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STATE OF NEW-YORK.

No. 61.

IN SENATE,

March 21, 1838.

REPORT

Of the Commissioners of the Land-Office, on the petition of Samuel Rider.

The Commissioners of the Land-Office, to whom was referred by the Senate, the petition of Samuel Rider,

RESPECTFULLY REPORT:

The petitioner represents that in 1811 Reuben Rider, the father of the petitioner, purchased of E. & E. Judd a part of lot No. 28 in the Free-Mason's patent in the town of Litchfield, in the county of Herkimer, and that subsequently to the death of said Reuben Rider, the petitioner became the owner of said land; that about 1816 or 1817 the Legislature of this State declared by law that said lot 28, and also lot 64 in the same patent, were the property of the people of this State, having escheated on the attainder of John Weatherhead, and that unless the petitioner and others, who then claimed to own parts of said lots under titles derived from one Henry Platner, should, within nine months, purchase said lands from the State, the same would be sold to strangers. That the petitioner accordingly, on the 4th of Nov. 1818, purchased his said farm of the Surveyor-General, at the price of \$286.55, which sum was paid and secured by the petitioner. He now represents that the State, at the time of said sale by the Surveyor-General, had no title to said lands; that he acquired nothing by the purchase of the State, and that his prior title was perfectly good. He represents that it was lately decided by the supreme court, in an ejectment pending therein, that the State had no evidence of title to said lots: the petitioner therefore asks that said money, with interest and damages, may be refunded

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to him, and for such other and further relief as shall be agreeable to equity and good conscience.

It is true, as alleged in the petition, that the State has asserted an absolute and unqualified title to the land in question. This may be seen by the acts passed April 15, 1817, (Laws of that year, p. 284,) April 3, 1818, (Laws of that year, p. 69,) February 19, 1819, (Laws of that year, p. 27.) Upon the same assumption the farm now claimed by the petitioner was sold and conveyed to him by the Surveyor-General, on the fourth of November, 1818, at which time the sum of forty-eight dollars and fifty-five cents was paid by the petitioner, as a part of the purchase money, and a mortgage upon the said land given for the balance. Upon this mortgage a payment of seventy-two dollars and seventy cents was made, on the 14th of March 1822, and residue still remains due and unpaid.

The Commissioners beg leave to refer to two reports, (Senate Documents of 1836, Nos. 91, 92,) for a full exposition of the title to these lots, and to state that they have no additional information to communicate, except that an action of ejectment was commenced in 1836, by John C. Underwood, against Alanson Townsend to recover a part of said lot 64; that on trial Townsend set up, in defence, a title under the State, and which he proved. The only question then was as to the validity of the title of the State. This depended upon proof of the deed from McDougall & Kane to Weatherhead, which is mentioned in the reports referred to. No proof was given of that deed, nor are the Commissioners aware that any can be obtained. They have no doubt such a deed was executed by McDougall & Kane, but they do not know any way in which legal evidence of it can be furnished. A verdict on said trial was rendered in favor of the plaintiff, a bill of exceptions being taken on the part of the defendant, but judgment was rendered by the supreme court at July term, 1837, for the plaintiff.

Which is respectfully submitted,

Albany, 20th March, 1838.

SAM'L BEARDSLEY, *Attorney-General.*

JOHN A. DIX, *Sec'y of State.*

A. C. FLAGG, *Comptroller.*

G. H. BARSTOW, *Treasurer.*

O. L. HOLLEY, *Surveyor-Gen.*