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DUTCHESS COUNTY

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COLONIAL DAYS.

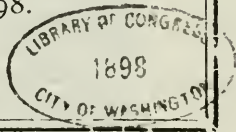
PAPER BY

HON. ALFRED ACKERT.

Read before

The Dutchess County Historical Society, New York
at the annual Banquet, held at the
Waldorf-Astoria,

MONDAY EVENING, FEB. 28, 1898.



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DUTCHESS COUNTY IN COLONIAL DAYS.

Paper read by Hon. Alfred T. Ackert before "The Dutchess County Society in the City of New York," at their second annual Banquet held at the Waldorf-Astoria, Feb. 28, 1898

Mr. President, Members of the Society and Honored guests:

The Historian of this society is required by the By Laws "to collect all historical and other documents of interest relating to the history of Dutchess County" and consequently is expected on public occasions to state that which may be of interest and information.

I accepted this honorable and laborious position with positive reluctance, realizing my inability to meet the expectations of a membership so well informed on matters pertaining to our native county. There is nothing new to be stated. I can only collate and abbreviate for this occasion what is already of record.

The first General Assembly of the Province of New York was organized under the administration of Governor Dongan, who, by virtue of his commission as Governor, and under instructions contained therein, caused on his arrival to be issued to the respective sheriffs of the Province, writs for the summoning of the Freeholders to choose representatives to meet him in General Assembly in the city of New York on October 17, 1683 and this assembly constituted the first representative legislative body in the Colony of New York. At a meeting of this General Assembly held at Fort James in this city on November 1, 1683, an Act was passed dividing the Province of New York, into twelve counties, viz New York, Westchester, Ulster, Albany, Dutchess, Orange, Richmond, Kings, Queens, Suffolk, Dukes and Cornwall.

By this Act, the boundaries of Dutchess County are declared "to be from the bounds of the County of Westchester on the South side of the Highlands along the East side of Hudson's Rivers as far as Roelof Jansens Creek, and Eastward into the woods twenty miles.

The bounds of Westchester and Albany Counties were first stated in the Act; Westchester, Northward, along Hudson's River as far as the Highlands; Albany on East side of Hudson River from Roelof Jansens Creek: the land between was named Dutchess, in honor, it is supposed to the Duchess of York. I can find no proof of any settlements within these boundaries at this date.

By another Act, passed October 1, 1691, entitled an Act to divide the Province into Shires and Counties, and to prevent mistakes about the limits and bounds, these boundaries are stated in the same language, excepting that the

words Eastward into the woods twenty miles, are replaced by the words "Eastward into the woods Twelve miles." This act was confirmed by the King May 20, 1708.

Dutchess County at first was provisionally annexed to Ulster, the officials of Ulster being officials of Dutchess, and Kingston, the place where court business was transacted. The County, as such, was not represented in the General Assembly, of the Province until 1713, twenty years after its creation.

In this year, (October 23, 1713.) the Freeholders and inhabitants of the respective counties of the Province were authorized to elect a Supervisor, a Treasurer, Assessors and Collector for the respective precincts thereof. Dutchess County, at this time constituted but a single Precinct.

Livingston Manor was taken from Dutchess in 1717, annexed to what was then Albany County and from which Columbia County was subsequently taken.

Putnam County was not created and taken from Dutchess until 1812.

By Act of the General Assembly (passed July 21, 1715, a County House and Prison in Dutchess County within the colony, was authorized to be erected by two able and sufficient freeholders to be elected for that purpose and to be erected at such convenient place as to them shall be meet and convenient *within two years* thereafter and that there be raised a sum of money, as they think necessary "Provided the same do not exceed the sum of *Two Hundred and Fifty ounces of good Mexico Pillar or Sevil Plate.*"

This Act seemingly was not carried into effect for on May 27, 1717, another Act was passed for building a County House and Prison at or near the most convenient place at Poughkeepsie by two able, and sufficient freeholders to be elected for that purpose, and to be erected within three years after the publication of the Act, the cost not to exceed the sum of Two Hundred and Fifty ounces of good Mexico Pillar or Sevil Plate, or value thereof in Bills of Credit made current in this Colony."

On December 17, 1743 an Act was passed to enable the Justices of the Peace to build a Court House and Goal, or to enlarge and repair the old one and £300 authorized to be raised for that purpose and *in this act the East Lines of the Four Several Precincts South, Beekman's, Crom Elbow and North Precincts were declared to extend as far Eastward as to the Colony Line of Connecticut or as this Colony doth extend.*

£300 additional authorized to complete the Court House or Goal in 1745. £130 additional to complete same in 1750 and 50 £ to finish same in 1753.

In 1760, 70£ was authorized for converting a jury room into a jail. In 1764 200 £ additional was authorized for the jail. This Court House and Jail was destroyed by fire in 1785.

The County having increased in inhabitants since the Act of October 1713 authorizing the election of Supervisor, an Act was passed June 24, 1719 dividing the County into *three divisions* the South from the South side of the High-

lands to Wappingers Creek; the Middle from Wappingers Creek to Cline Sopas Island; and the North Division from North Side of Middle Division to northern bounds of the County, and a Supervisor authorized for each Division.

In a certain Act passed July 24, 1724, to prevent damage by swine, these Divisions of the County are referred to as Wards and a General Poud directed to be created at the public charge in each Ward. In 1728 Aug. 31, an Act was passed that "no swine small nor great shall or may run at large upon any pretence or excuse whatsoever under the penalty that it may or shall be lawful for any person or persons who shall find any swine in the County of Dutchess running at large as aforesaid after the 10th day of Oct. (Except in the fields or meadows of the owners of said swine) to shoot, kill and destroy any swine great or small without being in any ways accountable to the owners of such swine and that this act be in force for two years and no longer. The act was found beneficial and continued four years longer. It was renewed in 1736 to be in force until 1745 and no longer.

It must not be forgotten that Dutchess county was an agricultural county. The Great Seal is representative of a plow and stems of ripened wheat.

An ordinance creating a Court of Common Pleas and a Court of General Sessions of the Peace was granted by Governor Burnet, July 6, 1721. Previous to this the inhabitants were subject as stated to the jurisdiction of the Justices of Ulster County.

The Courts were to be held at Poughkeepsie near the center of the said county, a General Sessions of the Peace on the third Tuesday of May, and the third Tuesday in October, yearly and every year *forever*, which General Sessions of the Peace in every year shall not continue longer than two days and that from henceforth there shall be held and kept at Poughkeepsie near the center of said county, a court of Common Pleas to begin the next after the courts of General Sessions of the Peace terminates.

An act for regulating the Rutts of wagons in Dutchess county was passed June 22nd, 1734, to be 4 feet 10 inches English measure from the outside of the wheel to outside of other wheel no more no less, under a penalty of 20 shillings to the profit of the informer.

The inhabitants had so much increased and many other new settlements made since the Act of June 24th, 1719, creating three Divisions that it became necessary for the convenience of the inhabitants that the County should be divided into more Precincts. Therefore it was enacted December 16th, 1737 that the said County shall be divided into seven Precincts in the following manner.

The South Precinct to contain all that part of the High Lands which is granted by Patent to Adolph Phillipse Esq.

The Rombout or Fishkill Precinct to contain all that part of the Patent Granted to Rombout & Company that Lyeth to the South and South Eastward of Wappingers Kill or creek.

Beekman Precinct to contain all that land that was granted to Coll Henry Beekman deceased lying to the rear of the Patent granted to Francis Rom-bout & Company.

Poughkeepsie Precinct to contain all the lands to the North West of Wap-pinger's Kill or Creek from the mouth thereof and up along the said Kill or Creek and Hudson's River until it meets the Patent Granted to Heathcoat & Company called the Lower Nine Partners.

Cromelbow Precinct to contain all the lands granted to the said Heathcoat & Company called the Lower Nine Partners and also all the land granted to Peter Fanconier & Company in Pawlings purchase, and as far to the North-ward as a due East line run from the North end of little Esopus Island to the Cromelbow Kill or Creek.

Rhinbeck Precinct to contain all the lands purchased of the Widow Pawling and her children by Doctor Samuel Staats deceased, All the land granted to Adrian Roosa & Company. The land Patented by Colls Henry Beekman de-ceased and the lands granted by Patent to Colls Peter Schuyler commonly call-ed Magdalens Island Purchase.

The North East Precinct to contain all the lands granted to Sampson Broughton & Company commonly called the upper Nine Partners.

This Act repealed the Act of June 24, 1719 and the title of *Precinct* was there-after applied to the respective Divisions of the county and beyond the Col-onial period.

Cromelbo Precinct was divided into 'Amenia and Charlotte Precincts by Act of March 20, 1762 and there was no Crumelbow Precinct after this date.

Beekmans Precinct was divided by taking and creating Pawling Precinct therefrom, May 20, 1769.

South Precinct was divided into Philips Precinct, Frederickburg Precinct and South East Precinct on March 24, 1772.

These are all and the only divisions of the county previous to the Revolution.

Overseers of the poor were authorized to be elected by the Act of Dec. 7. 1754.

The record of the population during the Colonial period is not complete or satisfactory. I have made a memorandum of what I could gather.

The number of inhabitants in 1714 including men, women and children was only 445 of whom 29 were slaves.

In 1723, including 43 Blacks was 1083.

In 1731, including 112 Blacks was 1,727.

In 1737, including 262 Blacks was 3,418.

The list of freeholders in the county as certified to by Sheriff Wilson in 1740, contained only 235 names of Freeholders.

In 1746, Governor Clinton ordered a census to be taken throughout the Pro-vice and the number of inhabitants returned for the County of Dutchess was 8,806, including 500 Blacks.

In 1749, the population is stated to have been 7,912 including 421 Blacks.

Here is an apparent decrease within three years of nearly one thousand.

In 1756, the population, including 859 Blacks was returned by the Sheriff as 14,148

In 1771, the population, including 1,360 Blacks was 22,404.

There are no battle-fields within the county. Stone, in his history of New York mentions that rioting existed in Dutchess County in 1766 having been started by some Indians who were joined by worthless whites, and which rioting, extended to Albany County (now Columbia.) That the Commander in-chief of his majesty's forces in America, Gen. Gage, ordered up the 28th Reg't. lately arrived from England to meet the insurgents who were brought to reason, and the ring-leaders brought to New York.

On June 29, 1703, an Act was passed for the laying out, regulating, clearing and preserving public common highways throughout the colony; it includes one other public common general highway to extend from Kings Bridge in the County of Westchester through the same County of Westchester, Dutchess County and the County of Albany (now Columbia County) of the breadth of four rods English measure at the least, to be continued and remain forever the public General common road and highway from Kings Bridge aforesaid to the Ferry at Crawlew over against the city of Albany. Commissioners were named in the act to supervise the laying out of the road through their respective counties. This is the origin of what we now know as the New York and Albany postroad.

We are all aware that the province of New York in Colonial days, and Dutchess County in particular, was infested with wolves and panthers.

The traveling menagerie of to-day, with its cages of wolves and panthers for exhibition, would not have interested our ancestors.

There were two general acts passed by the Colonial government giving to magistrates, in the several counties, authority to give rewards for the killing of wolves. The first of these acts was passed November 1, 1683; the second, April 1, 1692. Subsequently, the people suffered so greatly in loss of horses and cattle from wolves which infested Dutchess County, that, for the better relief of which an act was passed June 24, 1719, giving to any person who should kill a wolf and carry the head to any Justice of the Peace in said county, the sum of ten shillings, and to any Indian for such killing, the sum of five shillings, to be paid by the treasurer of the county upon sight of a certificate of the Justice, which the Justice was required to give.

(It seems that the county was only benefited one half as much for an Indian to kill a wolf, as if a white man killed it.)

By an act passed November 11, 1726, any person or persons, whether he be a Christian, Indian, or Negro, inhabiting, or sojourning within the county, who shall kill any wolf and carry the head thereof, with the skin of such wolf, remaining thereto, to any Justice of the Peace, within the county, such Justice shall give him or them a certificate to receive of the treasurer of the county

the sum of six shillings, provided the Justice shall deem and adjudge the wolf to have been killed *within three days*, (time and freshness seems to be an element here,) and that the ears of the said wolf shall be cut off in the presence of the Justice before any such reward shall be given.

This act was for two years and, being about to expire, it was continued by act of August 31, 1728, increasing the reward four shillings (making the reward ten shillings.)

These Acts having expired, and to uniform the rewards in the several counties so that wolves killed in one county would not be taken by *avaricious people* (I use the language of the Act) to another county where the rewards were greater, another Act was passed on October 14, 1732, that from the publication of the Act every person, whether *Christian or Slave*, who shall destroy a wolf, or its whelp shall receive from the county where the same is killed—for every grown wolf, the sum of 12 shillings, and for every wolf under the age of one year, the sum of six shillings and that every *native free Indian* shall receive *half the reward*, if killed by them (where the record of the date of birth of the wolf was to be found, or how proven I am at a loss to know, and the same respecting the nativity of the Indian.)

To further encourage the destruction of wolves or panthers (and here the government recognizes the existence of panthers within the county) for the killing of which an Act was passed Nov. 3, 1740, offering a reward of 15 shillings for the killing of every wolf or panther, and for every whelp, the sum of eight shillings, but before any inhabitant shall be entitled to receive the reward, he shall carry the head, or heads with the entire skin thereon to a Justice of the Peace or supervisor (they had supervisors then) dwelling in said county, and said Justice or Supervisor was empowered, directed and required to administer an oath to said inhabitant, and if a Quaker, an affirmation in words following:

You, A. B., do swear or affirm that the wolf, the head whereof you now produce to me was actually taken and killed within the County of Dutchess, and that you are an inhabitant of the said County of Dutchess (Home rule had an early start in Dutchess.) The officer was then to give his certificate without any fee or reward. Which certificate was to contain the name of the person and statement of proof. The ears of wolves or whelps were to be cut off in the presence of the Justice or Supervisor.

This law was for two years, and not being found sufficient to answer the good ends intended, another Act was passed October 29, 1742, increasing the reward to 20 shillings *making no distinction* between the killing of wolves or panthers, and for every whelp or whelps 10 shillings and giving the full reward to Indians, Negroes, or Slaves, but the person was to pay 1 shilling 6 pence to the officer for a certificate. This law was for six years and found to answer the good ends intended and was therefore continued for six years longer by Act of Nov. 12, 1748.

It would have expired by limitation but was continued by Act of Dec. 12, 1753, until January 1, 1760. It was further continued until January 1, 1765, by Act of Dec. 24, 1759.

Wolves and panthers must have increased rapidly, for by an Act passed Oct. 26, 1764, the reward is 30 shillings, for killing a wolf or panther, and 15 shillings for killing whelp or whelps, and the officer was to receive no fee for the certificate. This law continued until Jan. 1, 1775, it ran out, but April 1, same year, a similar law was enacted giving a reward of 3 pounds (60 shillings) for the killing of any grown wolf or panther and 30 shillings reward for the killing of any wolf or panther *under the age of one year*, (here again a record of birth would seemingly be required) this Act to continue until Jan. 1, 1785, and beyond Colonial days.

Time will not permit a full sketch of matters affecting our native county during Colonial days. We now approach an interesting period in our country's history and through it Dutchess County bore an honorable part. The mutterings of discontent in opposition to unjust taxation were heard throughout the land. The Revolution was approaching: soon would come the clash of arms.

Associations were formed and the inhabitants were requested to sign articles of Independence or declaration of Principles which were to become the foundation of a great Nation.

Many refused to sign and some took no part in that great struggle—not that they loved liberty less, but because they saw no relief from the burdensome taxation to which they were subject by the system of quit rent. Be the government King or Congress, it would be all the same to them.

The large land holders, or Patentees of the soil were generally disloyal to their King from whom their estates had been derived and the tenant, with perhaps a life lease only of the soil he had subdued and was cultivating for profit to the Landlord saw no good reason to support an interest seemingly autagonistic to their own.

Had rebellion failed, the lands of the disloyal Patentee would have escheated to the Crown, and the indifferent farmer would have possessed his land in fee as his undoubted right. They would have been subject, however, to taxes, but they would have been less than Colonial tax and quit rent combined. Hence there were many indifferent and refused to sign the Declaration against the government. The Patriots called them Tories. The Tories called the Patriots rebels.

Another reason for refusing to sign I take it was that they had not forgotten the gracious favor which the government under good Queen Ann had shown in furnishing to many of their poor and distressed ancestors passage across the sea.

On the other hand, the Patriot Militia were soldiers worthy the name and cause for which they fought.

Three thousand four hundred and eighty-five (3,485) names stand recorded

to the credit of Dutchess County of those having enlisted during the Revolution.

From this record we have a right to believe that our mother county performed her full part in that struggle that overthrew the greatest of kingly powers and established a Government of the People, by the people, and for the people, giving to the world the greatest Republic known to History.

The immediate results were not so important as the future. It broke down at once, however, the absurd, unjust theory of the Divine Right of Kings.

It was placing, as it were, Beacon Lights along the shore enlightening an oppressed world that our nation was composed of men who their duty knew and dared maintain and that our example might become a pillar of hope and an encouragement for the oppressed of every land and through all time.

The Constitutional Convention of 1777 Assembled at Kingstou, ratified the Declaration of Independence of 1776, incorporated the Declaration in full in the Constitution and established the first fundamental law of this state.

It designated the number of members which each county should have in the Assembly which was to consist of 70 members giving 7 to Dutchess County.

The Senate was to consist of 24 freeholders divided the State into four Senatorial districts with six members each.

The Middle District was constituted of the counties of Dutchess, Ulster and Orange.

The first and second sessions of the first Legislature of this State under this first Constitution, were held at Poughkeepsie in Poughkeepsie Precinct.

The Village was not formed until 1799 and the city not chartered until 1854.

During the Revolution it is stated the Poor of New York city were cared for in Poughkeepsie: New York City being in possession of the British.

It would be presumptuous in me to write of our Civil War, when around us are those who braved the storm of that struggle and risked their lives in defence of our National integrity, to preserve that Union of States for which Washington and his brave army fought.

These surviving soldiers whose names are on Dutchess County's honored roll, are better able to tell that story and recount the honors and the glories that surround our national history during the Civil War, and in Memoriam, from the grave of our martyred Lincoln to the tomb of Grant.

Dutchess County can take just pride in War and Peace. In her schools—in her churches,—in her farms, she has won honorable distinction and these interests combined, have established the character of her people and place her the equal of the best, by none surpassed, in our whole country.

May this Society, representative as it is of her citizenship, honor her in justice for that character she has given to us and as each succeeding year shall bring our membership together, may they come with a consciousness that they are her true and rightful representatives in this, the second greatest city of the world,—The Greater New York.





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