

Chapters in the History of

DELAWARE COUNTY
NEW YORK

By
John D. Monroe,
Honorary President and Historian,
Delaware County Historical Association.

Published by
Delaware County Historical Association.

1949

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DELAWARE COUNTY

Chapter

I

Before the Revolution

Delaware County, New York, like *Gallia* of Caesar and the school-boy, *est omnis divisa in partes tres*. In the case of Delaware County, however, this triple division is not of people and languages, but of the land by the two branches of the Delaware River, which flow south-westerly through the whole county, dividing it into three extensive parts. For a time the area was divided among the three counties of Albany, Tryon and Ulster, and in 1790 among the three towns of Harpersfield, Middletown and Woodstock; but from 1774 to 1797, the principal division was into two parts by the West Branch of Delaware River, between the successive counties of Tryon, re-named Montgomery, and Otsego on the northwesterly side, and Ulster on the southeasterly side of that river.

Delaware County was erected as a separate and distinct county of the State by act of the legislature of New York, passed March 10, 1797, from the then existing counties of Ulster and Otsego. In March, 1797, there were six towns in the county, — Stamford, Middletown and Colchester in Ulster County, and Harpersfield, Kortright and Franklin in Otsego County. The westerly end of the town of Woodstock also extended into the new county, but the act of 1797 provides that this part of Woodstock be annexed to and be a part of Stamford. By an act passed March 17, 1797, the town of Walton was erected from a part of the town of Franklin, “from and after the first Monday of April next,” — April 3, 1797. The county was organized May 30, 1797, at the house of Gideon Frisbee, supervisors of the seven towns of Colchester, Franklin, Harpersfield, Kortright, Middletown, Stamford and Walton participating.

The county as first proposed met with opposition. In January, 1796, one hundred twelve inhabitants of Stamford, of whom John C., Joseph and William Keator of Roxbury were three, filed a remonstrance with the legislature protesting “the undistinguished favors hitherto shown” by that body “in guarding against the views of design-

ing men." They asserted that the proposed county consisted of large uninhabited mountains and narrow valleys, abounding with large streams, "belching forth in fierce inundations," so as to destroy all communication from one part to the other, meaning apparently between the Ulster County part and the Otsego County part. They said that they were hopeless of rapid settlement in that "the new lands are held up to such a large and extravagant price that the people utterly despair of buying or taking a lease on the hard terms that are offered." And they insisted that they found no inconvenience in doing county business on the Hudson River as they were obliged to go there once or twice a year, "and it ever will be our place of trade at Kingston and other places along said river." Others, including Henry Sampson, Obediah Sands, Andrew Craig and David Canardy, "inhabitants of the West Branch of Delaware River," also protested, so far as the act for a new county "may affect the inhabitants of the said West Branch from the Walton Patent to the Pennsylvania line."

The act proposed in 1796 was petitioned for by William Cooper of Cooperstown, and other inhabitants of Otsego County, including Daniel Wattles and Joshua H. Brett. The boundary for the county as then proposed ran through "the place called the Big Indian," then to and along the easterly line of lots 20 and 49, Hardenbergh Patent, past "lake Otseontho," and to and along the northwesterly line of Sir William Johnson's Charlotte River tract. This act was defeated February 13, 1796.

On January 27, 1797, Isaac Hardenbergh and other residents of the northerly part of Ulster County petitioned for the division of that county, and the act of March 10, 1797, was passed. Gulian Verplanck was Speaker of the Assembly, and Joshua H. Brett, Jehu Burr and Ebenezer Foote were members of that body in 1797, all then or later prominent in the affairs of Delaware County, and these or some of them may have been the "designing men" referred to in the remonstrance of 1796, though but one, Ebenezer Foote, was a member in 1796.

So far as known, the first white men to set foot on what is now Delaware County were members of some thirty-three German families, who, on their way from Schoharie to Berks County, Pennsylvania, in the spring of 1723, made canoes and put them into Charlotte River at what became known as the "Canoe Place," about five miles west of where Christopher Servoss had a grist mill at the time of the Revolution, or at about Davenport. The next known appearance of white men in the area was in 1734, when Dr. Richard Shuckburgh of "Yankee Doodle" fame, a Captain Borrow and one Silas Swart came to what

is now Hancock in search of mines. They there met Seth and Hans Jury, two Mohawk Indians from Schoharie, and apparently some Delaware Indians. They found no mines, and Governor Cosby, who sent them, saw nothing of profit to himself in their discoveries. But Doctor Shuckburgh, who at his death in 1773 was described as "a gentleman of infinite jest and humour," was a man of parts, and of some poetry too it would seem, and must have been impressed as "like stout Cortez," he stood on the lofty peak where the rivers meet staring at the illimitable wilderness, while Seth and Hans Jury "Look'd at each other with a wild surmise."

The third group of white men to enter the county came in 1738, when Jacobus Bruyn, Deputy Surveyor General, Isaac and Bartholomew Vrooman, certain chainbearers, and the same two Mohawk Indians, Seth and Hans Jury, came in from Schoharie to survey six thousand acres of land about to be granted by Governor George Clarke to himself and Phillip Livingston, but concealing the theft by using the names of Arent Bradt and five other stand-ins as patentees, at what is now Hobart and South Kortright. They saw Indian hunting houses, but the river was unknown to the Surveyor, who thought it was a branch of the Susquehanna. The Indians corrected his geography, and he went back and reported the discovery to Surveyor General Cadwallader Colden and Phillip Livingston. In 1740 Henry Wooster of Stamford, Connecticut, made the first survey of the Hardenbergh Patent, carrying the survey up the East Branch of Delaware River. About the same time, but perhaps two or three years later, Robert Livingston of Clermont, and his son, Judge Robert R. Livingston, under guidance of Hendrick Bush of Shokan, came over Pine Hill and down the Bushkill, called The Tweed by them, to inspect the land about "Packatacan," now Arkville.

By eliminating non-residents of what became Delaware County in 1797, the 1790 Census includes 443 heads of families in the Delaware County area, and shows a free white population of 2,507 persons, of which 1,394 were males and 1,113 were females; there was one other free person, and there were eight slaves. Of this population, 274 families, or 1,489 free whites and three slaves were in Harpersfield, and 169 families, or 1,018 free whites, one other free person and five slaves were in Middletown and Woodstock. There were 134 families, or 793 free whites, one other free person and five slaves in Middletown, and 35 families, or 225 free whites and no slaves in Woodstock, — that is, in the parts of these towns that became parts of Delaware County. In the 1790 Census all persons in the respective towns were enumerated, and were divided into five classes: (1) free white

males of 16 years and upwards, including heads of families; (2) free white males under 16; (3) free white females, including heads of families; (4) all other free persons, and (5) slaves. The names of heads of families only are given. Harpersfield in 1790 included the area now in Broome and Chenango counties between the Susquehanna river, the Pennsylvania line and the Line of Property, and Middletown and Woodstock included considerable areas east of the line of Delaware County. Checking the names of heads of families against information of their places of residence in 1790, it is possible to eliminate those not residents of the area that became Delaware County, and the information above given has been arrived at in that way.

A Census of "electors," taken in 1795, certified by the Secretary of State January 20, 1796, gives the total "electors" in the state as 64,017. This enumeration was taken and certified by towns, and names of heads of families were recorded. Those enumerated are divided into three categories: (1) electors possessed of freeholds of a value of 100 pounds; (2) electors possessed of freeholds of a value of 20 pounds, and under 100 pounds; (3) electors not possessed of freeholds, but who rent tenements of the yearly value of 40 shillings. In 1795 Harpersfield, Kortright and Franklin, Otsego County, were entirely within what in 1797 became Delaware County; Stamford was entirely within that county, but Colchester, Middletown and Woodstock extended outside of the subsequent limits of Delaware County, but little of Woodstock remaining within the county. By adopting the ratio of non-residents disclosed by the eliminations made in the 1790 Census, the following table presents an estimate of the "electors" and classes of "electors" of 1795, residing in what became Delaware County in 1797.

"Electors," 1795 in Delaware County Area				
Counties and Towns	Freeholders, 100 pounds	Freeholders, 20 to 100 £	Rent payers, 40 shillings	Totals
Otsego County				
Harpersfield	117	16	22	155
Kortright	82	40	0	122
Franklin	168	40	31	239
Ulster County				
Colchester	(52) 41	(9) 7	(130) 102	(191) 150
Middletown	(44) 35	(25) 19	(66) 52	(135) 106
Stamford	54	21	52	127
Woodstock	(106) 6	(22) 2	(32) 3	(160) 11
Totals	503	145	262	910

(Figures in parenthesis for entire town as returned in Census)

The 1790 Census, as adjusted, shows 732 free white males of 16 years and upwards in the Delaware County area. The 1795 Census, adjusted as above, shows 910 males of 21 years and upwards, owning property or paying rent.

In 1800 the population of Delaware County was 10,228, and there were 1,681 taxable inhabitants in the county. Total assessments for taxes in 1798 were \$85,043.75. The area of the county, with present boundaries, is 1,449 square miles, or 927,360 acres, the 1940 population was 40,989, and the number of farms was 3,738. The assessed valuation of the entire county in 1947, as equalized, was \$46,519,599.10, showing an increase in assessments for purposes of taxation from 1798 to 1947 at the rate of \$311,641 per year. The rate of increase of families from 1790 to 1940 has been at a rate of about 73 per year.

While, beginning with 1763, portions of what is now Delaware County had acquired a considerable population by 1776, substantially all, if not all, of this population was driven out by hostile action of the British Indians and the State militia by 1781 or 1782, and the 1790 Census indicates a comparatively large influx of people upon what were then mostly wild lands, at adverse prices, in the seven or eight years prior to 1790. How some of these people were brought into this area at that time may be seen from the following advertisement published in the New York DAILY ADVERTISER, during the spring of 1786:

“Great Encouragement.—To be sold or leased on the township of KORTRIGHT in the County of Montgomery, one hundred and fifty FARMS, about seventy of which have more or less improvements on them,—the terms so moderate as not to be equalled in this State. Mr. Lawrence Kortright will give a deed for them and their heirs forever, and five years free from rent, after which time to pay six pence sterling at par for each acre per annum. The farms contain 150 acres each. Any person inclined to purchase will meet with terms equally advantageous by inquiring of said Kortright at No. 192 Queen Street, New York, or of Mr. Alexander Mills on the township, which is situated between a branch of the Delaware and Susquehannah, is 60 miles from Albany, 50 from Esopus, 40 from Kats-kill, and about 35 miles from Lunenburgh opposite the new town of Hudson up Hudson’s River.

N. B. About 30 families are already settled on the above tract of land, and many more going in the spring. Deeds and counter-deeds will be executed gratis. Jan. 16, 1786.”

It will be noticed that this advertisement gives air-line distances from the places mentioned, and in the cases of Lunenburgh (Athens) and Kats-kill, even reduces these from five to ten miles. By then existing roads the distances were much greater, and we may assume that in other respects Mr. Lawrence Kortright indulged in deception respecting his “township.”

Lawrence Kortright, whose ancestor by that name came to New Amsterdam in the *Brindle Cow* in 1663, made his fortune by privateering in the French and Indian War, — that is to say, by piracy licensed by war. He had a patent for 22,000 acres in what is now Kortright,

dated February 24, 1770, and perhaps conveyed as the advertisement suggests seventy farms before the Revolution, and we see that these are again for sale in 1786. It is possible, however, that the thirty families "already settled" were purchasers before the Revolution who had returned to their farms after 1783. Lawrence Kortright conveyed the entire tract to his son, John Kortright, a half-pay British officer, in September, 1788, and the latter died May 27, 1810. His widow, Catherine, married Brockholst Livingston, some time Justice of the Supreme Court of the United States, and his sister, Elizabeth, married James Monroe, President of the United States.

People in Albany around 1810 saw with curiosity a man, old and lame and blind, but of distinguished appearance, led about the streets by a negro slave, a replica of his master, save in color, gout and blindness, — a servant "as independent, as important and as irritable as an English Lord." These queer companions spent a part of each day at a tavern on Pearl Street where they drank more or less rum, so that their conversation, overheard as they felt their way home along the streets, became the subject of infinite merriment among those who related the gossip of the town. The white man was Goldsbrow Banyar, born in London in 1724, and who died in Albany in 1815. He came to America in 1737, and was appointed deputy to George Clarke, Secretary of the Colony of New York, in 1746. He multiplied this office into a well feathered nest of clerkships to each of which a fee was attached, until for many years before the Revolution he was concerned in or at least taking fees for substantially every form of governmental activity. His principal functions, however, were as Deputy Secretary of the Province and Deputy Clerk of the Council, where every land patent had to pass through his hands and he could and did impede or facilitate its passage of the seals, according to his interest in the matter. The result was that, while his name seldom appears in a patent, he had an interest in a great number of land patents prior to 1775.

Banyar was a friend of Sir William Johnson, but when that monopolist in lands applied for a patent for the Susquehanna and Charlotte river lands, he was compelled to split his application into two parts and be satisfied with a patent in his own right for the Charlotte river lands only, while the patent for the Susquehanna lands went to twenty-eight straw men, stand-ins for Banyar and Hugh Wallace, a member of the Council. Banyar got part, if not all, of Rapelje's Patent for 30,000 acres granted June 22, 1775, to John Rapelje and others. He also acquired lands in the names of soldiers in the French and Indian War, who had preemptive rights, but who could not or would not pay the exorbitant official fees. In this way he secured two

patents for 24,000 acres in Kortright in April and June, 1770, called Goldsborough, one of which runs to Alexander McKee, William Thompson, John Little, Hugh Crawford, Thomas Smallman and Henry Montour, captains of Rangers, and the other to Edward Tudor, Bernard Ratzer and John Clarke, officers of two regiments of foot, who served in the reduction of Canada. Hugh Crawford was the custodian and entertainer of Pontiac when this hard-drinking "conspirator" was brought to Oswego in July, 1766. Pontiac was subject to the French influence, and when "a little drunk" kissed Crawford, without apparent offense to that "man of vigor and resolution," as Parkman calls Crawford. Henry Montour was a son of French Margaret, a brother of "Queen" Catherine of Catherinestown, and of "Queen" Esther, "the fiend of Wyoming," and of Mary, wife of the White Mingo, "a polyglot of all the tongues of the west;" and he was a grandson of Madam Montour, all famous in Indian annals of western New York and Pennsylvania. Bernard Ratzer was the maker of the so-called Ratzer Map of the city of New York and its Environs of 1769.

At the outbreak of the Revolution Banyar retired to Rhinebeck, where he maintained an appearance of hospitality and neutrality, and where he was living in 1790 with seven free white persons and six slaves. His name appeared on a list of suspected persons and is said to have been in the original act of attainder of 1779, but he mustered sufficient influence to have it removed before the final passage of that act of conscription. He is described as a "judicious politician," thoroughly English in person and manner. His history is that of a corrupt, avaricious, astute colonial officeholder. He had two children, one Goldsbrow Banyar, Jr., who married Maria, daughter of John Jay, and died without issue in 1806, and the other, a daughter Martha, who married Jacob LeRoy and had two children, Goldsbrow Banyar LeRoy, and Harriet, wife of Campbell P. White. John Wigram, well known to settlers for many years after 1800, acted as agent for Banyar in leasing for lives the lands claimed by Banyar in Delaware County.

Except for the Bradt Patent at Hobart and South Kortright, granted in 1740, and a small patent called the Mine Patent at Davenport Center, granted in 1743, no part of Delaware County northwest of the West Branch of Delaware River was granted prior to December, 1769. The Harper Patent, dated December 8, 1769, was the first of these later patents made in this area.

Sir William Johnson, Superintendent of the Northern Indians, had an Indian deed made some time prior to 1768 for all the lands one mile in breadth on each side of the Susquehanna and Charlotte rivers, from a point about four miles northeast of the northerly corner

of Delaware County to the Pennsylvania line. The deed began "where two Indian paths meet," the one leading from Schoharie to the house of Schenevus, an Indian, and the other to Oquaga, and ran more than sixty miles along these rivers. It was then computed to cover 100,000 acres of the best land. Johnson transferred part of this land to Hugh Wallace, and Goldsbrow Banyar, and June 3, 1770, Hugh Wallace wrote that Banyar was about to take out a patent. Banyar, after his habit, kept his name out of the patent, which was issued June 22, 1770, to Alexander Wallace and twenty-seven others, and is known as the Wallace Patent. The name of every patentee is that of a "dummy" for Goldsbrow Banyar and Hugh Wallace. The device of inserting names in a patent, on the pretense that they were those of associates or partners, was denounced by Hillsborough in 1771 as "an abuse of so gross and fraudulent a nature as deserves the severest reprehension." In 1775 Banyar and Hugh Wallace were conveying lots in this patent, and in 1779 the rights of Hugh Wallace were confiscated by the State. In claiming compensation from the British for one-half of this patent, Hugh Wallace, to show his loyalty and importance, said that "Gen'l Gates came twice to him from Gen'l Washington and said Gen'l Washington would give him any situation he desired provided he would join him, but he refused." The patent for the Charlotte River tract was issued to Sir William Johnson and twenty-five others May 14, 1770. The twenty-five others were Johnson retainers, and released to him. Johnson conveyed parts of the patent, and dying in 1774, by his will devised the unsold part, 200 acres to Mary McGraw, and the rest to his brothers and sisters in Ireland, and gave his executors a power of sale. Sir John Johnson had no interest in this patent. In 1794, or earlier, the executors conveyed to John Watts and Robert Watts, and in 1794 they conveyed to John Jacob Astor and William Laight, who released a half interest to Peter Smith. Astor and Smith were partners in the Indian Trade, and together toiled on foot with packs up and down the Mohawk River between Schenectady and Utica, together invested in lands, and together became wealthy beyond the dreams of avarice. Deeds to settlers on the Charlotte River tract were made by Astor, Laight and Smith.

At the house of Sir William Johnson on June 14, 1768, John Harper and his brothers, for themselves and a considerable aggregation of colonial magnates and politicians, purchased from five Oquaga Indians on the Susquehanna River near Windsor 250,000 acres of land, extending between the Sir William Johnson purchase and the West Branch of Delaware River from the northeast line of Delaware County to a line drawn from the mouth of the Ouleout to the mouth of the

"Caniuskutty" (*Kaniyoskota*), now the small brook next west of Pines Brook below Walton. The Oquagas were mixed Indians living at Oquaga; they were not a recognized tribe and had no right or title to the lands, all of which belonged to the Oneidas and Delawares, by Indian tenure. However, upon the basis of this champertous Indian purchase, patents were made in 1769 and 1770 of nearly all of the land so purchased.

It is not practicable here to give a history of all of these patents. In addition to the Harper, Kortright and Banyar or Goldsborough Patents, the so-called Franklin Patent for 30,000 acres was made to a group of Philadelphia merchants, friends of Washington and Franklin. This patent was divided in 1771 between Reese Meredith, Thomas, Charles and Isaac Wharton, Abel James, Henry Drinker and William Franklin, the latter Governor of New Jersey and illegitimate son of Benjamin Franklin. Another patent was the Whitesborough Patent for 38,000 acres, upon which the greater part of the village of Delhi is located, granted to a number of New York politicians, and divided among Henry White, member of the Council, William Sherriff, Stephen Kemble, Hugh Wallace, Gabriel Maturin and Thomas Gamble. Kemble was brother-in-law and aide-de-camp to General Thomas Gage, then British Commander in Chief in America. Henry White's title was confiscated by the act of 1779, and White later testified that this land was in "one of those places that he calls the Moon;" that "he patented it from an idea that it might in remote times be beneficial to his children," and that it was not in the power of a Member of the Council "to get grants of what lands he pleased immediately to himself; but to his friends, who immediately afterwards conveyed to him." Kemble's title was involved in an alleged forgery in which Henry Platner, a convicted forger of notoriety, was thought to be implicated. Proceedings upon a satisfied judgment against the convict to sell these and other lands were had in which an early Delhi lawyer engaged to his great profit and great discredit. "Plunder . . . of a helpless and imprisoned convict who had left his family in shame and misery," was the way Chancellor Kent characterized the acts of the lawyer.

The Hardenbergh Patent, construed to grant all of the land in Delaware County southeast of the West Branch of Delaware River, and including, all told, one million five hundred thousand acres, was granted April 20, 1708. It was approved by vote of the Council on March 18, 1708. At the time of the grant no one concerned in it had any knowledge of the country now embraced in Delaware County. Running all along the north line of the Minisink Patent, which goes to "the Fish Kill or main branch of the Delaware River," the Harden-

bergh Patent runs "to the ffish Kill or River" at about Narrowsburgh, and then reads: "and so to the head thereof, Including the same," and thence on a direct line to the head of Cartwright's kill, now Kaaterskill.* Chief Justice Marshall's rule for locating the call of a patent which goes along a stream by name was to continue along that branch which, at the date of the grant, had received and retained the name given to the main river; but if no branch had notoriously acquired the name of the river, the main branch by the largest volume of water test, other things being equal, must be followed. The East Branch of Delaware River is considerably larger by volume than the West Branch.

The Hardenberg Patent was re-surveyed and was divided in 1749 by Ebenezer Wooster, a brother of Henry Wooster. He began his survey April 7, 1749, at the Cartwright kill (Kaater's Kill) and placed 16 monuments along the easterly bounds of the patent, the 16th monument being placed at the Great Yaag House, a corner of the Minisink Patent. His survey then ran N. 78° W. 2330 chains (29 miles, 10 chains) to the Great Fish Kill or Delaware River. He placed 17 monuments along the river, some of which the Indians threw into the East Branch. The 7th was at "an oyld Inden setelment where there is an orchard. The place is cal'd Pawpachton." The 12th was 148 chains beyond "Pawcawtocking, an oyld Inden settelment." The 17th monument is described by Wooster as follows:

"At the end of all these courses wee came to the Head of Pawpachton Branch or River where we placed the 17th monement at the oyld corner Bounds made by Henry Woster, a spruce tree marked which he had marked with 3X and several other spruce trees marked standing by where we made a large monement of stones and marked a flat there on the toop of the heap with N17—and marked the oyld corner spruce tree with N17 and a X and 17 knochcs. The monement stands by a swamp side towards the uper end of the swamp. The swamp is about 4 chains wide and about 2 miles Long and is Between two high mountains against the uper end of the mountains the monement stands."

* A full and exact copy of the text of the description in the Hardenbergh Patent reads as follows:

"A certain Tract of Vacant and unappropriated Land situate in the Countys of Ulster & Albany—Beginning att the Sand Bergh or Hills at ye Northeast Corner of the Lands Granted to Ebenezer Willson Derick Vandenburg &c att Minisink so Running all along their Line Northwesterly as the said Line Runs to the ffish Kill or River and so to the head thereof Including the same thence in a Direct Line to the head of a Certain Small River Commonly known by the Name of Cartwrights Kill and so by the Northerly Side of the said Kill or River to the Northermost Bounds of Kingstown on the said Kill or River thence by the Bounds of Kingstown Hurley Marbletown Rochester and other Patented Lands to the Southward thereof to the said Sand Bergh the place where it first begun." (see 10 Johns. 428; 19 N. Y. 279; 7 Land Patents 310, Secretary of State, Albany).

Having thus erected the 17th monument, Wooster stepped westward, which as Wordsworth suggests may betoken "a wildish destiny." Henry Bush, who was with Wooster, told Petrus Dumond of the trip down the West Branch. He said:

"That they came on another Stream which they pursued down, and either made or found a Canoe in which they embarked with their Instruments for surveying; that in falling down that Stream they over set their Canoe and wetted their Instruments by which the Surveyors Chain became exceedingly rusty; that they never the less pursued down the course of the said River to Cookhurse where they found many Indians who discovering that they had a Surveyor as also Instruments for Surveying Lands were much enraged and talked of killing the whole party as they the said Indians claimed the Lands as their Property,—that Wooster and his Party diverted the Indians from their purpose by assuring them that they had not surveyed any of the Lands on that River, and in proof thereof shewed them the Rust on their Chain, which satisfied the Indians that they had not used it."

Despite the lack of a survey, and without indicating the West Branch of Delaware, Wooster drew lines without terminals west of the East Branch, dividing the area west of the East Branch into eight lots, numbered 35 to 42, inclusive, and these were included in the partition of November 8, 1749. These two colonial surveyors, Henry and Ebenezer Wooster, were living, the one aged 78 and the other 75, at Derby, Connecticut, in 1790.

The colonial governor who granted the Hardenbergh Patent in 1708 was Edward Hyde, Viscount Cornbury, a son of the second Earl of Clarendon, nephew by marriage of James II, and cousin of Queen Anne, — a man of sufficient connection and contact with royalty to reflect its morality, and whose name in New York became a synonym for corruption. Macaulay tells us that Cornbury "had been early taught to consider his relationship to the Princess Anne as the groundwork of his fortune," and in cultivating this connection he became the tool of John Churchill, the "Great Betrayer," whose sister Arabella was a mistress of James II, — a seduction of which the Churchill family learned with "joyful surprise," according to Macaulay. Lewis Morris, a son of one of Cromwell's officers, said that avarice was Cornbury's ruling passion, and to flaunt the Queen Anne connection he dressed "publicly in woman's cloaths every day, putting a stop to all publique business while he was pleaseing himself with that peculiar but detestable maggot."

The named patentees in the Hardenbergh Patent are, Johannes Hardenbergh, Leonard Lewis, Phillip Rokeby, William Nottingham, Benjamin Faneuil, Peter Fauconnier and Robert Lurting. An eighth patentee, not named in the patent, but whom all concerned agreed was to have a one-eighth interest in the lands, was Augustine Graham, the

Surveyor General of New York. The names of Phillip Rokeby and Robert Lurting were used, the first for May Bickley, Attorney General, who prepared the patent, and the second for Thomas Wenham, a member of the Council, who voted for it, and in January, 1709, Rokeby and Lurting conveyed to Bickley and Wenham. Fauconnier's name was said to have been used for that of Cornbury, but no conveyance was ever made to the latter.

Johannes Hardenbergh lived at Kingston, and was a son-in-law of Jacob Rutsen, a wealthy, prominent and extensive land owner of his day. A fabulous history of Hardenbergh was published in the *Journal of American History* (Vol. VII) and a more accurate one in the *New York Genealogical and Biographical Record* (Vol. ~~70~~). Har- (71.) denbergh conveyed his interest in the patent in 1743 to his son, Johannes Hardenbergh (2nd), and his son-in-law, Charles Brodhead. Leonard Lewis and William Nottingham were brothers-in-law of Hardenbergh, the former an early settler in Poughkeepsie and the latter prominent in Marbletown. Rokeby was a son-in-law of Ebenezer Willson, principal patentee in the Minisink Patent, and was a physician, and a confidant of Cornbury. He appears to have been of the family of Rokeby Hall in Yorkshire, much reduced, however, by Cromwell's activities. Lurting was for many years mayor of New York, but before 1700 was concerned with the pirates, who then frequented New York, and, according to Lord Bellomont, "so flushed them with Arabian gold and East India goods that they set the Government at defiance." Benjamin Faneuil was a Huguenot and a brother of Andrew Faneuil, the rich merchant of Boston. One of Benjamin's sons inherited his uncle's fortune and was the donor of Faneuil Hall to the people of Boston. Peter Fauconnier served with Cornbury in the army of James II, and deserted with Cornbury to William of Orange at the behest of Churchill. He was an associate and pupil of Dan Honan, Governor Fletcher's intermediary with the pirates, and served Cornbury in much the same way that Honan served Fletcher. He was Collector and Receiver General of New York, and it was through him that Cornbury was able to pillage the public treasury. He was "a very honest man," according to Cornbury. May Bickley was also a companion and confidant of Cornbury. Smith, the colonial historian, says he was "rather remarkable for a voluble tongue than a penetrating head or much learning." In truth he was a filthy parasite, such as governors of the Cornbury type always have around them to do the dirty work. Thomas Wenham made a great point of his Trinity Church connection, but he also had such relations with the pirates that one of the most notorious of these devised "to my beloved friend, Mr. Thomas Wenham, my

negro woman called Shoutone," and we see him voting one-eighth of a million five hundred thousand acres of land to himself in the name of a dummy. Augustine Graham was a son of James Graham, great friend of Governor Dongan. He also was a boon companion of Dan Honan, and, according to Governor Bellomont, "a most profligate man, often drunk, and then his common exercise is to break glass windows and to disturb all the town in the night." His sister was the wife of Lewis Morris, an outspoken critic of Cornbury, and very likely it was this connection that made it necessary to omit his name from the patent, though thieves' ethics and his official status made his co-operation necessary.

In 1741-42 Robert Livingston of Clermont and Gulian Verplanck together purchased the interests in the patent of William Nottingham, Peter Fauconnier and Augustine Graham, and Robert Livingston alone that of May Bickley, for a total consideration of 1,350 pounds, New York currency.

On the partition of November, 1749, the forty-two great lots into which the patent was then divided were set off in severalty, as follows:

Partition, Hardenbergh Patent, November, 1749

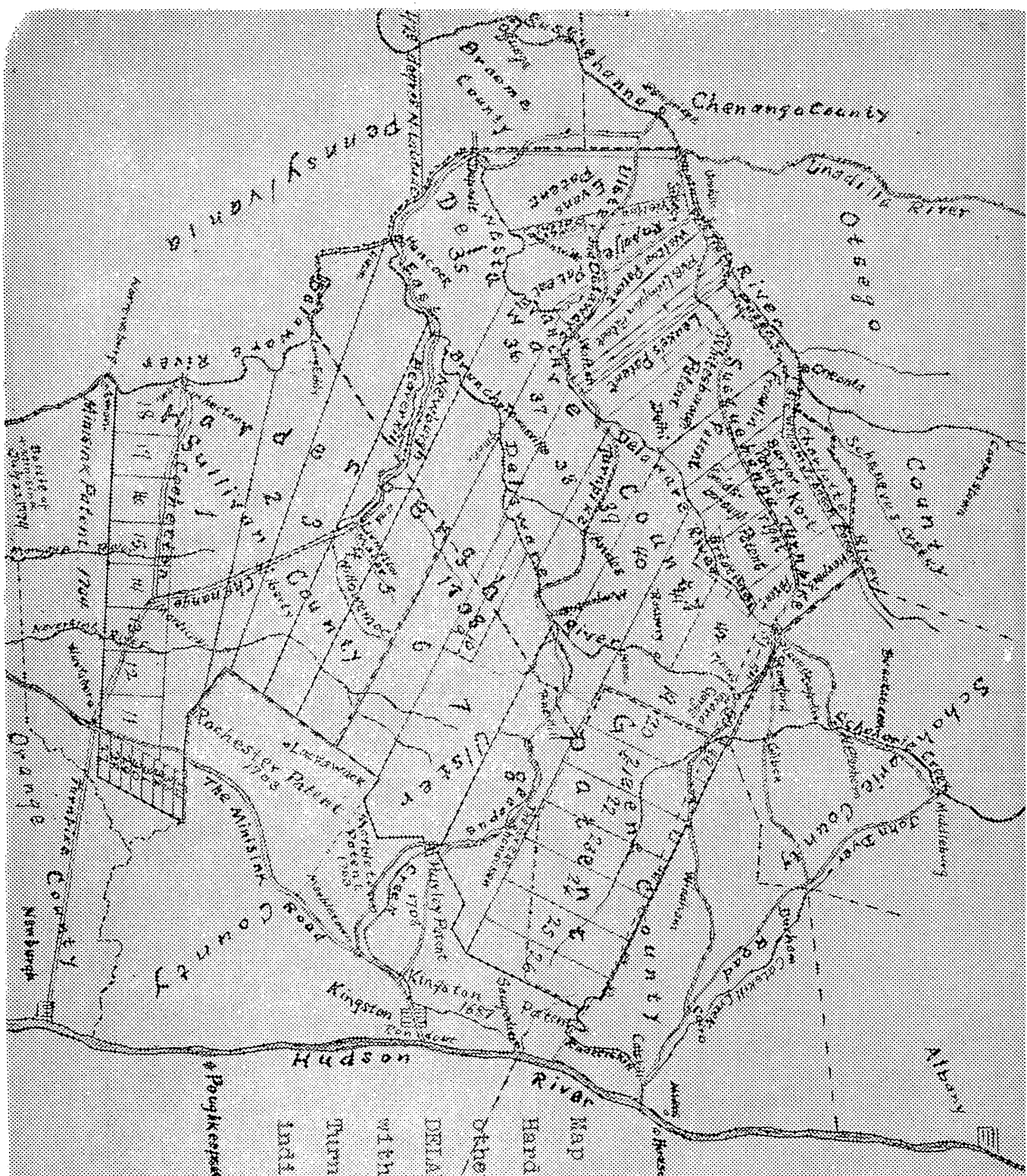
Group	Drawn by	Great Lots
No. 1	John Wenham,	Nos. 1, 18, 26, 34, and 35;
No. 2	Leonard Lewis, devisees,	Nos. 2, 17, 20, 28, and 36;
No. 3	Johannes Hardenbergh, grantees,	Nos. 3, 9, 16, 19, 29, and 37;
No. 4	Robert Livingston and Gulian Verplanck,	Nos. 4, 10, 15, 21, 30, and 40;
No. 5	Benjamin Faneuil, devisees,	Nos. 5, 11, 25, 31, and 41;
No. 6	Robert Livingston and Gulian Verplanck,	Nos. 6, 14, 24, 32, and 38;
No. 7	Robert Livingston and Gulian Verplanck,	Nos. 7, 13, 23, 33, and 39;
No. 8	Robert Livingston,	Nos. 8, 12, 22, 27, and 42.

On December 11-12, 1749, Robert Livingston and Gulian Verplanck exchanged conveyances partitioning the lots set off to them in common. As a result of this deed, and including the lots set off to Livingston in severalty for his one-eighth interest purchased from the widow of May Bickley, Livingston and Verplanck became the owners in severalty of the following Great Lots:

Robert Livingston: Great Lots Nos. 4, 8, 12, 15, 22, 23, 27, 30, 40, 42, N. $\frac{1}{2}$ 7, W. $\frac{1}{2}$ 14, E. $\frac{1}{2}$ 21, N. $\frac{1}{2}$ 33, N. $\frac{1}{2}$ 39, together containing approximately 468,000 acres.

Gulian Verplanck: Great Lots Nos. 6, 10, 13, 24, 32, 38, S. $\frac{1}{2}$ 7, E. $\frac{1}{2}$ 14, W. $\frac{1}{2}$ 21, S. $\frac{1}{2}$ 33, S. $\frac{1}{2}$ 39, comprising about 281,000 acres.

A further deed was procured from the Pepacton Indians June 3, 1751, and the head of the West Branch of the Delaware was located



Map of
 Hardenbergh Patent and
 Other land patents in
 DELAWARE COUNTY,
 with early
 Turnpike Road Routes
 indicated.

Scale = 12 miles

Connecticut

Massachusetts

above Lake Utsayantha, thereby adding about 70,000 acres to the patent, as the patentees construed it. This was divided into twelve lots, Nos. 43 to 54, and these were partitioned by a deed dated June 6, 1751, not of record.

By lease and release dated June 13-14, 1751, John Wenham, son of Thomas Wenham, who had acquired the entire Wenham interest, conveyed the lots set off to John Wenham, to Robert Livingston, one-eighth thereof, and to eight other persons, (two taking a one-eighth interest), including William Alexander, titular Earl of Stirling, married to a Livingston, and David Cox, "barber" of the city of New York. By this deed and his interest in the 70,000 acres addition of 1751, Robert Livingston acquired about 32,000 acres more, so that he ultimately had over 500,000 acres, or approximately one-third of the patent.

Gulian Verplanck was born in New York May 31, 1698, and died there November 11, 1751. He was a descendant of Dutch merchants and ship owners in New York and New Amsterdam from at least 1637. At the time of his death he lived in Wall Street, New York, on the site of the present United States Sub-Treasury building. His children took no part in the Revolution, but came through that period of distress under the protection of the British army in New York. He left five children, but by the terms of his will and the deaths of some of his children the greater part of his interest in the Hardenbergh Patent came into two of his sons, Samuel and Gulian Verplanck. One of his daughters, Anne, who had the east one-half of Great Lot No. 24, married Gabriel G. Ludlow, attainted of treason in 1779, and Dr. Edward H. Ludlow, a grandson of Anne Verplanck and Gabriel G. Ludlow, married Elizabeth Livingston, a granddaughter of Chancellor Livingston, and these two were the great-grandparents of Anna Eleanor Roosevelt, so that the latter is a descendant of both Robert Livingston and Gulian Verplanck, as well as of Gabriel G. Ludlow, the attainted.

Robert Livingston of Clermont was the fourth child and third son of Robert Livingston, first proprietor of the Manor of Livingston. The first Robert Livingston, "a man of unquestionable shrewdness, perseverance and of large acquisitiveness," was born at Ancrum in Scotland in 1654. His father, Rev. John Livingston, was one of the Commissioners of the Kirk of Scotland, who brought the exiled Charles Stuart into Scotland as a Covenanted King, repented thereof and made his peace with Cromwell after the battle of Dunbar, and fled with his son Robert to Rotterdam after the restoration of Charles II. Robert came to New York in 1674, settled in Albany and there, crowding the

lady's first husband, one of the VanRensselaers*, off the stage, married into the Schuyler family. He was the contriver, promoter, and along with William III and several other respectables of England in 1695, a partner of Captain Kidd in a plan to despoil pirates off the Coast of Malabar of their plunder, tranship it to Boston, and there sell it and divide the proceeds. This precious plan failed because Kidd, omitting the pirates as a screen, took his plunder directly from its owners, some of whom happened to be members of the British East India Company. The clamor set up by this Company compelled William III and his associates to disavow the plan, call it something else, and sacrifice Captain Kidd, who, on May 23, 1701, was hanged at Execution Dock in London, and his body, after the grim custom of the admiralty, was left chained to a post on the foreshore until three tides had washed over him. The business from beginning to end was but a characteristic episode in the vice and hypocrisy of that time in government circles, and among those who sought the favor of William III and his English associates.

Robert Livingston of Clermont died June 27, 1775, leaving his son, Judge Robert R. Livingston, as his only heir. Judge Robert R. Livingston died six months later, on December 9, 1775, leaving his widow, Margaret Beekman Livingston, and the following ten children surviving.

(1) Janet Livingston, born August 27, 1743, and died in 1828; married in 1773, General Richard Montgomery, who was killed in the attack on Quebec, December 31, 1775; no children. She owned 19,400 acres in Great Lot 40.

(2) Robert R. Livingston, born November 27, 1746, and died February 26, 1813; first Chancellor of State of New York; Minister to France; while able, he is described as "easy going and difficult to arouse to the importance of an issue;" in other words, he was not quick to see the significance of facts; he left two daughters both of whom married Livingstons.

(3) Margaret Livingston, born January 6, 1749, and died in 1823, married in 1779 Dr. Thomas Tillotson, surgeon in the Revolutionary Army, and Secretary of State of New York; left four children.

(4) Henry Beekman Livingston, born November 9, 1750, and died in 1831 Brigadier General in Revolution; left one daughter.

(5). Catharine Livingston, called "Kitty," born October 14, 1752, and died in 1849; married in 1793 Rev. Freeborn Garretson, an erstwhile Methodist clergyman; left one daughter.

(6). John R. Livingston, born February 13, 1755, and died in 1851; a principal merchant in New York city; left seven children.

(7) Gertrude Livingston, called "Gitty," born April 16, 1757, died in 1833; married Gen. Morgan Lewis,, Governor of New York; left one daughter, Margaret who married Maturin Livingston.

(8)!. Johanna Livingston, born September 14, 1759, and died in 1829, married Peter R. Livingston, sometime State Senator; left no children.

(9). Alida Livingston, born December 24, 1761, and died in 1822; married in 1789 Gen. John Armstrong, United States Senator, Minister to France, Secre-

* Nicolaes van Rensselaer, son of the first patroon, who plumed himself as a prophet, but whose brothers thought he was "cracked."

tary of War; left seven children, one, a daughter, Margaret R., married in 1818 William Backhouse Astor, son of John Jacob Astor.

(10) Edward Livingston, born May 28, 1764, and died in 1836; Mayor of New York city; United States Senator; Secretary of State; author of Louisiana Code of Laws; the ablest of the Livingstons; left two children.

Chancellor Livingston claimed all of the undevised land of which his father died seized, but in September and October, 1779, he made a division of part of these lands among his brothers and sisters. Included in the deeds so given was one to Janet Montgomery for 19,400 acres in Great Lot No. 40, between the East and West Branches of Delaware; one to Gertrude Lewis for 19,400 acres in Great Lot No. 39, between said two rivers, called Margaretville, and leased to settlers by Morgan Lewis; one to Catharine Livingston for 20,000 acres in Great Lot No. 7, east of Margaretville; one to Alida Livingston for 19,000 acres in Great Lot No. 8, about Fleischmanns; one to Edward Livingston for a like part of Great Lot No. 8, south of Alida Livingston's tract; one to Johanna Livingston for 22,000 acres in Great Lot No. 8, at Shandaken and Phoenicia; one to Margaret Tillotson for 19,948 acres in Great Lots Nos. 13, 35 and 51, and one to John R. Livingston for 32,000 acres in Great Lot No. 4, around Livingston Manor in Sullivan County. The Chancellor retained 14,429 acres between the Montgomery and Lewis tracts. While the Chancellor claimed credit for generosity in making these deeds, asserting that the law vested the exclusive title in him, he was wrong in his law so far as his brothers were concerned, as the gavelkind tenure of Kent, under the Hardenbergh Patent, vested an equal title in them. As to his sisters, whatever the law, justice rather than generosity required that they share equally with the Chancellor in their father's estate.

The Chancellor's deeds refer to "5,000 acres, the donation of the grantor to the suffering inhabitants at the burning of Kingston" by the British, October 16, 1777. This 5,000 acres, mostly in Great Lot No. 40, was divided into 100 lots of 50 acres each, and is now New Kingston. The donation deed runs to the Trustees of the Freeholders and Commonalty of the Town of Kingston, is dated October 3, 1779, or nearly two years after Kingston was burned, and describes the donor as a "humane and generous friend to the American cause." Inasmuch as New Kingston was not settled until 1793, or 16 years after the burning of Kingston, and the name of none of the one hundred donation-allottees appears in the 1790 or 1800 Censuses of Middletown, it is hard to see how the "donation" of these wild lands in the wilderness 50 or more miles from Kingston in any way aided the homeless inhabitants of 1777 to find needed shelter. The "donation," however, was characteristic of the charity of the Chancellor. It was of a piece with the patronage of Lord Chesterfield, which, as Doctor Johnson saw

it, "looks with unconcern on a man struggling for life in the water, and, when he reaches ground, encumbers him with help." The Chancellor desired the reputation of being generous and humane; by instinct he was acquisitive and selfish; he wanted settlers to clear and cultivate his idle lands, particularly between the branches of the Delaware, and he stipulated that the lands given must be outside of existing settlements. By "donating" 5,000 acres out of 500,000 acres he hoped to acquire a name for generosity and at the same time get occupants for his wilderness lands. While he would get no rent or purchase money directly from the donated land, its early settlement would benefit him, first as a lure to other settlers, and second, by creating claimants under his title then in dispute. The Chancellor's self-esteem and self-interest so perverted his judgment that he could not see that his belated bid for popular applause was bound to appear more beneficial to himself than of use to his donees. But the Livingston family, from the days of the infamous Livingston-Kidd and Company piratical partnership, were distinguished for self-proclaimed virtue in their methods of capitalizing upon the necessities of others.

The Faneuil interest in the Hardenbergh Patent was conveyed in 1772 to Elias Desbrosses for 3,050 pounds, sterling, and came into James Desbrosses in 1781. The unconveyed part of the latter's lands passed to his daughters, Magdaline Overing and Elizabeth Hunter, on his death in 1807.

It will be seen from the foregoing that at the time of the Revolution the title to something more than one-half of Delaware County was in a few families, only one of whom had ever seen the land, all of whom claimed under a patent made by officials ignorant that any such land existed, and all of whose titles were the product of atrocious frauds. Nothing was paid to the government, colonial or otherwise, for the land, though fees not now ascertainable were paid to the officials. The Livingstons and Verplancks acquired one-half of the patent in 1741-42 for a total consideration of 1,350 pounds, New York currency, an estimated equivalent of about \$20,250 in bread purchasing power of the money of 1936, or at the rate of less than 3 cents an acre. These lands were sold to settlers in and after 1790 as wild lands at the rate of \$3 per acre, either in fee or upon a perpetual rent computed upon the basis that the wild lands were worth \$3 per acre. Nothing of any kind had been done by the grantors to add any value whatever to the lands. They were wild lands in 1790 the same as they were in 1740. The labor of clearing them and turning them into productive farms was immense and was wholly that of the settlers. The Hardenbergh Patent reserved a quit rent of 3 pounds, cur-

rent money of New York, in lieu of all other rents, services, dues, duties and demands whatsoever. The 1769-1770 patents on the west side of the West Branch of Delaware reserved a quit rent of 2 shillings, 6 pence for every 100 acres. No taxes were levied upon any of these lands, except those in the hands of settlers in Tryon County, until after the Revolution. Payment of these quit rents, frequently neglected,* was the only expense the proprietors incurred in retaining the lands unsettled in colonial times. The unearned increment on these lands at the prices paid by settlers may excite wonder and cupidity, but it will hardly justify admiration of governmental practice in granting the lands or of the help given by the landlords in their settlement.

Major General John Bradstreet died in New York September 25, 1774. He was a product of the British military establishment in America. His history touches that of the Colony of New York at many places and in many ways, but never otherwise than to the financial profit of Bradstreet. At the Fort Stanwix Treaty, through John Butler, Bradstreet purchased from four Oquaga Indians lands between the Harper purchase and the Line of Property, and the deeds, dated October 29, 1768, seven days before the treaty was signed, also purport to convey to Bradstreet all the lands between the East and West Branches of Delaware River. State patents were granted to Bradstreet's devisees January 12, 1786, for lands south of the Walton and Rapelje Patents. We speak here of the effort to get a patent for the land between the two rivers.

John Bradstreet was Quarter Master of the British forces in New York from 1755 to the time of his death, and in conjunction with Phillip Schuyler became wealthy out of money he was able to extract from these activities. He applied for a patent for the lands between the East and West Branches of Delaware in 1770, and was opposed by the Livingstons and Verplancks on the claim that the Hardenbergh Patent covered these lands. The Council heard these respective claims, and in April, 1771, resolved to grant to Bradstreet 20,000 acres of the lands applied for, "as compensation for the expense he has been at in endeavoring to prove the facts he alledges." When Governor Dunmore reported this action to the Earl of Hillsborough, he observed that the Hardenbergh Patent purported to grant about 1,500,000 acres, and "there are not ten families settled thereon at this time." The matter was laid before the Privy Council in London, and in December, 1772, the King issued a positive command to Governor Tryon, successor of Dunmore, "that you do not upon any pretence whatever sign any grant

* In 1767 quit rents payable annually in New York were £1806-7-9, sterling; voluntary payments were but slightly more than £460 per year, and collections were £18,888-16-10 in arrears.

or patent for those lands." Bradstreet thereupon petitioned the King for a direct grant of the 300,000 acres, but the grant was not made, and Bradstreet died in 1774.

After the close of the Revolution, General Phillip Schuyler, as executor of Bradstreet's will, renewed the application by petition to the Land Board of the State in 1785 for a grant, both of the lands between the two rivers, and for the area between the Walton Patent and the Line of Property. Agatha Evans, daughter of General Bradstreet, and her husband, Charles John Evans, took over prosecution of the claims. Extensive hearings were had before the Land Board in 1785 and 1786, with the result that the application was denied for the lands between the rivers, but was granted for some 51,000 acres west of the Walton and Rapelje Patents. At these hearings much curious testimony was produced in support of the contentions of the respective parties, largely that of Indian traders and other persons familiar with the Indians of the area before the Revolution, dealing with so-called Indian names of the two branches of Delaware River. The controversy turned, or was supposed to turn, upon whether the Hardenbergh Patent went up the East Branch or the West Branch of the river. If the latter, the lands having been granted were not open to patent. The Land Board avoided determination of this question by holding that Bradstreet had no license to purchase these lands from the Indians. The decision is a piece of pettifoggery, but it ended the Bradstreet scheme of a satrapy between the branches of the Delaware River in what is now Delaware County.

The testimony of the Indian traders is interesting. In support of the Bradstreet contention that the name Delaware or Fishkill, employed in the patent, was never applied to the West Branch, the witnesses were positive that the Indians called the West Branch of the river "*Cookhurse Hacka Sepus*, that *Cookhurse* is in English, owl, *Hacka*, land, and *Sepus*, a river, and is in English, Owl Land River." The Delaware word for owl is *Kokhos*, or *Gokhos*, and *Cookhurse* is but a traders' corruption of that word; *Haki*, is earth or ground. The Livingston-Verplanck witnesses, however, were just as positive that the Indians called the West Branch *Lama Sepus*, that is, Fish River or Fish-kill, up as far as Deposit, and beyond,—that the kill from Cookhurse was "*An Hera Lamas* Sepus*, that is the right Fishkill." All of this, however, was a misapprehension of Indian nomenclature. The Indians never in fact named a river *as* a river, but identified rivers and places by some quality or characteristic. In 1765 Colden said: "These names tho' supposed to be proper names of places are really

* The Delaware word for fish is *Names*; *Lamas* is a misrendering.

common names in the Indian language, signifying a river, or hill or fall of water." So, an educated Western Indian said of a pretended discovery of an Indian name for the Columbia River, "It is not in the book, and they are simply chasing a 'will o' the wisp.'" Sir William Johnson, who knew his Indians, said that it was well known that an Indian "would shew any place by any name you please to give him, for a small blanket or a bottle of rum."

The Delaware Indians, Algonquian in race, whose native name was Leni-lenape, were divided into three principal tribes, each with its totem: the Minsi, or Munsee, whose totem was the wolf; the Unami, whose totem was the turtle or Great Tortoise, and the Unalachtigo, whose totem was the turkey. The Esopus Indians were a branch of the Minsi and were of the wolf totem. Totemism, in Indian cosmography, covered a multitude of subjects and beliefs and governed the Indian in all his relations in life. One of the incidental uses of the totem was as a mark or sign-manual, a pictograph signature, in style not unlike that used by Columbus. A document introduced by the Livingstons in the Bradstreet controversy, signed by two Pepacton Indians, Ben Shanks and Jacobus Haken, shows the use of these totemic signatures, Bradstreet's activity in the search for evidence, and suggests that Sir William Johnson's observation was perhaps as applicable to the last person to see the Indian as to the first. The declaration, dated January 22, 1771, reads:

"Wee Benjamin son of Shank and Jacobus Haken doe declaar that sometime ago wee where invited by Coll. Broadstreet to come to him at Albany where wee went together with Philip Houghtaling. When wee came to Coll. Broadstreet he asked us weather the River at Paghketaghken was not the fish Kill, to which wee answered No, but that the other River which runeth to Koakhouse hacke we had always known by the name of lama Sepoes or fishkill; and that the said Coll. Broadstreet continued for two days successively to perswade us to say that the Paghketaghken River was the fishkill, but we could not say so; and the said Coll. Broadstreet further asked us weather wee had received the full payment for the lands between the two rivers from Coll. Hardenbergh, to which Philip answered he did not know, but he was present when the same was sold, but being so young at that time that he doe not remember weather the purchase money was paid in money or goods."

"The above declaration was Red	Benjamin	his	Shank
and explained to the above named In-		mark	
dians and they in my presence sub-	Jacobus	his	Haken
scribed their names the 22nd of Jan-		mark	
uary, 1771. John Nicoll."			

The mark of Ben Shanks is the paw of the wolf and that of his companion the figure of the turtle, indicating that these two Indians were of these different clans or totems. It should not be assumed that when General Bradstreet and Ben Shanks and his companion talked together in Albany, that Bradstreet tried to persuade

them to lie, or that the names employed were in fact Indian names for the streams in the sense of the context. The elementary difference between English and Indian nomenclature above pointed out was not understood by Bradstreet or the Indians, and so they argued for two days over Indian names of the East and West Branches of the Delaware and parted as much in the dark as when they began.

The Indian word *Shehawken*, applied to Hancock in early records, is said to be the Delaware word *Sakung*, meaning the mouth of a stream, and would help in determining which of the branches the Indians regarded as the main stream, if we knew to which branch the word was applied.* The Livingston trait of shrewdness, perseverance and acquisitiveness was here amply exercised in applying the names Fishkill and Delaware to the West Branch. It proceeded even to the extent of attaching the phrase "Head of Delaware," as a name, to what is now the village of Stamford, by which appellation it was known in the Revolution and for fifty years thereafter,—a fraudulent device to create history and geography in aid of the pretension that the Hardenbergh Patent granted the lands between the two rivers. That such a land fraud should be the basis of title to some 300,000 acres of land in Delaware County may add interest to our history, but the fact that the Chancellor and his father and grandfather were the perpetrators suggests that colonial Governor George Clinton's observation in 1745, "It is a vile family," was the remark of insight and not of mere defamation.

One of several settlements in Delaware County prior to the Revolution was at Sidney, begun by Rev. William Johnston in 1772 on land deeded to him June 3, 1775, by Goldsbrow Banyar and Hugh Wallace in the Wallace Patent of 1770. The deed conveyed lots 70, 71, 72 and 73, comprising 572 acres. Johnston was from Corrysbush, Schenectady County, and is doubtless the same person mentioned in the will of General Bradstreet, where he says: "The money due me from Parson Johnson of Corrysbush by bond I give to . . . Margaret Schuyler," daughter of Phillip Schuyler. The connection may imply that Johnston's settlement was fostered by Bradstreet. The settlement was abandoned in 1777, and was not renewed until June, 1784. Two sons of this settler, Col. Witter Johnston and Capt. Hugh Johnston, were officers in the American forces in the Revolution.

* Bradstreet's Oquaga Indian deed of October 29, 1768, prepared by John Butler, refers to the West Branch of Delaware as the Mohawk Branch and runs down along the same "to the mouth of Popaghtung branch of Delaware." This does not aid in determining which branch the Indians regarded as the main stream, as the words are those of John Butler; not of the Delaware Indians.

Another settlement, made in 1764, was called New Stamford, and was located on Town Brook near Hobart. Its settlers were largely from Stamford, Connecticut. The settlement was based on two deeds made by Robert Livingston of Clermont, one dated November 5, 1763, and the other dated January 4, 1764, together conveying 16,110 acres in Great Lot No. 42, Hardenbergh Patent, to which the grantor gave the name, "The Lothians." The tract was surveyed and mapped by Henry Wooster in 1764. The grantees in the deed of November 5, 1763, all but four from Stamford, with the acreage conveyed to each, were as follows:

Grantee	Acres	Grantee	Acres
Daniel Bennett,	358.	Abner Osburne,	358.
Joseph Bostwick,	358.	Ephraim Peet,	358.
Jonathan Brown, Jr.,	358.	Ezra Smith, Jr.,	358.
David Brown,	358.	William Sutton,	358.
Samuel Ferris,	358.	Samuel Ufford,	358.
Dr. Perez Fitch,	358.	Justus Weed,	358.
Richard Hall,	358.	Jonathan Brown,	537.
Andrew Hurd,	358.	Ebenezer Hurd,	716.
Joseph Lamson,	358.	Elisha Budd,	895.
Cary Leeds,	358.	Ebenezer Wooster,	1432.

The grantees in the deed of January 4, 1764, with the acreage conveyed to each, were —

Grantee	Acres	Grantee	Acres
John Camp,	358.	Samuel Fulsom,	716.
Francis Hawley,	358.	Peter Kettletas,	716.
Jabez Hubbel,	358.	William McIntosh,	716.
Thomas Ivens,	358.	Isaac Sears,	1074.
William Lupton,	358.	James Jauncey,	1790.

In the first deed, Jonathan Brown, senior and junior, Elisha Budd and William Sutton were from New York; the others were from Connecticut. In the second deed, Isaac Sears and James Jauncey, both of New York, were men of quite opposite persuasions. Isaac Sears, a descendant of the Pilgrims, is said to have been "for ten years the recognized head of the citizens of New York." He was prominent in all activities in opposition to government at the commencement of the Revolution, and was commonly known as "King Sears." He went to Connecticut, where he organized a troop of horsemen with which he came into Westchester County and took a number of loyalists prisoners, apparently including James Jauncey and Hugh Wallace, who were prisoners in Connecticut until they gave their paroles in December, 1776. Sears died in Batavia, East Indies, or as some say in Canton, China, in 1786. James Jauncey died in New York in August, 1777, but his name, or that of his son, was in the act of conscription of 1779. Of those mentioned in the first deed, it is quite certain that the four from New York were not settlers; it is also quite certain that Joseph

Bostwick, Ebenezer Wooster, Abner Osburne, Dr. Perez Fitch and Justu Weed were not settlers. Connecticut records show that these five were in that state continuously from 1764 to 1777. Joseph Bostwick was probably the father of David Bostwick, who came into Franklin in 1793. The latter's father was Joseph and his mother was Betty Hurd, and it is probable that Andrew and Ebenezer Hurd were brothers-in-law of Joseph Bostwick. The people of Connecticut were very prosperous in 1763 and 1764, and very likely the New Stamford purchase was more for speculation than for settlement by the grantees. David Brown, however, was a settler, and he and three of his sons were captured by Brant in April, 1780. Four of his sons, born in Connecticut between 1758 and 1763, were Francis, Nathan, John and Solomon. Daniel Bennett was a tailor, but helped to survey the lots conveyed to the Connecticut grantees, and settled in New Stamford with his son Abijah, prior to the Revolution. Both were taken by the Indians in the spring of 1780, sometime after the capture of Harper. They were taken to Canada and held until the end of the war. While a prisoner Daniel was employed in making clothing for the British troops. His descendants say he was taken by Brant, but Gould, who had the story from Isaac, Daniel's son, does not mention Brant as the captor. Another grantee of 1763, known to have been a settler, was Samuel Ferris, but whether before or after the Revolution is not known.

The lines of the survey of 1764 were lost during the war, and by an act of April 12, 1787, William Cockburn was directed to re-survey the tract then called "the Township of New Stamford," following Wooster's survey so far as possible, one copy of his map to be filed in Ulster County Clerk's office and one copy in the office of the Secretary of State.

The settlements of Harpersfield and Kortright were begun in 1771, that of Harpersfield principally from New England, and that of Kortright largely from Scotland. Early in September, 1773, three brothers, Allan McDonell of Cullochy, John McDonell of Leek, and Alexander McDonell of Aberchalder, a brother-in-law, Ranald McDonell of Ardnabie, and their cousin, Captain John McDonell of Scotus, chartered the ship *Pearl*, and with some 260 McDonells and about 20 other persons emigrated from Glengarry in the Great Glen of Scotland to America. The *New York Gazetteer* for Thursday, October 21, 1773, says:

"On Monday last [October 18th] arrived the ship *Pearl*, Capt. [Richard] Tucker, in six weeks from Fort William, in the highlands of Scotland, with a great number of very respectable passengers full of health and ready money to purchase each man his freehold. They are justly esteemed a great acquisition to this province, in some part of which they propose to settle. There are in the whole number above 280 souls,

all of them, about a single score excepted, of the clan of M'Donald,* coming chiefly from fam'd Lochaber and Glenmuir."

On November 4, 1773, the *Gazetteer* notes that the gentlemen and other passengers from Glengarry have embarked on a sloop for Albany. From Albany on November 14th Allan McDonell wrote to Sir William Johnson, asking, as to several tracts of land, "at what it's set in fee simple, or if any advantages of saw or grist mills, fish or fowl, attend it." He said that Hugh Fraser, John Cameron and Alexander McDonell were recommended in New York to some proprietors of land in the neighborhood of the Susquehanna, in consequence of which they had gone there, returned and reported "to the people the most flattering encouragement." The proprietors recommended were doubtless Lawrence Kortright and Goldsbrow Banyar.

Among the Highlanders who came over on the ship *Pearl* and who settled in Kortright were William Calder, John Cameron, Hugh Fraser, John McKay, Neil McKay and William Rose. Coming also in 1773, but by a different ship, were Alexander Leal, Daniel McGillivrae, and perhaps James and Thomas Cumming. Leal, born in Scotland in 1735, saw the battle of Culloden in 1746, married Ann Cumming in 1762, and with McGillivrae and others came to America in 1773. Leal settled on lot No. 53, Kortright Patent, near Kortright, and McGillivrae settled an adjacent lot. Donald McGillivrae, a settler in Stamford before the Revolution, came in perhaps at the same time as Leal. On April 23, 1779, Chancellor Livingston for \$400 conveyed to Alexander Leal, tailor, 200 acres of land at the mouth of the Little Delaware, and Leal is said to have settled there in 1785. Coming later and settling in Kortright before the Revolution were Thomas McMeekin, Hugh Clarke, John McKenzie, John Livingston and Thomas Shearer. In 1771 came Terence McAlister and Hugh McKay, who also settled in Kortright. Among those of the emigration of 1773 who settled in Stamford were James Rose, and possibly Donald McGillivrae. Dr. James Stewart came to Stamford in 1774, and James and John Dingwall in 1775. The settlers of 1773 on the Charlotte River were Captain John McDonell, Alexander McDonell and Roderick McDonell.

Between 1763 and 1778 at least forty families from Shandaken, Marbletown and the vicinity of Kingston had settled on the East Branch of Delaware River in what is now Delaware County. These families came over Pine Hill by the route subsequently adopted for the old 'Sopus Turnpike. Their houses were scattered along the river southerly down as far as Downsville. The names of the heads of these first families in the vicinity of Margaretville were Harmanus Dumond,

* The Glengarry McDonells spelled the name MacDonell or McDonell, after 1660, when the 9th chief was created Lord MacDonell.

Petrus Dumond, Johannes VanWaggenen, Peter Hendricks, Peter Burger, John Burrows, Johannes Deyo, Peter Hynpagh, Frederick Kittle, James Markle, Albertus Sluyter, Simeon VanWaggenen and William Yaple. The first four came in 1763 and were the first white settlers on the soil of Delaware County. The name applied to the settlement made by them was "Pakataghkan," as it was written on Sauthier's map of 1779, or "Paghatakan," as it was written on subsequent maps. The name of the Indian Village one-half mile below the mouth of the Bushkill, was written by Ebenezer Wooster in 1749 as "Pawcawtocking." Cockburn's map of 1765, which shows a road from Marbletown up Esopus Creek, over Pine Hill and down "The Tweed," gives the name of the settlement as "Paughquataughcan," and on the map of the Public Road of 1791 it is written "Poughquataughkan." The Indian village was an Esopus village, and various spellings and meanings have been suggested by the Bureau of Ethnology, the latest being "Paqkandikan," meaning beetle or maul, apparently from "Pachgandikan," a Lenape or Delaware word now said to be confined to "the flat piece of wood used in beating wash clothes." Another possible and perhaps preferable derivation is "*Pawinquehikan*," to shell corn. The name is now written Pakatakan.

The name Shandaken comes from *Schindikeu*, the Lenape or Delaware word for hemlock woods, or, in the form of *Schindiking*, the place of the hemlocks. On his map of 1765 Cockburn wrote "Great Johne Decon," and in deeds of 1779 and 1780 it was written "Big Jan Deacon," indicating that it was then thought that the name was that of an individual. Later Cockburn was more careful in recording so-called Indian names, and on his map of 1771 of the Hardenbergh Patent, which contains many Indian names, including "*Kawiensinck*," (*Kuwesing*, place of pine trees) at Pine Hill, he says: "The Indian names I have put down from the information of John Cantin and Sapon, two Esopus Indians, to Thomas Nottingham* their interpreter to me."

Further down on the East Branch of the Delaware from Shavertown to near Downsville other families had settled prior to 1778. These also came largely from the neighborhood of Kingston, though there were some from Great Shandaken. Their settlement was designated "Papacunck," on Sauthier's map, and on subsequent maps was written "Papakunk." Here in 1749 Ebenezer Wooster found "an oyld Inden setelment in a cleared field where there is an orchard," and said "the

* A son of William Nottingham the patentee; he traded with the Indians at Shehawken as early as 1755, and in 1770 walked the two branches of the Delaware from end to end with William Cockburn.

place is cal'd 'Pawpachton.' ” On his map of 1765 Will Cockburn calls it “Pepekam,” and in 1786 William Cockburn called the place “the Big Orchard.” The name is derived from the Delaware word *Pepaqkank*, meaning calamus or sweetflag place. It is now called Pepacton. In this vicinity there were at least twenty-seven settlers before 1778. Their names were Jacob Austin, Joel Austin, Peter Avery, George Barnhart, Jacob Barnhart, John Barnhart, Daniel Bowker, Silas Bowker, John Burch, Henry Bush, Thomas Cumming, Garton DeWitt, Russell Gregory, Timothy Gregory, John Hicks, Jacob Kairn or Cairnes, John Middagh, Stephen Middagh, Frederick Miller, Silas Parrish, Nathaniel Park, Reuben Peters, William Rose, (possibly Jacobus Rose)¹, Adam Smith, Abel Sprague, Daniel Wilson and Jonas Wood². Frederick Miller was still living here in 1859, at the age of one hundred years. In September, 1776, there were said to be between sixty and seventy children in the families living at Pepacton.

The Indians were still about Pepacton in 1776. In 1771 William Cuddeback of Peenpack made an affidavit that he was well acquainted with Hendrick Hekan³, chief sachem of the Delaware or Esopus Indians “who lived at Papakonk,” that the sachem often told deponent that he lived on the west side of the river, “and that he had a large orchard where he lived and invited this deponent to come and drink sider with him at his house.”

(1) These Roses on the East Branch were of Dutch extraction, the name being originally Roosa; they were not related to the Roses of Roses Brook, who were Scottish.

(2) Jonas Wood, see Appendix, East Branch No. 10, was convicted and sentenced to be hanged by a State Court in Ulster County in July, 1779; he was originally from Warwick, Orange County, where his father and brother were reputed friends of the Revolution.

(3) Hendrick Hekan's Indian name was *Cacawalimin*; in 1774 he was 85 years old.

DELAWARE COUNTY

Chapter

II

Political Divisions

Prior to 1768 the area that is now Delaware County was in no county, and properly speaking, was not within the Colony or Province of New York. The area got its status in organized government as a result of the Fort Stanwix Indian Treaty of 1768. That treaty fixed the easterly boundary of the country of the Six Nations along the westerly line of Delaware County, long afterwards called The Line of Property, and definitely brought the country east of that line into the Province of New York. It is true that in 1708, 1740 and 1743 land patents were made by colonial governors of New York of considerable areas in what is now Delaware County, which assume that the lands granted were then within the Province of New York; but these governors had no power to enlarge or extend provincial boundaries, and at most these land patents represent only the claim in that respect of those concerned therein. They are evidence that colonial authorities then claimed that the area was within the Province, but they do not establish the claim. That must be shown, if it can be shown, by competent original evidence of the colonial boundary. It is so notorious that the early colonies made such extravagant claims as to their boundaries, that little weight can be given to such claims.

Commonly the boundaries of the Thirteen Colonies were shown by charters or grants emanating from the British Crown. Thus, that of Pennsylvania is to be found in the grant by Charles II to William Penn of February 28, 1681, which bounds the lands affected much as a present day deed bounds the lands conveyed, or, more literally, as Randolph said of the Yazoo lands, by circles of latitude and longitude. By resort to these crown grants each knew the area and extent of its territory, though many were so vaguely worded as to create doubt rather than resolve it, and there were many controversies as to boundaries among the colonies.

New York was in a particularly unfortunate position as respects her boundaries. Manhattan Island, parts of Long Island and New Jersey, and an area along the Hudson and Mohawk rivers as far as

Schenectady were settled by the Dutch, under no grant with any general boundaries from Holland or elsewhere. They simply came in and occupied, making purchases from the Indians in individual cases and as occasion required. The period of Dutch possession was from 1623 to 1664, and at the latter date the Dutch claimed forty and in some cases, as at Esopus, fifty years possession of their lands in New Netherland; but New Netherland itself had no boundaries enabling anyone to say of what it consisted.

In the situation outlined, Charles II, "by the Grace of God, King of England," etc., but prior to 1660, by grace of Cromwell and his Ironsides, a refugee harbored by the Dutch of the Netherlands, made a so-called grant, dated March 12, 1664, (repeated in the same words June 29, 1674), to his "dearest Brother James Duke of Yorke," as he says, out of his "especial grace certaine knowledge and meere mocon," of part of the main land of New England, now known as Maine, which is particularly described, Long Island, "abutting upon the Mayne land betweene the twoe Rivers . . . Conectecutte and Hudsons River," —

"Together alsoe with the said River called Hudsons River and all the land from the west side of Conectecutte River to the East Side of Delaware Bay."

With full and absolute power and authority to govern and rule all "our subjects" inhabiting the same. The grant provides that it —

"shall bee good and effectuall in the Law to all intents and purposes whatsoever, *Notwithstanding* the not reciting or menconing of the premisses or any part thereof or the Meets or Bounds thereof or of any former or other Letters Patents or Graunts heretofore made or Graunted of the premisses or any part thereof by us or of any of our Progenitors unto any other Person or Persons whatsoever."

That is to say, "our dearest Brother James" was to get title to any land he wanted and absolute power to govern its occupants, whether the land was described in the grant or not and despite previous grants of the land to others by Charles II himself or by his progenitors. There is a grant that reverses time and history, sets aside all previous events, and substitutes the present will of a King by "meere mocon" of the kingly sceptre,—certainly an imperial act. But fortunately such power does not exist among men, whatever divine right is claimed. What made this grant "effectuall" was four warships entrusted to James as Lord High Admiral of England, which appeared before New Amsterdam in August, 1664, and forced its surrender on September 6, 1664.

We are not compelled to construe this grant with a gun at our heads, and deprived of this force the grant seems a poor and presumptuous substitute for a description of the territory to be occupied and governed. Aside from Long Island, so far as New York is concerned, the grant is of Hudsons River, *eo nomine*, and "all the land from the west side of Connecticut River to the East side of Delaware Bay." More than one hundred years ago the Supreme Court of New York in a Delaware County case, (*Jackson ex dem. Teed, et al., v. Halstead*, 5 Cow. 216) (1825), held that "a grant of a river, *eo nomine*, will not pass the soil of the river, or an island within it," but the piscary within the water only. The court said:

"It is laid down in Co.Litt., 4.b. that 'if a man grant aquam suam, the soil will not pass, but only the piscary within the water passeth therewith.'"

By "Hudsons River" James got the fish in the river, with power, if not ability, to govern the same. As to "all the land" between the river and bay named: does this mean more than the sea coast? If it runs inland, how far does it go? It seems manifest that this is no description of any ascertainable land, and that this part of the grant is void for uncertainty. In any event and by any construction, the grant includes no more than the land within a line connecting the head of Connecticut River and the head of Delaware Bay.

One hundred years after these warship aided grants, Colonial Governor William Tryon, on June 11, 1774, said that the Province of New York was bounded on the east by the Colonies of Connecticut, Massachusetts Bay and New Hampshire; on the north by Quebec, and on the west by New Jersey, Pennsylvania, "and the Indian Country." He said that the boundaries are derived from two sources: (1) the grants of March 12, 1664, and June 29, 1674, by Charles II to James, Duke of York, which were intended to convey to the Duke all the lands claimed by the Dutch, the first occupants of the Colony, and (2) submissions and subjections of the Five Nations of Indians to the Crown of England. He then said that the boundary is a line from the head of Connecticut River to the source of Hudson's River, thence to the head of the Mohawk Branch of Hudson's River, and thence to the east side of Delaware Bay; that this has been the reputed boundary under the Duke's title, and "no other construction will include the lands patented by the Province." By embracing Indian country, Tryon goes on to assert that New York's boundaries extend to Detroit, Lake Huron and the 45th degree of North Latitude. It is notorious that the Six Nations, or Five Nations as Tryon calls them, were never subject to the Colony of New York, and that the Governor, Council and Assembly had no authority over them. When they were dealt with it was by

treaty, as with an independent nation. Sir William Johnson said that the Indians regarded themselves as "a free people," and had no word to express "the most distant idea of subjection." As to "pretended submissions," he said, these were matters of form only, and "whoever should undertake to go further on the subject with them must have a good army at his back."

It will be seen then that the Province of New York had no fixed boundaries; that what was or was not a part of the Province depended upon a variety of circumstances of the time and place. These were principally exclusion of the Indians, occupation by subjects of the Province, and exercise by the Provincial authorities of governmental powers and processes over the area for such a length of time as to give notoriety and stability thereto. The process was one of accretion; this and that area became a part of the Province by attachment and acquiescence, much as an individual gets title by prescription. How was this, then, with what is now Delaware County prior to 1763? The Indians were in possession of part of the area, and by far the greater part, down to about the time of the Revolution. There were settlers on small parts in and after 1763; none prior to that date. No governmental acts of any description, other than the aforesaid three letters patent, are to be found affecting the area prior to 1768.

In 1683, repeated in 1691, acts were passed by the Assembly dividing the Province into counties. Ulster County was to contain certain towns, none of which are within forty miles of Delaware County, and "all villages, neighbourhoods and christian habitcons on the west side of Hudsons River from the Murderers Creek (New Windsor) neare the highlands to the Sawyers Creek" (Saugerties). Albany County was to contain certain towns, none near Delaware County, "and all the villages, neighbourhoods and christians plantacons . . . on the west side of (Hudsons River) from Sawers Creeke to the Sarraghtoga." As there were no villages, neighborhoods, or christian habitations or plantations in what is now Delaware County prior to 1763, manifestly the area was not in either of these counties prior to that date. A line drawn due west from the mouth of Sawyer's Creek (Saugerties) would strike the West Branch of Delaware River about a mile north of Deposit, and all known settlements, east of the West Branch of Delaware, prior to 1774 were north of this line and in Albany County, if settlement alone irrespective of its detachment from other settlements brought the plantation settled into the county.

Whatever may be said of the settlements of 1763, the Fort Stanwix Treaty of 1768 brought the area definitely out of the Indian country and into the Province of New York. The great object of that treaty

was to fix a line between the Indian country, wherein no grant should be made and no settlement allowed, and the land open to grant and settlement. The line fixed was appropriately called "The Line of Property." It was a line beyond which the white man's law of property did not run; beyond which the Institutes of Coke and Littleton had no significance. Since the creation, maintenance and protection of property rights was one of the chief functions of government, plainly government in the white man's sense did not extend beyond the line fixed by the treaty, but did extend to it,—and this government was that of the Province of New York. The boundary was to be a lasting one, "between the settlements of his Majesty's subjects and the Indian Country," said Hillsborough in April, 1768. In July, 1768, Governor Moore of New York spoke of it as "the boundary line to be run between this Province and the Indians."

The treaty, negotiated by Sir William Johnson with the Six Nations and other Indians, was signed at Fort Stanwix, now Rome, N. Y., on November 5, 1768. The British Government paid the Indians in cash and presents 13,564 pounds, sterling, and the Indians granted to George III all the land east of the boundary, defined as "the Boundary between us (the Indians) and the British Colonies in America." The line agreed upon began far down the Ohio River and came to near Owego, and "from thence East to Delaware River and up that River to opposite where Tianaderha (Unadilla River) falls into Susquehanna, thence to Tianaderha and up the west side of its west branch to the head thereof and then by a direct line to Canada Creek," west of Rome. The line between Delaware, Broome and Chenango counties is the line from the Delaware River to "Tianaderha." The line from near Owego to the Delaware was said by Governor Moore to be along the north line of Pennsylvania. This treaty was approved by the king and was ratified at a conference with the Indians July 21, 1770.

It was at or in anticipation of this treaty that the Indian purchases were made by Sir William Johnson along the Susquehanna and Charlotte rivers, and by John Harper and General Bradstreet of the lands west of the West Branch of Delaware. Of course, all of these purchases were in fraud of the rights acquired by the Crown by the treaty, as they were also in fraud of the rights of settlers to acquire these lands by patent after the treaty free of surreptitious preemptions. In May, 1769, the Earl of Hillsborough wrote that no countenance should be given to applications for these lands based on private agreements with the Indians before the cession. However, the forestallers in virtue of their earlier Indian deeds were accorded a preemptive right to a patent, and all of the patents along the west side of the West Branch of Delaware of 1769-70 were in this category.

Aside from the patents of 1769-70, the first governmental action of the Colony of New York, predicated upon the treaty, was the creation of a new county in 1772. On March 12, 1772, an act was passed by the Governor, Council and General Assembly restricting the boundaries of Albany County on the west to "Delaware River and the West Branch thereof as far up as a certain small lake called Utsayntho," and thence by a line N. 25° E. to a west line from the northwest corner of the old Schoharie Patent, then to the northeast corner thereof, and thence to Lake George. The act then provides that "all the lands lying within this Colony to the westward of the County of Albany, as by this act restricted, . . . shall be one separate and distinct County to be called and known by the name of Tryon."

On March 24, 1772, Tryon County was divided into districts, so that the area in Delaware County west of the West Branch of Delaware fell within the Canajoharie and the German Flatts Districts; the line between these districts being a due south line from Little Falls, striking the West Branch about two miles north of Delhi. By the same act of March 24, 1772, Albany County was divided into districts, and what is now Delaware County north of the south line of Albany County became part of the Great Imbocht District. The Great Imbocht or Imbocht was a broad and shallow bay opening out of the Hudson about four miles south of Catskill, where the British warships turned back on their way up the Hudson after the burning of Kingston. John Wigram, a surveyor well known in Delaware County at an early day, watching with anxiety from the shore, saw the British ships turn back.

Albany County, and its Great Imbocht District, ceased to exist as a part of Delaware County on March 9, 1774, when by an act then passed "a direct line running from the most northerly end or part of Wanton Island in Hudson's River to the head of Kaater's Creek or Kill, where the same issues out of the southerly side or end of a certain Lake or Pond lying in the Blue Mountains, from thence a direct line to the Lake Utsayantho, being the southeastermost bounds of the County of Tryon, from thence along the easterly bounds of the said County of Tryon to the western limits of this Colony," were declared from henceforth to be the line of jurisdiction between the counties of Albany, Ulster and Tryon. By this act all of Delaware County east of the West Branch of Delaware definitely came into Ulster County, and all that is west of said river into Tryon County. The last published act of the colonial legislature was an act passed April 3, 1775, erecting the Old England District in Tryon County. This district ran to and along the west, south and east lines of the Wallace Patent, and included so much of what is now Delaware County in that district.

The State of New York was organized by the adoption of its first constitution at Kingston on Sunday, April 20, 1777, and this is commonly called the birthday of the State of New York.

By an act passed April 2, 1784, the name of Tryon County was changed to Montgomery County. The new name was in honor of General Richard Montgomery who fell in the attack on Quebec.

The next act of significance, though it does not immediately affect Delaware County, was an act passed April 11, 1787, erecting the settlements of Woodstock and Great and Little Shandaken into the township of Woodstock. As so created Woodstock lay easterly of the east line of lot 20 and that line continued southerly to the center line of lot 7, Hardenbergh Patent, all easterly of Delaware County.

By act passed April 21, 1787, all of the County of Montgomery between the West Branch of Delaware River and the Charlotte and Susquehanna rivers southwest of the northeasterly line of Harpersfield to a line from the mouth of the "Ouel el Ouit" to the "brook called Canauscutje"* (near Pines Brook), was erected into the township of Harpersfield. A year later, by an act of March 7, 1788, Harpersfield was made to run down the Susquehanna to the Pennsylvania line, east to the Delaware River and up the same to Lake Utsayantho, and these were the boundaries of the town when the Census of 1790 was taken.

By the same act of March 7, 1788, the town of Rochester in Ulster County (formed by letters patent June 25, 1703) was extended west to Delaware River, and Woodstock, bounded north by Albany County, east by Kingston, Hurley and Marbletown, and south by Rochester, was extended west to Delaware River and the County of Montgomery. The boundary between Rochester and Woodstock was the center line of Great Lot No. 7, and the line between Great Lots Nos. 38 and 39, Hardenbergh Patent. While definitely in Ulster County after March 9, 1774, the part of Delaware County east of the West Branch of Delaware was in no town until March 7, 1788, when it was brought into the towns of Rochester and Woodstock. With no town government before 1788, the settlers on the East Branch of Delaware were in the anomalous position of a true frontier; for the most part they shared neither the benefits nor burdens of government. However, after March 7, 1788, the whole of Delaware County was in the town of Harpersfield, Montgomery County, and the towns of Rochester and Woodstock, Ulster County.

But the situation soon changed and on March 3, 1789, the town of Middletown was created from Rochester and Woodstock, to embrace

* Properly, *Kaniyoskota*, an Iroquoian word meaning lodge, hut or lean-to.

all of the land south of the line between Great Lots Nos. 40 and 41, and the north line of Great Lot No. 8, Hardenbergh Patent, west of the west line of lands of Johanna Livingston in said Lot No. 8, at about Bushnellsville, and of said west line continued south to the north line of Mamakating, thence to the middle of Delaware River and up the same to said Lot No. 41. The first town meeting of Middletown was directed to be held at the house of Benjamin Ackerly, at what is now Arena. The north line of Middletown so created was the present southerly line of Stamford and Roxbury, except where the town of Bovina was carved out of Stamford.

When the 1790 Census was taken the part of Delaware County east of the West Branch of Delaware was in the towns of Middletown and Woodstock, as thus constituted, in Ulster County.

The next change affecting Delaware County was the act of February 16, 1791, by which the counties of Otsego and Tioga were erected from Montgomery, embracing all of Montgomery County south of a line far to the north of Delaware County. After this act Harpersfield remained a town of Otsego County, but that portion west of the Line of Property in Tioga County was cut off. This situation continued for a year, when, on April 10, 1792, all that part of Harpersfield south of the northeasterly line of Whitesborough Patent, and that line extended to Susquehanna River, and down the same to the Line of Property, and so to and up the Delaware River, was erected into the town of Franklin,—the first meeting to be held at the house of Sluman Wattles.

By the same act of April 10, 1792, Colchester was erected into a separate town from Middletown, south of the line between Great Lots Nos. 37 and 38, to and along the Tremper Tract at Shavertown, and then along the line between Great Lots Nos. 5 and 6, Hardenbergh Patent,—the first meeting to be held at the house of Lazarus Sprague, and the first meeting of what remained as Middletown at the house of Simeon VanWaggenen at Arkville.

Also, by the act of April 10, 1792, Stamford was erected as a separate town from Woodstock, west of a line beginning two miles east of "Papachton River," and thence northerly to monument No. 17 at the head of said river, and continuing northerly to the Albany County line,—the first meeting to be held at the house of Peter Knapp. We thus have four towns embracing parts of what is now Delaware County on the east side of the West Branch of Delaware River, *i. e.*, Colchester, Middletown, Stamford and Woodstock.

By an act passed March 12, 1793, all that part of Harpersfield southwesterly of the line between the Harper and Kortright Patents,

extended to the Charlotte and Delaware rivers, was erected into a separate town by the name of Kortright, from and after the first Monday of April, 1794,—the first meeting to be held at the house of Thomas McClaughry. No further towns were erected until after the County of Delaware was formed in 1797.

The erection of towns was for a long time a great enterprise of the State legislature; but the Colonial legislature never erected a town. The business of erecting towns seems in colonial times to have been regarded as a part of the King's prerogative. Whenever the legislature entered the field, which was seldom, it avoided offense to the King by calling what it set up precincts or districts, though, so far as appears, these precincts or districts were the same as towns, except in name. Substantially all of the patents for lands on the west side of Delaware River granted by the colonial governors in 1769 and 1770, granted also township rights and created the area granted a town. It is said that these patent-created towns never functioned officially. But there is evidence that Kortright did or attempted to do so, as it had a town meeting the first Tuesday in April, 1787, and had a supervisor and town officers each year thereafter until 1794. At a Harpersfield town meeting in 1790 the proceedings of Kortright were ratified, and like proceedings were refused ratification April 3, 1792.

With the area to be affected in the towns of Franklin, Harpersfield and Kortright in Otsego County, and the towns of Colchester, Middletown, Stamford and Woodstock in Ulster County, the County of Delaware was erected as "a separate (*sic*) and distinct County by the name of Delaware," by an act passed March 10, 1797 (ch. 33). As described in the act, the county embraced all of Ulster and Otsego Counties within the following boundaries:

Beginning on the east bank of the Delaware River at the most southerly corner of lot 28 in Great Lot No. 2 of the Hardenbergh Patent, thence N. 62° E. to the southwesterly* bounds of Great Lot No. 8, and along the same northwesterly to the southwest corner of lot 20, and then northeasterly along the line between lots 19 and 20, and that line continued, to the Albany County line, and along this line and that of Schoharie County to "Lake Otsiantho," and then along the line of the Harper Patent, and that line continued, to Charlotte River, also called "Adequitangie," and down the waters thereof and of the Susquehanna river to "The Line of Property," and along this to the Delaware river, and down the waters thereof to the beginning.

The boundaries were changed in 1817 and 1822, but the above is as the county was formed in 1797, with immaterial omissions.

The act of 1797 provides that until a court house is available the courts may be held "at the house of Gideon Frisbie in the town of

* Changed to northeasterly by chapter 123, laws of 1801.

Kortright,” and that a court house and “goal” may be erected at such place as the judges, justices and supervisors appoint, but not at “a greater distance than two miles from the mouth of Little Delaware.” Legalists one hundred and fifty years ago commonly wrote “gaol” for jail, but even Ebenezer Foote ought to have known that the county “gaol” is not the goal of honest men,—and yet “an inn or tavern” was authorized to be kept “in the building occupied as the jail of the County of Delaware” in 1812. The act provides that the part of the town of Middletown not in Delaware County be annexed to Woodstock, and the like part of Colchester to Rochester, and that “all that part of the town of Woodstock lying within the County of Delaware shall be annexed to and be a part of the town of Stamford.”

The following towns were erected in or prior to 1800: Walton, by act passed March 17, 1797; Delhi, March 23, 1798, the first meeting to be held at the house of Levi Baxter; Roxbury, March 23, 1799, the first meeting to be held at the house of Zachariah Snyder, and Meredith, March 14, 1800, the first meeting to be held at the house of Samuel A. Law.