Henry Webster,.....	do .....	.....	40 00
Joshua Burnham,.....	do .....	.....	45 00
William McGill,.....	1818, .....	.....	93 80
Jacob J. Pruyn, .....	.....	.....	80 64
Eliza Fondey,.....	1826, .....	.....	12 32
Maria Lansing,.....	1829, .....	.....	5 00
David Brown,.....	.....	30 00	
Charles Brockway,.....	.....	100 00	
Zebulon M. Pike,.....	.....	100 00	
<i>Bank of Albany.</i>			
Patrick Reid, .....	.....	30 00	
Charles Shepherd, .....	.....	35 00	
Assignees of John Lush, .....	.....	31 17	
Jerrit Boon, .....	.....	75 17	
Roger A. Ham, .....	.....	80 00	
N. Gorham and others,.....	.....	145 00	
Robert Troup, .....	.....	32 34	
A. S. Sherman, .....	.....	22 95	
Henry Togun, .....	.....	50 00	
<i>Bank of Utica.</i>			
David Chapin.....	June, 1814, .....	.....	3 03
Elijah Crowell,.....	do .....	.....	7 50
Martin Lee,	do .....	.....	3 02
Thomas Walker,.....	do .....	.....	1 50
Arnold Ballou,	1820 and 1829, .....	.....	70 87
David P. Hoyt,	1821 and 1828, .....	.....	29 25
Henry Clark, jr.,	1824, .....	.....	11 25
Isaac Miller,.....	do .....	.....	6 75

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposit or dividend.	Deposit. Amount.	Dividend. Amount.
D. & R. Van Horne,	1824, .....	.....	5 63
Thomas R. Gold,	1828, .....	.....	22 50
<i>Bank of Troy.</i>			
Joseph Taylor,	1813, .....	.....	16 20
G. W. Fish,	do .....	.....	8 10
Elijah Ranney,	1814, .....	.....	19 00
Davis & Thorn,	do .....	.....	36 00
Daniel Merri,	1815, .....	.....	36 00
John Sampson, .....	.....	.....	5 40
J. H. Vandewaker,	1823, .....	.....	20 00
Lucretia Miller,	1826, .....	.....	1 60
<i>Mechanics' Bank, N. Y.</i>			
C. Ames & Co., .....	.....	28 80	
G. W. Browning, .....	.....	34 10	
Dennis Bruce, .....	.....	27 05	
D. Dooley, .....	.....	42 90	
A. Fish & Co., .....	.....	20 32	
Truman Makiness, .....	.....	27 00	
James H. Smithman, .....	.....	41 47	
B. H. Smithen, .....	.....	40 09	
J. & A. Sutfin, .....	.....	25 89	
Thorsenning & Robinson, .....	.....	43 83	
F. Varele, jr., .....	.....	43 83	
J. Agnew, jr., .....	.....	.....	2 93
Geo. H. Buck, .....	.....	.....	3 93
Lewis Darlin, .....	.....	.....	1 57
Geo. Gallager, .....	.....	.....	3 93
Eleazer Hunt, .....	.....	.....	3 93
Wm. Hewlets, .....	.....	.....	11 61
James Q. Johnston, .....	.....	.....	7 87
John L. Lawrenson, .....	.....	.....	28 35
Henry Martinet, .....	.....	.....	44 88
J. Watson Morgan, .....	.....	.....	25 98
N. Y. City Dispensary, .....	.....	.....	6 12
Mary Swan, .....	.....	.....	3 93
Mary E. Wood, .....	.....	.....	4 72
John Agnew, .....	.....	.....	3 93
G. H. Buck, .....	.....	.....	3 93
Robert P. Bowne, .....	.....	.....	47 25
Robert S. Cheeseborough, .....	.....	.....	23 69
Ellis P. Cooke, .....	.....	.....	35 47

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposite or dividand.	Deposites. Amount.	Dividends. Amount.
Lucius Darling,	1 57
E. Gallager,	3 93
Philip Hermine,	11 81
Wm. Hewitt,	11 81
Isaac Joes,	9 45
L. Q. Johnston,	7 87
Francis Kearnan,	11 02
James Morgan,	25 98
City Dispensary,	6 12
Robert Prevost,	15 75
Mary Swan,	3 93
Wm. Sayre,	3 15
Charles J. Smith,	3 15
Wadsworth & Murrly,	7 87
Mary Wood,	4 72
Joshua Kelly,	20 47
<i>Farmers' Bank, Troy.</i>			
I. Safford,	Dec. 1, 1821, ..	.....	2 50
A. Cockburn,	do ..	.....	28 00
E. R. Lansing,	June 1, 1822, ..	.....	14 00
P. E. Elmendorf,	do 1824, ..	.....	32 00
Joseph Magoffin,	do 1825, ..	.....	14 40
Louis Davis,	Dec. 1, 1825, ..	.....	22 40
<i>Mechanics' & Farmers' Bank.</i>			
Joseph Brockway,	52 58	
Erastus Bigelow,	100 00	
P. D. Beekman,	3 48	
Richard Dodge,	4 00	
Nathaniel Fry,	100 00	
Wm. Lyman,	100 00	
N. Leavenworth,	20 87	
Samuel B. Parsons,	16 37	
Porter & Tappan,	6 03	
H. Shepherd,	22 28	
E. W. Sherman,	3 00	
Williams & Co.,	193 85	
Susan Van Benthuyzen,	5 00
Daniel Steele,	5 00
Stephen Lush,	10 00
Henrietta Evertson,	5 00

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposit or dividend.	Deposites. Amount.	Dividends. Amount.
<i>Mohawk Bank.</i>			
Thomas Hurman, jr.,.....	9 05	
Henry Walton,.....	9 18	
W. & S. Smith,.....	4 92	
Jacob G. Saunders,.....	14 20	
Benjamin Peck,.....	17 74	
Daniel Shields,.....	1 87	
Charles Kane,.....	15 00
Simeon J. Schermerhorn,....	9 00
D. C. McLann,.....	7 20
James Walker,.....	30 00
Margaret Delament,.....	9 00
Nathan Gurnsey, jr.,.....	21 00
Peter Blair,.....	5 50
John Major,.....	3 50
Maus Van Vranken,.....	3 50
Jonathan Walton,.....	20 00
<i>Phenix Bank.</i>			
Wm. Pike,.....	42 71	
<i>Bank of New-York.</i>			
Mary Bassett's estate,.....	315 44	
Joseph Blackwell,.....	531 49	
Samuel Bradhurst,.....	67 14	
M. Camman & others, guard's,	30 00	
Henry Cruger,.....	201 61	
E. Dudley's estate,.....	364 33	
James G. Ely,.....	200 00	
A. Hamilton,.....	79 33	
Wm. Harrison,.....	136 34	
E. Livingston's estate,.....	92 08	
D. Livingston,.....	299 65	
E. Marquum,.....	184 00	
Robert Robertson,.....	300 00	
J. H. Shackerly, assignee,	52 32	
J. Valentine,.....	106 97	
B. Fisher,.....	45 00
N. Hoffman & Son,.....	22 50
Archibald Campbell,.....	22 50
W. M. Donaldson,.....	135 00
Cognac Mion,.....	22 50
John Ellison,.....	337 50

List of unclaimed Deposites, &c.—Continued.

NAMES.	Date of deposite or dividend.	Deposites. Amount.	Dividends. Amount.
Theophylact Bache,.....	45 00
Ann Van Horne,	112 50
G. B. Belesisc,	22 50
Samuel Bradhurst,.....	22 50
Thomas Martin,.....	225 00
Thomas Maule,	22 50
J. P. Schermerhorn,	45 00
R. Hunter,	45 00
Hetty Fasset,.....	45 00
Hannah Eddy,	22 50
Thomas Post,	22 50
D. M. Clarkson,	22 50
James Richmond,.....	112 50
Elias Boudinot,.....	67 50
Robert Troup,	45 00
John Harrison,.....	22 50
Nathaniel Greene,	00 00
Maria Sheriff,.....	45 00
J. Le Roy,	22 50
Samuel Thorne,.....	22 50
Samuel L. Mitchell,	45 00
Veyrein Dupoticke,.....	180 00
J. L. Gardiner,	300 80
Wm. Winthrop,	37 60
C. E. Walton,	37 60
Robert Anderson,.....	75 20
James Casey,	75 20
C. L. Camnan,.....	112 80

No. 141.

IN ASSEMBLY,

February 11, 1835.

REPORT

Of the committee on claims, on the petition of Pasley Laing for relief.

Mr. M. H. Sibley, from the committee on claims, to which was referred the petition of Pasley Laing,

REPORTED:

That the petitioner claims compensation for an injury to his house and lot, occasioned by the construction of the Saratoga dam across the Hudson river by the State.

A similar petition was presented to the House of Assembly at the last session of the Legislature, and referred to the committee on claims, which made a report thereon, recommending that the prayer of the petitioner be granted. The facts in the case are collected in that report, (which will be found in Doc. No. 127 of that session,) and therefore not necessary to be here repeated. A bill was introduced by the chairman of that committee, which passed the House, for the relief of the petitioner. A majority of your committee concur in the views expressed in that report.— And a letter now on file, not before the committee of 1834, addressed by one of the Canal Commissioners to the chairman of the committee on claims of the Senate, indicates his favorable opinion of the petitioners application; it has, moreover, received the deliberate sanction of the last House of Assembly, in the passage of the bill before mentioned.

Under these circumstances, your committee have instructed their chairman to ask leave to bring in a bill for the relief of Pasley Laing.

[Assem. No. 141.]

STATE OF NEW-YORK.

No. 142.

IN ASSEMBLY,

February 10, 1835.

REPORT

Of the committee on claims upon the petition of Zebulon Douglass.

Mr. M. H. Sibley, from the committee on claims, to which was referred the petition of Zebulon Douglass for compensation for extra labor done on the Erie canal,

REPORTED:

The petitioner claims compensation for extra labor done on sections 13 and 17 of the middle section of the Erie canal; and, in support of this claim, alleges, in substance, as follows: That in 1817 he contracted with the Canal Commissioners to make a part of the said section 17; in the performance of which contract it was found necessary to make various alterations from its terms, whereby he was subjected to great expense, not anticipated at the time of making the contract, or contemplated by its provisions; that these alterations were directed by Judge Wright, the acting engineer upon the canal, and consisted principally of the following particulars, viz.: In removing earth, taken from the canal, which was unfit for the construction of the towing path, some distance, and making the path of suitable earth, brought some distance; and in making drains which became indispensable to carry off the water that would otherwise have obstructed the work, and in overcoming much hard excavation, not estimated in the contract: Under this last head, the petitioner specifies, that in that part of the work, denominated common excavation, in the con-

[Assem. No. 142.]

tract, at least 1,500 yards proved to be *indurated clay*, the removal of which required much extra labor; and not less than 600 yards of *slate rock*, also entirely unforeseen at the time of making the contract. In that part of the work denominated *rock excavation*, for which the petitioner was allowed by the contract, fifty cents a yard, not less than 524 yards proved to be of a different and more expensive kind of that species of excavation than was intended to be embraced in that term by the contract, and requiring, at least, double the expense in removing that was allowed by the contract.

In relation to section 13, the petitioner alleges that he was, with one Jeremiah Landon, a contractor for the construction of it; that he entered upon the execution of the work, and encountered unforeseen and formidable obstacles, in large stumps, logs, old timber, and roots, which lay embedded in the earth, below the timber growing upon the surface, which could not have been anticipated when the contract was made, and were only disclosed by the progress of the work, and that these impediments occasioned heavy expense to the petitioner; that after he had overcome these extraordinary obstacles, and was about to enter upon the easier and more profitable parts of his undertaking, he was deprived, by the Canal Commissioners, of this job, on the ground "that his increased labors on section 17, from the extraordinary causes before referred to, demanded his undivided efforts, to ensure its completion in due season, and which could not be reasonably anticipated if he continued the prosecution of both jobs;" that the petitioner was anxious to retain both jobs, particularly as he had overcome the obstacles on section 13; and offered, to the Commissioners, good security that he would complete them by the time required. That, when section 13 was so taken from him, he was allowed and paid only so much as the work he had done upon it would have amounted to, if it had been such as the contract contemplated, in proportion to the sum to be paid for the whole job; so that the sums paid to him and his successors, only covered the original contract price.

The claims of the petitioner are stated as follow:

For drains made to section 17,	\$100 00
For the removal of unsuitable, and procuring suitable earth for the towing path,	68 75
For extra labor in the removal of hard clay on that part denominated common excavation,	60 72
For extra labor in removing the slate rock in that part denominated common excavation,	66 00
For extra labor on that part denominated rock excavation,	262 00
For extra labor upon section 13,	200 00
	\$757 47

It further appears to your committee, that after the completion of section 17, which was executed by the petitioner with great fidelity, and in a manner uncommonly perfect; an account of his work, estimated according to the contract, was made by Judge Wright, who certified that it was performed in the best manner, and that the amount so estimated was paid to him by Myron Holley, esq., then acting Canal Commissioner, and a receipt given by the petitioner, in full, of the amount so certified. That at the time of executing such receipt; the petitioner claimed an allowance for the aforesaid extra labor; the consideration of which was deferred by the Commissioners until a future time.

But, it further appears, that the claims of the petitioner have been presented to the Canal Board for adjustment; an allowance of \$100 made to him by that Board, and paid by one of the Canal Commissioners. Although it does not appear for what part of such extra work the said allowance was made, or whether intended to cover the whole claim, or only particular items of it. The only information furnished to the committee on this subject, is the allegation of the petitioner, made under oath, that he is ignorant of the grounds of such allowance, but supposes it to have been for the construction of drains to section 13, because it corresponds in amount with the sum agreed to be allowed to him therefor. For the construction of these drains the petitioner does not now make any claim.

The petitioner also states, that he had not an opportunity of being heard before the Canal Board, when his said claim was under consideration, and that he has since made repeated and strong ef-

forts to obtain a hearing upon his claims before that Board, without success.

Upon the proofs presented to the committee, now on file and to which the House is referred, they have come to the conclusion, that the petitioner has rendered important services to the State, for which he has not received adequate compensation. But, because it appears that his claims have been presented to the Canal Board, the tribunal created by law, for the adjudication of such matters, and it does not appear that all the aforesaid items of claim were not considered and passed upon by that Board, (except so far as the disparity between the amount allowed and that which appears to the committee to have been due, lead to the inference that they could not have been,) your committee do not feel justified in presenting a bill for the relief asked for by the petitioner, although he strongly solicited us so to do by him, in the belief on his part, that the Legislature would appreciate the justice of his claim, and render him the compensation due to his faithful labors.

In view of precedents within which this case seems to come, your committee have instructed their chairman to ask leave to introduce the following resolution:

Resolved, That the petition of Zebulon Douglass for compensation for extra labor on the Erie canal be denied.

No. 149.

IN ASSEMBLY,
February 11, 1835.

REPORT

Of the select committee on the petition of Isaac B. Bucklin.

Mr. Livingston, from the select committee to which was referred the petition of Isaac B. Bucklin and others, asking for the passage of a law to incorporate the West Troy caoutchaouc manufacturing company with a capital not to exceed \$200,000,

REPORTED:

That the petitioners allege that their objects are to manufacture "rubber coating," and "rubber covering," to be used for covering the roofs of buildings of every description, and for coating and covering all other exposed surfaces of buildings. And to manufacture India rubber cloth, and all other articles in which caoutchaouc or India rubber is an ingredient.

Your committee have ascertained that the petitioners are men of great ingenuity and respectability; and as your committee believe the objects of the petitioners to be laudable, and can be most effectually promoted by the proposed incorporation, they therefore recommend that the prayer of the petition be granted. They have prepared a bill, in accordance with the prayer of the petition, which they now ask leave to introduce.

All which is respectfully submitted.

No. 151.

IN ASSEMBLY,

February 11, 1835.

REPORT

Of the Comptroller, on the petition of John Hill, Jenny Hill and Anthony Otsequette.

COMPTROLLER'S OFFICE, }
Albany Feb. 11, 1835. }

TO THE ASSEMBLY.

The Comptroller, to whom was referred, by the Assembly, the petition of John Hill, Jenny Hill and Anthony Otsequette, respectfully submits the following

REPORT:

The two first named of the petitioners are entitled to receive, annually, from the State treasury, during their lives, forty-eight dollars; and the last named of the petitioners was originally entitled to receive forty-two dollars. The prayer of the petition is, that a law may be passed authorizing a payment to the petitioners of a sum equal to the principal on which these annuities are founded, in lieu of all annuities hereafter. The petitioners set forth that they reside at Green Bay, are in great need, and that there is often delay, and sometimes difficulty in the payment of their annuities.

In the year 1791, an act was passed for the benefit of Peter Otsequette, as follows, viz:

“Be it enacted, &c., That the Commissioners of the Land-Office shall, as soon as conveniently may be, cause to be laid out and
[Assem. No. 151.]

surveyed for Peter Otsequette, of the Wolf tribe of the Oneida nation, a tract of one thousand acres of land, at such a place in the county of Herkimer, as they may find most suitable for the purpose, adjoining to or near the lands called the Oneida Reservation, and shall cause letters patent to be issued for such tract, granting the same to the Secretary, the Treasurer and the Attorney-General of this State, for the time being, and their successors in office forever; in trust to permit and suffer the said Peter Otsequette, during his natural life, and the issue of his body, during their respective natural lives, as long as there shall be any such issue remaining, to occupy, improve and enjoy for his and their own use and benefit, so much of the said tract as the said trustees may from time to time think necessary for that purpose; and in trust from time to time to let out and lease to such person or persons, and upon such terms and conditions, and for such time, not exceeding twenty-one years or three lives, as the said trustees may think proper, all such parts of the said tract of land as may at any time be unoccupied or unimproved by the said Peter Otsequette, or his issue, and to pay the rents thereof to the said Peter Otsequette during his life; and, after his death, to pay the same to the issue of the body of the said Peter Otsequette, during their respective natural lives, equally to be divided among them, and for and upon no other use or trust whatsoever."

The land was leased by the trustees, according to the provisions of this section; and the rents were paid to Peter Otsequette, or his family.

The tract of land reserved for the benefit of Peter Otsequette, was divided into twenty-one lots; and, in 1813, the trustees formed three classes by grouping the lots; and fixed the annual rents at eight pence per acre upon one class of lots, ten pence upon another, and twelve pence upon the other; with a condition in the lease, requiring certain improvements to be made upon the land. The rents reserved in the leases of 1813, on the whole tract, amounted to the sum of \$101.79.

In the year 1820, an act was passed (chap. 40 of that year,) authorizing a release to be executed by Anthony Otsequette, to the people of the State, for one half of the thousand acres which had been reserved to Peter Otsequette, and on the 29th February 1820, this release was executed by the Secretary of State, Treasurer

and Attorney General, the trustees appointed by the act of 1791. In consideration of this release, the State paid 300 dollars at the time. Since the execution of the release, an annuity of \$42 has been paid, annually, to Anthony Otsequette, until 1833.

In 1821, an act was passed (chap. 118, of that year,) authorizing a release to be executed by the trustees before referred to, on behalf of John Hill and Jenny Hill, the children of the daughter of Peter Otsequette. This release was executed on the 19th of March, 1821; and since that time, an annuity of \$48 has been paid to these two persons. The sum of \$200 was also paid from the treasury, in consideration of this release.

In 1826, an act was passed (chap. 221 of that year,) authorizing the Commissioners of the Land-Office to sell and convey, in fee simple, the Otsequette lands to the occupants thereof, on such terms as the Commissioners should judge equitable and just. Under this law, the Commissioners passed a resolution to sell the said lands to the occupants for such sum as would, at 5 per cent, produce an amount equal to the rent reserved in the leases of 1813. And in January, 1830, the several lots were granted to the occupants, or such as complied with the terms, one-fourth of the principal being paid into the treasury, and bonds being executed for the residue.

The first payments into the treasury, at the rate of computation established by the Commissioners, amounted to the sum of \$439 08
 Amount of bonds given for the residue of the payments, 1,317 30

 \$1,756 38

And two lots, of acres each, remain unsold.

In 1833, an act was passed, (chap. 322, of that year,) authorizing the payment of \$300 to Anthony Otsequette. In the summer of 1833, one third of this appropriation was paid to the Indian agent, on a power of attorney from Otsequette. Assuming that the principal of his annuity had been, theretofore, \$700, the sum paid was deducted from this sum, and in 1834, the sum of \$36, or the interest of \$600, at 6 per cent, was paid as the annuity to Otsequette. In May, 1834, the sum of \$200 was paid to Eli Savage, on a power of attorney from Anthony Otsequette, under the law of 1833. This reduces the principal in the treasury to \$400; and the annuity to which Anthony Otsequette is entitled, to \$24.

It is represented by Daniel Bread, a Chief of the First Christian party, that Otsequette has had his house burnt, and is in want of the money petitioned for, to rebuild it: and that John Hill and Jenny Hill wish to build a house and barn, and make improvements upon their lands, which they will not be able to accomplish unless they can obtain the principal money now in the treasury, and which belongs to them. The Comptroller, as represented in the petition, has confidence in Daniel Bread, and believes, if the money was confided to him, it would be faithfully applied according to the wishes of the petitioners.

If the Legislature should deem it expedient to grant the prayer of the petitioners, provision should be made in the law for the payment of \$600 to John Hill and Jenny Hill, and \$400 to Anthony Otsequette.

A. C. FLAGG.

No. 152.

IN ASSEMBLY,

February 12, 1835.

REPORT

Of the Commissioners of the Land-Office, on the petition of Charles McLain.

The Commissioners of the Land-Office, on the reference from the Assembly of the petition of Charles M'Lain, respectfully submit the following

REPORT:

The petitioner represents, that he did, on the 30th day of December, 1822, "article at the Land-Office of the State of New-York, for lot No. 16, in the 3d tract of State land, in the town of Windsor, containing one hundred and three acres and four-tenths, and became obligated to pay for said lot of land at \$1.75 per acre, in six annual payments; and that he has paid in principal, interest and cost, \$162.88; that from pecuniary embarrassment, he is unable to make the further payments, and prays to be exonerated from them; as he has paid, in the estimation of good judges, the fair value of the land." If this proposition should not meet the favor of the Legislature, the petitioner suggests that he may have returned to him from the treasury, "a part, or all that he has heretofore paid on said lot of land," and be allowed to "return the article for the same to the Land-Office."

Attached to the petition, are the signatures of a great number of persons, who concur in the statements and prayer of the petitioner. Four persons also certify, that they have lately sold land in Windsor, as good as the land of the petitioner, for sixty-one cents per [Assem. No. 152.]

acre; and one person states that he owns a part of a lot in Randolph township, within a mile and a half of the lot mentioned in the petition, for which he would take, "cash down, fifty cents per acre."

It appears by the books in the Comptroller's office, that the petitioner purchased lot No. 16, third tract in Windsor, in 1822, and gave his bond for \$157. At that time, the law required one-eighth of the purchase money to be paid in advance, being about \$23, and making a total sum of \$180 for the lot. It is now a little more than twelve years since the petitioner purchased the lot in question; and, during that time, he has paid of principal,..... \$42 95
 And of interest, 66 05
\$109 00
 Add first payment,..... 23 00
\$132 00

Having thus stated the facts of the case, it might be sufficient for the Commissioners to submit it with the single remark, that they can see no reason why the State, in its transactions with individuals, should make it a practice of exacting a less rigid compliance with their engagements than would be required by one individual from another; and that unless this principle is adhered to, applications to the Legislature for relief may be expected whenever it is found advantageous or convenient for an individual to rid himself of his obligations to the public.

The petitioner, however, states that he has paid \$162.28, and consequently he must have paid costs to the amount of \$30.28. Whether he has paid this, or any other sum for costs, the Commissioners are unable to say; but if he had been punctual in the payment of interest annually, or even once in two years, all costs would have been avoided. The principal is not exacted where the interest is kept up, although the terms of the bond require it to be paid in six annual instalments. In twelve years, the petitioner has paid on the principal, ten dollars less than the amount of two instalments.

There are, however, numerous precedents in favor of granting relief from a hard bargain with the State; and, although the petitioner has not set them forth in his memorial, the Commissioners

of the Land-Office will, for the purpose of giving his application all the benefit which can be derived from them, cite a few of the cases where the Legislature have reduced the prices of lands which had been sold, or have allowed the purchasers to surrender their "articles," and have their bonds cancelled.

In 1824, the purchasers of lands in the villages of East and West Oswego, obtained a law, (chap. 262 of that year,) authorizing a re-estimate of the lots purchased, excluding the improvements made by the purchasers, and a settlement of the accounts according to the re-estimate.

The same privileges were extended to the purchasers of village lots in Lewiston, Niagara county, by the same act.

In 1822, an act was passed, (chap. 35, of that year,) for the relief of the purchasers of village lots in Oneida Castleton, which allowed them to be discharged from their bids, and take the lots at the appraised value in 1817.

In 1831, an act was passed, (chap. 33,) for the further relief of the Oneida Castleton purchasers, requiring the Commissioners of the Land-Office to cause a re-appraisal of the lots to be made, and directing the Comptroller to credit the purchasers with the difference between the appraisal of 1817, and the appraisal to be made under the act of 1834.

The extent of the relief given to the purchasers of lots at Oneida Castleton, is shewn by the following table, in which are given, in corresponding columns, the appraised value of several of these lots in 1817, the sums bid by the purchasers, and the appraised value of the lots in 1834, viz:

	1817. Min. price.	1817. Bid.	1834. Appraised val.
Lot 6,	\$150	\$315	\$50
" 7,	150	241	50
" 3,	150	375	65
Block 12, 7,	130	253	40
" 8,	130	271	40
" 13, 2,	100	245	30
Total,....	<u>\$810</u>	<u>\$1,800</u>	<u>\$275</u>

The first act relieved the purchasers of the six lots referred to, to the amount of nearly \$1,000, and the second act, to an amount of more than \$500: The whole deduction on the six lots being \$1,525.

The petitioner, Charles M'Lain, according to this precedent, might claim to have a patent of his land, and about \$60 refunded to him: Although on the treasury books, he is indebted to the State in the sum of \$134.64.

Having given the condition of the petitioner's accounts with the State, and the precedents which have a bearing upon his case, the Commissioners respectfully submit the question of granting relief to the wisdom of the Legislature. They deem it, however, not improper to say, that the statements of interested individuals, unsupported by legal evidence, do not furnish very safe grounds for surrendering any portion of the debts or other property belonging to the State.

Respectfully submitted.

A. C. FLAGG, *Comptroller.*

JOHN A. DIX, *Secretary of State.*

GREENE C. BRONSON, *Att'y Gen'l.*

WILLIAM CAMPBELL, *Suro'r Gen'l.*

Albany, February 11, 1835.

STATE OF NEW-YORK.

No. 153.

IN ASSEMBLY,

February 13, 1835.

REPORT

**Of the committee on grievances upon the petition of
James Mitchell for relief.**

Mr. Adams, from the committee on grievances, to which was referred the petition of James Mitchell, asking for relief on account of the loss of his eye sight, occasioned by being blown up while engaged in blasting rock at Lockport, as a laborer on the Erie canal,

REPORTED:

The petitioner represents that on the twentieth day of July, 1823, whilst engaged in blasting as a common laborer, in the village of Lockport, on the Erie canal, he was by an unexpected explosion of the powder, blown up about ten feet high, by means of which he entirely lost his eye sight; that he is poor and incapable of maintaining himself, and is therefore compelled to rely upon the benevolence of the community for his maintenance.

To the petition is appended a certificate of sundry inhabitants, certifying that they are acquainted with the facts stated in the petition, and that they join in the prayer of the petitioner.

If the facts stated and certified to be true, they prove but one of the many casualties incident to human life, and furnish evidences which excite strong feelings of commiseration for the sufferer; but your committee feel not at liberty to permit those feelings to influence their action in the discharge of their official duties; if the

misfortune has rendered it necessary that the petitioner should resort to the public bounty for sustenance, your committee are of the opinion that provision is made by existing laws for relief in such cases, and that to bestow the public bounty upon individuals in individual cases, is not contemplated by the existing regulations, would work more favorably to some than to others, and is manifestly inexpedient.

Your committee have therefore directed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioner be denied, and that he have leave to withdraw his petition.

No. 154.

IN ASSEMBLY,

February 13, 1835.

REPORT

Of the committee on claims upon the petition of John B. Herrishoff and others.

Mr. M. H. Sibley, from the committee on claims, to whom was referred the petition of John B. Herrishoff, agent of John Brown, Francis and Sarah Herrishoff,

REPORTED:

That the facts and statements contained in the petition, are correctly embodied in the Comptroller's report to this House, made on the 27 January last, which will be found in Document No. 90, and to which your committee pray leave to refer. No other evidence of the extent and cause of the grievance complained of has been presented to your committee, than what is stated in that document, and from that your committee is satisfied that the petitioners have no just cause of complaint, and that the case does not call for any legislative action.

They have therefore, instructed their chairman to ask leave to introduce the following resolution:

Resolved, That the petition of John B. Herrishoff, as agent of John Brown, Francis and Sarah Herrishoff, be denied.

STATE OF NEW-YORK.

No. 155.

IN ASSEMBLY,

January 28, 1835.

ANNUAL REPORT

**Of Philo Lewis, an Inspector of Beef and Pork in
and for the city and county of New-York.**

**TO THE LEGISLATURE OF THE STATE OF NEW-
YORK.**

An account of provisions inspected by Philo Lewis in the city
and county of New-York, from 1st month 1st, 1834, to 1st month
1st, 1835, as follows:

1,226 barrels clear pork,
6,639 barrels mess pork,
1,192 bbls. thin side pork,
11,439 bbls. prime pork,
45 bbls. cargo pork,
37 bbls. soft mess pork,
71 bbls. soft prime pork,
1 bbl. measly mess pork,
9 bbls. measly prime pork,
561 bbls. refuse pork,
136 half bbls. mess pork,
73 half bbls. thin side pork,
251 half bbls. prime pork,
706 bbls. mess beef,
3,382 bbls. prime beef,
112 bbls. cargo beef,
78 bbls. refuse beef.

Total.

31,220 barrels pork.
 460 half barrels pork,
 4,278 barrels beef.

Average sales of pork in bbls. supposed to amount to	\$241,978 50
" in half barrels,.....	3,073 50
" beef in barrels,.....	27,774 00
Fees, &c. for inspecting 25,498 bbls. and 410 half-	
barrels, amount to.....	3,865 70
	<hr/>
	\$276,691 70
	<hr/>

I am, with due respect,

PHILO LEWIS, Inspector.

New-York, 1st mo. 23d, 1835.

Fees for inspecting 38,885 bbls. and 1 barrels. at 1 cent,	\$388 56
" 671 hhd. at 4 cents,.....	26 84
	<hr/>
	\$415 39

Disbursements.

Paid C. P. Teppen, D. Brinkerhoff, I. J. Hicks, and J. B.	
Oakly, deputy inspectors,.....	\$420 00
Paid for laborers,.....	230 00
Paid for rent to J. Russel, Westervelt & Bogerts, and S.	
Willits,	36 66
Paid Martin & Booth for brands, \$8, Cox for coal, \$8.88,	16 88
	<hr/>
	\$703 54
	<hr/> <hr/>

Total value of flour and meal inspected in New-York from 1st January, 1834, to 21st February, 1834, \$225,692.00

Inspected in Kings county from 1st Jan. to 21st Feb. 1834, by Thorne Carpenter, deputy to R. McCarty, 534 barrels superfine flour; fees 2 cts. per barrel, which he received for inspecting the same.

RICH'D McCARTY.

New-York, January 24, 1835.

