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Author: Gay, W. B. ed.
Call number: LH-REF 974.777 Gay
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PART FIRST.

HISTORICAL
GAZETTEER

—OF—

Tioga County, New York,
1785—1888.

COMPILED AND EDITED

—BY—

W. B. GAY,

EDITOR OF SIMILAR WORKS FOR RUTLAND, ADDISON, CHITTENDEN, FRANKLIN,
GRAND ISLE, LAMOILLE, ORLEANS, WINDSOR, ESSEX, CALEDONIA,
AND WINDHAM COUNTIES, IN VERMONT, BERKSHIRE AND
HAMPSHIRE COUNTIES, IN MASSACHUSETTS, AND
CHESHIRE, AND GRAFTON COUN-
TIES, IN NEW HAMPSHIRE.

PERMANENT OFFICE

SYRACUSE, N. Y.

“He that hath much to do, will do something wrong, and of that wrong must suffer the consequences; and if it were possible that he should always act rightly, yet when such numbers are to judge of his conduct, the bad will censure and obstruct him by malevolence, and the good sometimes by mistake.”—SAMUEL JOHNSON.

PUBLISHED BY
W. B. GAY & CO.,
SYRACUSE, N. Y.

1887

41939

THE SYRACUSE JOURNAL COMPANY,

PRINTERS AND BINDERS,

SYRACUSE, N. Y.

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INTRODUCTION.

In presenting to the public the "Historical Gazetteer and Directory" of Tioga county, we desire to return our sincere thanks to *all* who have kindly aided in obtaining the information it contains, and rendered it possible to present it in the brief space of time in which it is essential such works should be completed. Especially are our thanks due to the editors and managers of the county papers for the uniform kindness they have evinced in calling public attention to our efforts, and for essential aid in furnishing material for the work. We have also found valuable aid in the following: Judge Avery's "Susquehanna Valley" papers; Everts' "History of Four Counties;" French's "Gazetteer of New York;" Child's "Gazetteer of Broome and Tioga Counties;" Wilkinson's "Annals of Binghamton;" Hon. W. F. Warner's "Centennial History;" and in various pamphlets and manuscripts, while those who have aided us by extended personal effort we have credited in the pages where their work occurs.

That errors have occurred in so great a number of names is probable, and that names have been omitted which should have been inserted is quite certain. We can only say that we have exercised more than ordinary diligence and care in this difficult and complicated feature of book-making. Of such as feel aggrieved in consequence of errors or omissions, we beg pardon, and ask the indulgence of the reader in noting such as have been observed in the subsequent reading of the proofs and which are found corrected in the *Errata*.

It was designed to give a brief account of all the church and other societies in the county, but owing in some cases to the negligence of those who were able to give the necessary information, and in others to the inability of any one to do so, we have been obliged to omit special notices of a few.

We would suggest that our patrons observe and become familiar with the explanations at the commencement of the Directory on page 3, Part Second. The names it embraces, and the information connected therewith, were obtained by actual canvass, and are as correct and reliable as the judgment of those from whom they were solicited renders possible. Each agent is furnished with a map of the town he is expected to canvass, and he is required to pass over every road and call at every dwelling and place of business in the town in order to obtain the facts from the individuals concerned, whenever possible.

The margins have been left broad to enable anyone to note changes opposite the names.

While thanking our patrons and friends generally for the cordiality with which our efforts have been seconded, we leave the work to secure that favor which earnest endeavor ever wins from a discriminating public, hoping they will bear in mind, should errors be noted, that "he who expects a perfect work to see, expects what ne'er was, is, nor yet shall be."

W. B. GAY.

M. F. ROBERTS.

GAZETTEER

OF

TIOGA COUNTY, NEW YORK.

*CHAPTER I.

“ Tribes of the solemn League! from ancient seats
Swept by the whites like autumn leaves away,
Faint are your records of heroic feats
And few the traces of your former sway.”—HOSMER.†

ABORIGINES, ORIGIN AND ANTIQUITY OF—THE CARANTOUANNAIS—THE ONNON-TIOGAS—THE IROQUOIS—INDIAN WARS—LAND TITLES—INDIAN VILLAGE AT OWEGO—TIOGA POINT—SIR WILLIAM JOHNSON’S EXPEDITION—THE REVOLUTION—SULLIVAN’S EXPEDITION—CLOSE OF INDIAN DOMINION.

ETHNOLOGY has no more inviting and yet more difficult field of inquiry than that pertaining to the origin and history of those aboriginal races, which for unknown ages prior to the advent of the European, had occupied, and swayed the destinies of the American continent. A puzzle to the scholar and antiquary for nearly four centuries, and giving rise to various theories which have generally proved far more ingenious than convincing; nevertheless it has been by no means a fruitless

* Prepared by Prof. James Riker, of Waverly, member of the historical societies of New York, Long Island, Massachusetts, Pennsylvania and Wisconsin, the N. E. Hist. and Gen. Soc., and N. Y. Gen. and Biog. Soc.; and author of *Annals of Newtown, History of Harlem, St. Bartholomew, 1572, Capt. Van Arsdale and Evacuation Day, 1783, etc.*

† These lines, which head a chapter of the late Judge Charles P. Avery’s, *The Susquehanna Valley*, (page 244, *St. Nicholas* magazine), are from a poem by Col. William Howe Cuyler Hosmer, who married a sister of Judge Avery. He was born at Avon, N. Y., in 1815, and was well known as the “Bard of Avon.”

study. By the reflex light of Indian tradition and history, and the concurrent testimony of the mounds, defensive works, war weapons, domestic utensils, tumuli, and other surviving relics of those races, we read, in faint but pathetic outline, the strange story of nations once numerous and powerful, but long since dispossessed or exterminated.

A statement of some general conclusions arrived at by eminent students of Indian archeology will be found to have a bearing upon the special inquiry before us. Wilson, in his work entitled *Prehistoric Man*, concurring in an opinion advanced long before his time, observes: "Some analogies confirm the probability of a portion of the North American stock having entered the continent from Asia by Behring's straits or the Aleutian islands, and more probably by the latter than the former." But Morgan, in his *Indian Migrations*, emphasizes this opinion, by cogent arguments, which tend to prove that the aboriginal peopling of North America began at the northwest coast and spread by degrees southward and eastward, till, in process of time, the remotest portions of the continent were occupied. That this race was of Tartar origin, many analogies and evidences seem to prove,— "physical considerations, and the types of man in northeastern Asia point to this section of Asia as the source, and to the Aleutian islands as the probable avenue, of this antecedent migration." But again, "the systems of consanguinity and affinity of several Asiatic stocks agree with that of the American aborigines." This remarkable fact bears with equal force upon the original identity of the North American tribes, affording, says Morgan, "the strongest evidence yet obtained of the unity of origin of the Indian nations within the region we have defined." And this is further strengthened by the uniform agreement in the structure of their languages, and their stage of development,—though the languages themselves form many dialects, of which the Algonquin and the Iroquois are taken as the two principal representative groups.

The multiplication of tribes, the differences of dialect and location, the division and subdivision into the roving Indians, who subsisted by fishing, hunting and war, and the village tribes, whose maintenance was chiefly from agriculture, were but the results of time, and the struggle for supremacy inseparable from the barbaric state. The former of these two classes were necessarily the more numerous and warlike, the latter more advanced in the knowledge of useful arts. From a variety of considera-

tions we may conclude that for ages before its discovery by Columbus, the American continent was the scene of sanguinary wars, a perpetual and fierce struggle for the mastery, which could only result in the subjugation, expulsion, or extinction of the weaker, and in the temporary elevation of the stronger race. A natural result was to render these nations unstable in their possessions, which were theirs only so long as they could hold them per force of numbers and arms. It has been argued with much probability, that the Indians found in central New York, when first known to Europeans, were only the successors of other peoples of more ancient date, and farther advanced than they in the arts of civilized life. But at what era, or by what agency, the more cultured race had been made to succumb to the ruder tribes subsequently found here, is unknown to history.

It is this reign of barbarism, and deadly strife for supremacy, which at once confronts us upon our earliest introduction to this immediate locality, whose history we are now considering. At the dawn of the sixteenth century, it was within the domain of a tribe of savages, whom Champlain, * with his imperfect knowledge of this people, denominates the *Carantouannais*, and which, from its French suffix, would mean, the people of Carantouan; but we strongly suspect the term to be nothing else than an attempt at the name *Susquehanna*.

They were reputed to be a very warlike clan, and able to keep at bay the numerous foes who dwelt around them, though, according to Champlain, they composed but three villages. These were quite distant from each other, along the Susquehanna and Chemung rivers, but were all fortified towns. The principal one, their chief stronghold, occupied that singular eminence near Waverly, familiarly known as "Spanish Hill." Another of these towns was located, according to a reliable authority, † at the northern angle of the junction of Sugar creek with the Susquehanna river, in the borough of North Towanda; the third town, probably, being the well known work on the south side of the Chemung river, near Elmira. They thus commanded the stretch of country now comprising the three adjoining counties,—Tioga and Chemung, and Bradford, in Pennsylvania. Their principal seat, before mentioned, bore the Indian name of *Onnon-tioga*, sig-

* *Les Voyages de la Nouvelle France*, Paris, 1632. See extracts, translated, in *Documentary History of New York*, vol. 3, p. 1.

† Gen. John S. Clark, of Auburn, N. Y., to whom we are indebted for having first indicated the sites occupied by these Indian villages. See *Waverly Advocate*, May 17, 1878.

nifying *the village on the hill between the rivers*; the intervale below, where Athens is now situated, being simply called Tioga,—pronounced *te-yoge-gah*,—and meaning *between the rivers, or at the forks*. These three villages, says Champlain, lay in the midst of more than twenty others, against which they waged war. Among these he no doubt includes the Iroquois, who were hostile to the Onnon-tiogas, from whom their nearest castles were only about thirty miles distant.

To the northward of the Onnon-tiogas was a large country, then famous for “the deer and beaver hunting,”—its limits the shores of Lake Ontario, but reaching westward to the Genesee river, and eastward down the Mohawk. Here lay the scattered castles and settlements of the Iroquois, otherwise called the Five Nations, who at no remote period anterior to this date, had been driven from the northern side of the lake and the north bank of the St. Lawrence, by the then more warlike Adirondacks, of Canada, a branch of the Algonquin race.

The Iroquois, with their congeners, the Hurons, Eries, Susquehannas, etc., were marked by language and personal traits sufficient to distinguish them from the numerous other tribes classed under the generic term of Algonquins; but it has been ably argued that they too were of Tartar or Asiatic extraction. The rough handling they had received from the Adirondacks produced a mortal enmity, and wrought a marvelous change in the Iroquois, who by giving themselves to a regular course of training, from being simple cornplanters, became brave and expert warriors. Supplied with firearms, through their traffic with the Dutch traders on the Hudson, the skill they acquired in the use of this new weapon, soon made them more than a match for their enemies, and wholly diverted them to war and conquest. Among the first to feel the weight of their arms were the adjacent Shaouonons (whom Schoolcraft makes the same as the Shawnees), within whose limits, as would appear, they had trespassed when they fled thither from the Adirondacks. These were no insignificant foe,—so warlike, haughty and cruel, that the Dutch called them *Satanas!* Victory, however, turned in favor of the invincible Iroquois, who drove the *Satanas* from their lands, and forced them to retire westward, save a portion of the tribe which submitted to the conquerors and became tributary. This conquest, which dated about the year 1620, extended the area of the Iroquois country (beginning with the Onondagas), to a distance of “sixty miles” southward from Lake Ontario, and west-

ward to Niagara.* Fired by success, the Iroquois, and especially the Mohawks, thirsted to avenge themselves upon the Adirondacks, and in a series of encounters the latter were finally vanquished and almost annihilated. The Mohawks also subdued the Mohicans, on the upper Hudson, subsequently completing their subjugation by pursuing them down that river nearly to Manhattan, and destroying their castles at Wickquaskeek, in Westchester. Meanwhile the other four tribes,—the Onondaga, Oneida, Cayuga and Seneca,—turned their arms, in 1653, against a tribe occupying the southeastern boader of Lake Erie, and hence called the Eries, or otherwise (from Erie which signifies *cat*), the Cat Indians. This name is given by the Canadians to the Shawnees, and which favors the belief that the Eries were no other than the expelled Satanas, still unsubdued, and whom the relentless Iroquois were bound to extirpate. Two years completed this conquest; and it would appear that it was immediately followed by the final war upon, and overthrow of the Onnon-tiogas, seated as before stated, upon the Susquehanna and Chemung rivers.

If the Onnon-tiogas were of Algonquin stock, it would account for the enmity the Iroquois had shown toward this tribe for at least a half century; but if they were Susquehannas, as we think they were, and who, according to Morgan, were congener to the Iroquois, then we probably find the reason for this hostility in a family feud; and what wars have been more bitter and more deadly than those waged between kindred? However, it happened that Champlain, governor of Canada, unwisely took up the quarrel of the Adirondacks with the Iroquois, as early as 1609. Entering the Mohawk country, by way of the Sorel river, he met and defeated a party of Mohawks, on the bank of Lake Champlain, who fled in dismay at the discharge of muskets, it being their first introduction to this deadly weapon, afterwards made so efficient in their hands. Six years later (1615), Champlain, with a force of French, Adirondacks and Hurons, made a descent by way of Lake Ontario, upon the castle of the Onondagas. The invaders had an offer from the Onnon-tiogas to assist them with five hundred of their warriors, and when Champlain was ready, he dispatched messengers to inform that distant tribe that he had

*By referring to a map of the state, it will be seen that this conquest must have reached a line nearly identical with the northern limits of the southern tier of counties. At that date, therefore, Tioga county was not yet a part of the Iroquois country. See a deed in *Doc. Hist. of N. Y.*, 1: 773.

begun his march, so they might meet at the same time before the enemy's fort. The party, consisting of twelve of the most resolute Indians and a French interpreter named Stephen Brule, proceeded in canoes across the lake and reached Onnon-tioga by a circuitous route, which they took for fear of being intercepted by the Chouatouarouon, or otherwise the Cayugas. The Onnon-tiogas gave them a warm greeting, entertaining them with feasting and dancing, as was their custom. But so much time was thus wasted, that the reinforcement did not reach the fort until two days after Champlain had abandoned the siege. The party therefore returned to Onnon-tioga, accompanied by Brule, who spent the winter with them, and in visiting neighboring tribes; during which he descended the Susquehanna to the sea, returning again to his new-made friends, the Onnon-tiogas, and of all which he afterwards gave Champlain a full account. He described the castle at Onnon-tioga as situated in a beautiful and rich country, in a commanding position, well fortified by earthworks and pallisades, after the manner of the Hurons, and containing more than eight hundred warriors:

This attempt of the Onnon-tiogas to aid the Adirondacks against the Iroquois only aroused the latter to new acts of hostility, and the former were soon after assailed by a party of Mohawks and their Mohican allies, who had descended the north branch of the Susquehanna, and with whom were several adventurous Dutchmen from the trading post on the Hudson. But the assailants were repulsed, and three Dutchmen were taken prisoners. The Onnon-tiogas, never having seen any of this nation, took them for Frenchmen, and therefore spared their lives, and conveyed them to the coast, by the Susquehanna and Delaware rivers, where falling in with a Dutch explorer, Capt. Hendricksen, he procured their ransom.

It only remained for the Iroquois to effectually arm himself with the resistless musket, in order to deal the final blow to the hated Onnon-tiogas. Of the details of this tragic event, history is silent. It is only intimated that they "were conquered and incorporated with the Five Nations." Doubtless they were driven from their position with slaughter, and their strong works demolished, of which some of the *debris* was visible long after this section was settled by the whites, and parts of the earthworks being even yet plainly traceable.* It may be inferred that the

*SPANISH HILL.—The earliest mention of this name I have found, is in Gordon's *Gazetteer*, 1836, though his predecessor Stafford, in 1813, speaks of the hill, as from 100 to

Onondagas and Cayugas were the chief instruments in their subjugation, as these two tribes, a little later, claim the land along the Susquehanna; saying that it belongs to them alone, and that "the other three nations, viz: the Senecas, Oneidas and Maquaas, have nothing to do with it."

Flushed with victory, the Iroquois led their devastating war parties down the Susquehanna, scattering the nations on its banks, till in 1676, their conquests here culminated in the overthrow of the Andastes, a part of the Susquehannas, and then "the sole enemies remaining on their hands," and by the destruction of their castles. The neighboring Delawares had also submitted to the conquerors, being stripped of all rights in their lands, forbidden to use arms, and reduced to the condition of "women." Subsequently, however, their "uncles," the Six Nations, assigned them a home at Tioga, "and lighted a council fire there."

But we have no need longer to follow the fierce Iroquois in the bloody war-path, which was kept well trodden till their insatiate greed of conquest had subjugated the most distant tribes; it is enough for our purpose to have shown in what manner this section of country whose history we are reviewing, came to pass under their iron domination.

Another contest now opened, bloodless but obstinate, waged to settle the question, which of the English colonies should reap

110 feet high, "and which correspondents describe as apparently a work of art." But in neither of his two editions does Stafford give its name; an omission calculated to cast doubt upon its supposed antiquity. Yet with a knowledge of the fact that Spanish adventurers, in the sixteenth century, explored many parts of our country in search of gold, and actually pushed their search to the shores of Lake Ontario, one can scarcely resist the conviction that the name of Spanish Hill has some association with those old gold seekers. Gordon states that at that date (1836), on the summit of the hill were "vestiges of fortifications, displaying much skill in the art of defense, having regular intrenchments, which perfectly commanded the bend of the river." And, says Hon. W. F. Warner, "this breastwork is still easily and distinctly traceable around the entire brow of the hill, even now, after fifty years of cultivation of the surface. It was of considerable height before the plateau was denuded of its trees, and must have been a formidable work. Well defined remains of an inner fortification may also be seen at the center of the hill, extending from the steeper part on the east side, to the steeper part on the west side." General Clark finds by actual survey "that the area enclosed by the embankment contains about ten acres." At the west side of the hill, upon a plateau near its base, are also remains of an Indian burying ground. "That a frightful contest took place at or near Spanish Hill," says Mr. Warner, "is more than probable; * * it is also a well established fact, that the Indians had a superstitious fear about the hill, so strong that they would not go upon it. So sanguinary a contest, while it would have added to the glory and courage of the Iroquois, still would have left in the savage mind a horror of the spot where so many of their braves had fallen." Mr. Warner here refers to a supposed battle between the savages and Spaniards, and whence the hill may have taken its name. But leaving the derivation of the name out of the question, as too uncertain; would not the slaughter by the Iroquois of their own kinsmen, the Onnon-tiogas, better account for that peculiar dread, which, we are told, the sight of the hill always inspired in the Indians? We suggest this with much deference to our esteemed townsman, whose views upon our local antiquities are not to be lightly set aside.

the most advantage from the Iroquois conquests; New York and Pennsylvania were the chief contestants. It was argued that if the latter province got control of the Susquehanna river, she would also control the trade with the Iroquois, and divert it from Albany to Philadelphia. As the fur trade was a mine of wealth to the Albanians, and told upon the prosperity of the whole province, it was of great consequence to secure it. New York had greatly the advantage from the length of time she had enjoyed this trade; and from having kept unbroken the "covenants of friendship" made with the Iroquois tribes as early as 1623, when Albany was first colonized. The Cayugas, who with the Onondagas claimed the conquered lands on the Susquehanna, were at first willing and urgent to have some white men settle upon that river, for their greater convenience in trading; but the Albanians, for obvious reasons, brought every influence to bear to prevent it, and were successful. In the year 1679, the Cayugas and Onondagas, in virtue of their sole ownership, proceeded to make over these conquered lands to the government of New York; and four years later, while William Haig, agent for Penn, was at Albany, trying to effect a purchase of those lands, these tribes formally ratified "the gift and conveyance" to New York, by an instrument dated September 26, 1683. It included all the conquered country upon the Susquehanna, as far down as the *Washinta*, or Falls, and therefore covered the present Tioga county.* The Indians "accepted in full satisfaction: a half piece of duffels cloth; two blankets; two guns; three kettles; four coats; fifty pounds of lead; twenty-five pounds of powder." To which was added the promise: "the Governor will compensate you therefor, when occasion permits."

The effect of this transfer was to exclude white settlers from this region of country, and to extend over it, for another full century, the long dismal night of aboriginal barbarism. Very little is known of the Indian history of Tioga county during this period. On the Susquehanna, which skirts or intersects its southern tier of townships, and at that time served as a great highway for Indian travel, was the only known Indian town and planting grounds within the county limits,—*Owegy*, or *Owego*;

* Morgan, in the *League of the Iroquois*, a high authority, places this county within the territory of the Cayugas and Onondagas. Next eastward of the latter were the Tuscaroras, a tribe expelled from South Carolina in 1712, and received by the Iroquois, who thence became the Six Nations. The Onondagas gave the Tuscaroras a part of their country.

while the interior was a primeval wild of stately forest, and reserved as hunting grounds, where the ingenious beaver built his dam thwart purling stream, and the bear, wolf and panther, the timid elk and deer, roamed freely at will. In the nature of the case, its history, what there was of it, could deal only in exploits of the hunter, the march and counter-march of savage hordes, and in deeds of carnage and cruelty, which, if known, would be only too painful to recite.

Tioga Point, occupied by Delawares, was a famous stopping-place for the Indians when on their expeditions; from it radiated their well-beaten trails, east, west, north and south, to the remotest tribes and localities. The occupation of the Point by the Delawares, dated from 1742. There lived and ruled their king, Tiedescung, a shrewd and influential chief, who in 1755, during the French war, incited his Indians to bloody raids upon the English settlements. After two years he made peace, when he removed his seat to Wyoming. The same year other bands of hostiles, formed about Tioga, fell upon the frontier settlements of Orange and Ulster counties. In 1763, war was renewed by a fearful massacre, committed by the Delawares at Wyoming. Early the next year, Sir William Johnson, Indian agent on the Mohawk, sent two hundred Oneidas and Tuscaroras to chastise them, and who, on February 26th, surprised a large party on their way to attack our settlements, led by a son of King Tiedescung, the noted Captain Bull, whose hatred of the whites was intense, and had led him to do them great injury. Bull and forty of his men were taken prisoners. Thereupon the Delawares fled from the Susquehanna and its vicinity, escaping up the Chemung to the country of the Genesees, a sub-tribe of the Senecas, by whom they had been encouraged to take up the hatchet. Another party sent out by Johnson, followed in the wake of the fugitives, and destroyed the villages Coshocton and Canisteo. They also burnt three towns and four villages on and near the Susquehanna river, with quantities of corn. Peace again followed.

But the first notes of the Revolution was a signal for the uprising of the Six Nations, whose tribes, save only the Oneidas and Tuscaroras, espoused the British cause. In the spring of 1777, a large body of these, numbering about seven hundred warriors, assembled in camp near Owego,* ready to strike a blow at the

* At this date Owego was a large Indian village of about twenty houses. It was burnt August 19, 1779, with its fields of standing corn, by order of General Clinton, on his way

unprotected settlements, on the advance of an expected British force up the Hudson; but upon the approach of St. Leger from the north, these Indians went to his assistance, which was followed by a repulse at Oriskany, and at Fort Schuyler, by an inglorious flight. These hostile tribes now found it safe to retreat westward to the Seneca country and the British post at Niagara. From this quarter came all the aggressive movements of the Indians against our frontier settlements during that war. It was by way of the Chemung and Susquehanna that the infamous John Butler, with his Indians and Tories (embarking on floats and rafts at Tioga Point), proceeded in 1778 to the fearful massacre at Wyoming. The noted chief, Joseph Brant, to whom many of the horrors of that period are justly attributed, did not participate in the Wyoming tragedy, being then on an expedition to burn Springfield at the head of Otsego lake; but he took part, the same season, in the ruthless massacre at Cherry Valley. In the interim since the affair at Wyoming, Colonel Hartley, of the Continental forces, ascended the Susquehanna, as far as Tioga Point, where he burnt the Indian village of about twenty houses, having also destroyed Queen Esther's castle, which stood a little below, on the west side of the Susquehanna, and was the seat of that noted squaw chieftain.

By the same route, the Chemung and Susquehanna, the Indians and rangers, under Brant and Butler, proceeded in 1779, to the bloody battle of Minisink. Brant met and joined this expedition as he was returning from the ravage of Fantin-kill, in Ulster county. The speedy retribution visited upon these murderous bands, by General Sullivan's forces, the same year, when they were signally defeated at Newtown, and their country devastated, is too well known to require any further notice here. It was a blow from which the Indians never recovered, though petty depredations, by small parties from Niagara, who passed this way to reach the white settlements, were kept up till the close of the war. The very next year Brant came through here, with some sixty of his warriors, destined for Schoharie. Crossing the Susquehanna at Tioga Point, on rafts, he detached eleven Indians on the trail to Minisink, to secure prisoners or scalps, which latter, at Niagara, would bring them eight dollars apiece.

down the river to join Sullivan. The Indians had deserted it on his approach. "This is the Indian town that Sergeant Hunter was carried to, who was taken 10th November last [1778] below Cherry Valley, on this same river, as he was returning with his Scout." *Sullivan's Indian Expedition*, p. 202.

Brant, when within thirty miles of the fort at Schoharie, surprised a party who had gone out under Captain Alex. Harper, to scout, and also to make maple sugar. Three of these were killed in the first onslaught, and the rest taken prisoners; their lives being spared only through the *finesse* of Captain Harper, who was personally known to Brant. With his captives Brant returned to Tioga Point and had gone a little way up the Chemung, when the whooping of his Indians was suddenly answered by the startling *death yell!* It proceeded from some of the party who had gone to Minisink. They had succeeded in taking five white men, and had brought them as far as the east side of the Susquehanna, opposite Tioga Point, when, during the night, the anxious prisoners managed to loosen their bands, and to dispatch nine of the sleeping Indians, with their own tomahawks. The other two, one of whom was badly wounded, fled, crossed the river, and were resting near Chemung, when Brant's party came up. On hearing what had happened, the infuriated Indians were for killing their prisoners at once; when strangely enough, the unhurt survivor of the Minisink party, who was a chief, and had known the prisoners at Schoharie, interposed and saved their lives. They were then taken on to Niagara.

With the close of the war, in 1783, which put an end, not only to these atrocities, but to Indian dominion in this fair region, and opened it to civilization, we must conclude this summary of its aboriginal history.

Much has been said laudatory of the Iroquois; writers have been fascinated with the genius of their confederacy, the wisdom and eloquence of their counsellors, and the extent of their dominion. But let calm reason prevail. They are worthy of as much admiration as an Alexander, or a Napoleon, ambitious, rapacious conquerors, who waded through seas of blood to the acquisition of spoils, territory, power and glory. An occasional instance of justice or humanity will not suffice to hide from view the savage butcheries which mainly fill up the Indian annals. That, as human, they were not devoid of generous instincts, none will deny, and a consideration of their better characteristics, curious customs and home life, might have relieved in some degree the dark picture here presented; but as the Indian tribes differed but little in these respects, it has been deemed unnecessary to repeat, in this brief essay, details already familiar to most readers.

CHAPTER II.

THE BOSTON PURCHASE*—COXE'S MANOR—TOWNSHIP OF HAMB DEN
FORMED—GOSPEL TRACTS—NEW TOWN ERECTED IN MONTGOMERY
COUNTY—WATKINS AND FLINT PURCHASE.

NO MAN of the present generation had a better opportunity to study the history of this region than the late Judge Charles P. Avery, of Owego, and no man was better qualified to write it. In 1853 he published a series of articles, under the general title of *The Susquehanna Valley*, in the *St. Nicholas*, a literary magazine published monthly at Owego. So few copies of this magazine are now known to exist, and so few of our readers can have access to them, that for their benefit we quote a few paragraphs from the number for December, 1853, pages 297-303.

“Soon after the close of the revolutionary war, Massachusetts claimed, under her original charter from the crown, a large body of land lying within the limits of the State of New York. In the final disposition of this claim, by award of arbitrators in 1786, that state became the owner, subject, of course to the Indian title, of several millions of acres lying in the western part of our state, and also 230,400 acres upon the Susquehanna river, lying between the Chenango river and the Owego creek, then called a river, and embracing in extent, very nearly the westerly half of the county of Broome, and the easterly half of the county of Tioga, as the boundaries of these two counties now are.

“That claim of Massachusetts forms a link, not an unimportant one, in the chain of interesting events which mark the early history of our state. By reason of its general interest a brief space may therefore be devoted profitably to a statement of the grounds upon which it was based; and inasmuch as its history will serve to elucidate some important facts directly connected with the pioneer opening of this portion of the Susquehanna valley, a cursory examination of its historical features seems peculiarly adapted to our ‘Gleanings.’

“In the year 1606 a grant of land lying chiefly within the present limits of the United States was made by James I., king of England. It comprised in width upon the Atlantic sea-board, all the land between the fortieth and forty-eighth degrees, north latitude, and extending in a belt of that width, westerly from sea to

* Prepared by D. Williams Patterson, genealogist, of Newark Valley, whose extensive researches into the history of the settlement and growth of this section have brought him a knowledge of the subject equalled by that of none other.

sea. It was known as the Plymouth Grant, for the reason that it was made to persons many of whom lived in Plymouth, England.

“The Crown gave to the great Plymouth council, as it was called, which was incorporated in the year 1620, the right to transfer any portions of this land, comprised within those degrees of latitude, in such parcels or quantities as the council might deem best. Accordingly, in the year 1628, the Massachusetts Bay grant was made in due form, the boundaries of which were the Merrimac on the north, the Charles river on the south, ‘and in that width running west from the Atlantic ocean to the South sea on the west part.’ This was confirmed as a charter by Charles I., in the year 1629.

“Next in order came the Connecticut grant of 1630, which was like the preceding one, part and parcel of the Plymouth grant, and, like it, its easterly and westerly limits were ‘the two seas.’ This was renewed and confirmed by Charles II., in 1662, with the usual charter to establish a government, make laws, etc. The southeast corner of the State of New York, lying within the north and south lines of this grant was never claimed to have been included within it; for that portion of our state at the time it was originally made by the Plymouth council, as well as at the time when it was confirmed, was possessed and owned by the Dutch.

“It may be mentioned in this connection, that the grant made afterward, (in 1681), by Charles II. to William Penn, of the territory included within the limits of Pennsylvania conflicted with this previously granted and confirmed Connecticut charter, out of which conflicting claims that long train of troublesome and bloody affairs emanated at Wyoming, known as the Yankee and Pennamite feud, commencing before and resumed after the revolutionary war, between the settlers holding under those respective titles.

“Our New York charter dates in 1664, having been given by Charles II. to his brother the Duke of York and Albany, in honor of whom, after the surrender of the island of Manhattan by the Dutch, to the English, the city of New York, before that called New Amsterdam, took its present name. Soon afterward, upon the reduction of Fort Orange, where Albany is now situated, that place received its present name, also in honor of the Duke.

“At the close of the revolutionary struggle Massachusetts formally interposed her claim, under her royal charter of 1628, which was dated, as will be observed, prior to the one confirmed to the Duke of York, and insisted upon her legal right to a belt of land lying in the state of New York, comprised within the northern and southern bounds of her original grant, extending across the State of New York, and, by its terms from ‘sea to sea.’

“The state of New York resisted the claim, but both parties were too patriotic to make it the cause of civil strife. The blood of their sons had scarcely yet grown cold which had been profus-

ely shed upon a common altar. They peaceably petitioned congress for the appointment of commissioners to examine the respective claims and make a final arbitrament which, it was agreed, should be binding upon both.

“Ten commissioners* were appointed, pursuant to the petition, in whom the parties in difference had the utmost confidence, for they were men of established integrity, and known ability, and the two states appeared before them, by their agents and counsel, at Hartford, in November, 1786. Their award was, in substance, that New York should cede to Massachusetts the right of pre-emption of the soil from the native Indians, and all other estate, except government, sovereignty, and jurisdiction, to a large body of land lying in the western part of our state, containing more than three millions of acres, and also to 230,400 acres lying, as before stated, upon the Susquehanna, and particularly described in the award as follows: ‘To be located to the northward of and adjoining to the lands granted respectively to Daniel Coxe and Robert Lettice Hooper, and their respective associates, and between the rivers Owego, and Chenango.’

“Confining our attention to the body of land embraced within these two streams, as more intimately connected with the general object of this series of articles, it is seen that, over it, the award secured to New York exclusive jurisdictional rights, incident to sovereignty, while it gave to Massachusetts the right of negotiation with, and purchase from our Indian predecessors—the original lords of the soil.

“It was also provided by the award that Massachusetts should have the right to hold treaties with the Indians on the lands, and with such *armed force*, as might be deemed necessary for the more effectual holding of any treaty or conference; also that a copy of the proceedings of every treaty and of every grant from Massachusetts to any individual should be recorded in the office of the Secretary of the State of New York, within six months after such treaty or grant.

“The Indians having been always viewed and treated as an independent power, although living within our borders, and, after the revolutionary war, as helpless as tenants at sufferance, still no negotiation or agreement with them, as a nation, would have been deemed valid, unless approved by the President and Senate of the United States—the treaty making power. Their approval was an indispensable pre-requisite, and, as a power, delegated by the states under the National Constitution, paramount to all claims on the part of the states of Massachusetts or New York, under their colonial charters or otherwise.

“The body of land lying between the Owego creek and the Chenango river, being the 230,400 acres awarded to Massachus-

“* They were John Lowell, James Sullivan, Theophilus Parsons, Rufus King, James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancthon Smith, and Egbert Benson.”

etts and since known and designated as the Boston Purchase or Ten Townships, was granted by that state to Samuel Brown, of Stockbridge, Berkshire county, Massachusetts, and his associates. Nearly all of the grantees resided at the time of the purchase in that county, and many of them in that town. The title was conveyed by resolution of the legislature of that state, and approved by the Governor, November 7, 1787. Among other things it states the purchase price to have been 3,333 Spanish milled dollars, payable in two years and subject to a deduction of the sum necessarily paid by the grantees to the natives in extinguishment of their claim. It recites also that Samuel Brown and three other grantees, viz.: Elijah Brown, Orringh Stoddard, and Joseph Raymond, on behalf of the company had purchased, on the 22d day of June preceding, the right of the natives, and fully extinguished their claims.

“Another fact is gleaned from this documentary evidence of historical interest to those now living upon the McMaster Half-Township, on which the village and a portion of the town of Owego is situated. The resolution recites that James McMaster was found in possession of a part of the tract, by the four gentlemen above named, at the time of their negotiation and treaty with the Indians, and that to quiet his claims Samuel Brown had entered into a contract to convey to him that half-township, the bounds of which, as set forth in the legislative resolve, will be hereafter given. It is scarcely necessary to say that it was part and parcel of the body of land to which the Massachusetts purchasers were then seeking to get the title. McMaster, by the help of Amos Draper, an enterprising trader and a man of great influence with the natives, had already ingratiated himself to such an extent with them that he was found at this time, as it appears, in actual possession, and unless conciliated by Brown and his friends, those two gentlemen, by their already great and increasing influence might at the least embarrass, if they did not interpose an effectual barrier to the consummation of any treaty with or cession of land from the Indians. Their claims to a portion of the land were certainly equitable on the score of priority, and feeling this they were not backward in using the superior advantage which their familiar footing with the natives gave them. The other party, it is true, could offer more gold, and the strong arm of government was on their side, but Indian fidelity was equal to the test, and the covenant-chain with McMaster and Draper was kept bright.

“A fact substantiating this good faith on the part of the natives and tallying well with the provision in favor of McMaster in the legislative resolve has been handed down by tradition. Having received it from two independent sources, the writer thinks it authentic and of sufficient interest to be repeated. The account is that four gentlemen, acting on behalf of the Massachusetts purchasers, met the Indians in council at the mouth of the O-le-out, near Unadilla, where, for reasons not satisfactorily

known, nothing final took place. They next met them at Nanticoke, at which place negotiations were started with them from day to day, but were as often broken off, and sometimes abruptly concluded. This occurred for several days in succession, until the fact became known that the want of success was attributable to the opposition of McMaster and Draper, who had brought to bear their powerful influence with the natives and who, but for an ultimate compliance with their terms by Brown and others, would thus have effectually prevented an extinguishment at this time of the Indian title. Another council was called at a place a short distance above Binghamton, the Massachusetts purchasers hoping by the removal to escape the embarrassment experienced at Nanticoke, which was more immediately within the sphere of the influence of their rivals; but the new council was opened with no better prospect of success, until a compromise of the conflicting interests was effected by a contract entered into by Samuel Brown, for himself, and on behalf of his associates, with McMaster, which provided that in case the authorities of Massachusetts should make a grant of the land in question to their company, there should be assured to James McMaster eighteen square miles of land, now known as the McMaster Half-Township, on which Owego stands, to be bounded as follows: 'South by the north line of a patent made to Daniel R. Coxe and associates; west on Owego river [now Owego creek] to extend up said river [creek] from said line six miles and eastward from said river [creek] three miles; the east line to be straight, and to be so run as to make the above mentioned quantity of land, and to be as nearly parallel as may be to the general course of said river [creek].'

"After the execution of this contract, negotiations were renewed under more favorable auspices. A treaty was concluded and a formal cession of the 230,400 acres was then made, and the Indian title extinguished; James Dean superintending throughout the whole of the negotiation as the representative and agent of Massachusetts.

"Evidence of the treaty having been duly adduced, that state formally granted to Brown and his associates that body of land, with the exception of the McMaster Half-Township, which was conveyed to Brown alone, in order that he might perform his contract with James McMaster more conveniently, and convey the title directly to him in pursuance of its terms. This was accordingly done, and the latter has been since known as the patentee of that half-township, although he received his title from Samuel Brown, to whom the letters patent were directly issued, and who was, in strictness, the sole original patentee of that, as he and his associates were of the whole body of land since known as the Boston Purchase, or Ten Townships."

The first step toward the division of the lands held in common by the sixty proprietors, was the survey of three townships on

the south part of the tract—the Chenango on the east, in which the lots were numbered as high as 222; the Nanticoke township next, in which were 181 lots; and the Owego township on the west.

In the Chenango township were two men already in possession, who were not members of the company, and who did not participate in the drawing. An amicable arrangement was made with them by which each had a good farm. These were Joshua Whitney, who had lot No. 37, containing about four hundred acres, at the southeast corner of the tract next to the Chenango river, and Thomas Reichardt, (commonly pronounced Record, now anglicised into Richards) who had lot No. 207, containing about two hundred acres, lying partly on the south side of the Susquehanna river. The west line of the Chenango township crossed the Susquehanna river, just west of Stoddard's Island. The Nanticoke township extended west from that line to within about seven and a half miles of the west line of the Ten Townships, and nineteen of its lots are now included in the town of Owego.

After the townships of Chenango and Nanticoke were surveyed into lots, the sixty associates partitioned the land among themselves, and the legislature of the state of New York by an act passed 3d March, 1789, confirmed to the associates, in severalty, the land as they had divided it. The list as given in that act, is, perhaps, the only complete list extant of the original sixty associates. The following alphabetical list has a number prefixed to each name to indicate its place in the original list :

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| 8. Ashley Moses, | 41. Brown Stephen, |
| 5. Bement Asa, | 18. Brown William, |
| 6. Bement Asa, Jr., | 48. Chapman John, |
| 25. Bingham Anna, | 46. Coleman Dudley, |
| 7. Bishop Elkanah, | 27. Cone Ashbel, |
| 36. Bishop Nathaniel, | 58. Cook Ebenezer, |
| 9. Blin Elisha, | 26. Cook Philip, |
| 53. Bradley Asahel, | 10. Crocker Ezekiel, |
| 52. Bradley Elisha, | 47. Curtis Elnathan, |
| 54. Bradley Josiah, | 37. Curtis Isaac, |
| 45. Brown Beulah, | 14. Dwight Henry Williams, |
| 2. Brown Elijah, | 39. Eagleston Azariah, |
| 35. Brown John, | 49. Edwards Jonathan, |
| 1. Brown Samuel, | 43. Ingersol Jonathan, |
| 44. Brown Samuel, Jr., | 30. Jenks Isaac, |

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|----------------------------|--------------------------|
| 20. Larnard Simon, | 17. Pierson Joseph, |
| 12. Lusk Elizabeth, | 32. Pierson Josiah G., |
| 31. Mason Ebenezer, | 21. Pierson Nathan, |
| 60. Morell John, | 23. Pixley David, |
| 42. Nash Stephen, | 4. Raymond Joseph, |
| 38. Newhall Allen, | 59. Rockwell Abner, |
| 33. Parks Warham, | 56. Sergeant Erastus, |
| 50. Parsons Elihu, | 11. Seymour Ira, |
| 51. Parsons Eliphalet, | 3. Stoddard Orringh, |
| 24. Parsons Jacob, | 19. Strong Ashbel, |
| 57. Partridge Oliver, Jr., | 40. Thompson Thaddeus, |
| 22. Patterson Amos, | 29. Walker Caleb, |
| 13. Pepoon Silas, | 28. Walker William, |
| 15. Pierson Benjamin, | 34. Williams Ebenezer, |
| 16. Pierson Jeremiah H., | 55. Woodbridge Jonathan. |

The Owego township was surveyed in two parts, the East Half-Township, and the West Half-Township, which last according to an agreement made, was deeded by Samuel Brown, of Stockbridge, 17 Dec., 1787, to James McMaster, of Mohawk. The deed, for 11,520 acres, was witnessed by Walter Sabin, and proved by his testimony in Tioga county, 3 July, 1792, and recorded. Since this deed was given the West Half-Township has been properly known as "McMasters Half-Township;" but through ignorance his name has also been quite commonly applied to the "East Half-Township of the Boston Purchase."

James McMaster, of Mohawk District, Montgomery county, N. Y., by a deed of 4 Feb., 1788, conveyed to Amos Draper, of Chocanut, lots 16 and 19 of 100 acres each, and lots 30, 32, 52 and 56, of 143 acres each, of his Half-Township, and describes them as surveyed by Walter Sabin.

The East Half-Township was divided into sixty lots, and was partitioned among the proprietors by deed, with map, 12 May, 1790, at the same time as the Grand Division.

Six hundred lots were then laid out, in thirty courses of twenty lots each, for a great division, or, as it has always since been called, "The Grand Division of the Boston Purchase." These lots, and the sixty in the East Half-Township, were distributed among the proprietors, by a deed, accompanied by a map, dated 12 May, 1790. The list of proprietors who signed this deed of partition differs very much from the list who shared in the first two townships, from two causes: first, some of the associates had sold their rights in the undivided lands; and secondly, a considerable

number had authorized Samuel Brown to act for them in drawing the lots, which he did, and afterward conveyed their share by deed. As a result of these causes, only thirty-seven names are in this deed; and of this number, at least twelve are not named in the former list. So that seventy-two names appear as proprietors, in the two lists. The parties to this deed were as follows:

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| 1. Samuel Brown, Esq., | Stockbridge, Mass. |
| 2. Charles Stone, yeoman, | “ “ |
| 3. Asa Bement, Jr., blacksmith, | “ “ |
| 4. Josiah Ball, cordwainer, | “ “ |
| 5. Elkanah Bishop, husbandman, | “ “ |
| 6. Timothy Jearoms [Jerome], carpenter, | “ “ |
| 7. Moses Ashley, Esq., | “ “ |
| 8. Henry Williams Dwight, Esq., | “ “ |
| 9. David Pixley, gentleman, | “ “ |
| 10. Anna Bingham, widow, | “ “ |
| 11. Isaac Curtis, miller, | “ “ |
| 12. Timothy Edwards, Esq., | “ “ |
| 13. Theodore Sedgwick, Esq., | “ “ |
| 14. Elisha Blin, inn keeper, | Great Barrington, Mass. |
| 15. Ezekiel Crocker, gentleman, | Richmond, Mass. |
| 16. Benjamin Pierson, gentleman, | “ “ |
| 17. Nathan Pierson, gentleman, | “ “ |
| 18. Josiah G. Pierson, gentleman, | “ “ |
| 19. Ebenezer Williams, gentleman, | “ “ |
| 20. William Bartlett, blacksmith, | “ “ |
| 21. Nathaniel Bishop, Esq., | “ “ |
| 22. Joseph Pierson, joiner, | New York City. |
| 23. Ashbel Strong, Esq., | Pittsfield, Mass. |
| 24. Francis Plumer, gentleman, | “ “ |
| 25. Israel Williams, gentleman, | Hatfield, Mass. |
| 26. William Billings, Esq., | Conway, Mass. |
| 27. Ashbel Cone, blacksmith, | West Stockbridge, Mass. |
| 28. William Walker, Esq., | Lenox, Mass. |
| 29. Caleb Walker, gentleman, | “ “ |
| 30. Azariah Egleston, gentleman, | “ “ |
| 31. Theodore Thompson, physician, | “ “ |
| 32. Job Northrop, yeoman, | “ “ |
| 33. Levi Tumbling,* yeoman, | Lee, Mass. |

* In other records “Thomling” and “Tomling.”

34. Samuel Arnold, yeoman,	Canaan, N. Y.
35. Ebenezer Mason, gentleman,	Spencer, Mass.
36. Allen Newhall, gentleman,	New Haven, Conn.
37. Jonathan Edwards, clerk,	“ “

Of the six hundred lots in the Grand Division, one hundred and fifteen are in Newark Valley; sixty-eight in Berkshire; ninety-three in Richford; two in the southeast corner of Dryden, Tompkins county; eighteen in Cortland county; and the remainder in Broome county.

North of the Grand Division the proprietors surveyed a tier of seventy lots, known as the “long lots,” the title to which was never confirmed by the state, and the proprietors lost the land, although the state acknowledged their right by giving to the soldiers an equivalent for the deficiency, in the military tract; and the Surveyor General, in his published map, calls it “North Tier Boston Ten-Townships.” The first eight of these “long lots” are in Dryden, and the other sixty-two are in Cortland county.

There was but one royal grant of lands to individuals direct (other than the Massachusetts charter) in the territory of the county, and that was for a tract of 29,812 acres, lying in the present southerly half of the town of Owego and a portion of Nichols. This tract was patented to Daniel, William, and Rebecca Coxe, and John Tabor Kemp and Grace (Coxe), his wife, January 15, 1775, and has since been known as Coxe’s Manor, or Patent. It was a portion of 100,000 acres patented to them in consideration of the surrender of their rights in a “province called Carolana, consisting of a territory on the coast of Georgia and the Carolinas, together with the islands of Veanis and Bahama, and all other islands off that coast, between the 31st and 36th degrees of north latitude, as granted by Charles I., October 30, 1629, to Sir Robert Heath, and from him devised to the present grantees through their father.” To these grantors 47,000 acres were granted in Oneida and 23,000 acres elsewhere (in Otsego or Delaware counties). The petition for this grant was filed October 31, 1774, and described the tract as being in the county of Tryon, and as “beginning at a place called Owegg, on the Susquehanna river, and runs along the northern boundary of Pennsylvania.” On January 4, 1775, a return of survey was made for the parties named in the patent, which described the tract as beginning “opposite the mouth of Owegy creek.”

The portion of the present town of Owego south of the Susquehanna, and the town of Nichols, was called the township of Hambden. The lands in the township, aside from Coxe's Manor, were sold as follows: to Robert Morris, several tracts in Owego; Alexander Macomb, 6,930 acres in Owego and Vestal, February 15, 1785, vol. xliii., p. 123, Land Papers, New York; Nicholas Fish, 7,040 acres in Owego, and 6,400 acres in township seven of the tract purchased of the *Oneidas and Tuscaroras*, in Owego and Nichols, vol. xliii, pp. 84 and 85, Land Papers; William Butler, return of survey for 3,000 acres in Nichols, adjoining Coxe's Patent on the west, January 12, 1775, vol. xxxv., p. 14; John Reid, similar return for 3,000 acres adjoining Butler on the west, January 12, 1775, vol. xxxv., p. 15; Richard Robert Crowe, similar return January 20, 1775, for 2,000 lying between Reid's tract and the Susquehanna, which bounds it on the west, vol. xxxv., p. 23, Land Papers.

On the 10th of November, 1784, Rebecca, John D., and Tench Coxe filed a caveat in the land-office protesting against the granting by the state of any certificates of location, warrents of survey, or letters patent for lands west of the Delaware river, bounded south by Pennsylvania, until the claim of said protestors, or their assigns, to a tract of 29,812 acres of land, on the east bank of the Susquehanna, was lawfully and fully recognized. The claims of the Coxe heirs were confirmed subsequently, and the tract, as surveyed in 1806-7, was found to contain 30,900 acres.

Gospel and literature tracts were also set off in Owego township, comprising about three square miles, adjoining Coxe's Manor on the north. Colonel Nichols subsequently acquired a large tract of land in the towns of Owego and Nichols.

In 1788, on March 22, the legislature erected a new town* in Montgomery county, the boundary line beginning at the intersection of the pre-emption line of Massachusetts with the Pennsylvania State line, and running due north from the point of intersection along the pre-emption line to the distance of two miles north of Tioga river; thence in a direct line at right angles to the pre-emption line east to the Owego river (West Owego), to intersect said river at a distance of four miles on a straight line from the confluence thereof with the Susquehanna; then down the Owego and Susquehanna to the Pennsylvania line; and

* Chemung.

thence along said line to the place of beginning. This tract, which covers the present town of Barton and the greater portion of Tioga, in Tioga county, and the towns of Southport, Elmira, Ashland, Baldwin, and Chemung, and a portion of Big Flats, Horseheads, Erin and Van Etten, in Chemung county, had been settled by a number of persons, who could not agree upon a proper division of their locations, and the act creating the town appointed John Cantine, James Clinton, and John Hathorn commissioners to inquire into and settle the disputes which had arisen among the settlers concerning their possessions, and to assign and allot lands to the claimants who were actually settled on the lands, or who had made improvements, intending to settle. The allotments were to be not less than 100, nor more than 1,000 acres each, and also provided that the lands were to be settled within three months after the state acquired the Indian title. The lands were bought at one shilling and sixpence per acre. These commissioners proceeded under their authority to survey and plot the town, and February 28, 1789, the legislature confirmed their report, and authorized the commissioner of the land-office to patent the lands to the parties named on the map submitted by the commissioners of the town, and extended the time of settlement to one year after the state had acquired the Indian title. Certificates of location were issued by the commissioners, which were assignable, and thus parties acquired large tracts, which were patented to them under one patent.

On August 4, 1791, John W. Watkins, a lawyer in New York city, and Royal W. Flint, and certain associates, applied to the Commissioners of the Land-Office for the ungranted lands lying east of the Massachusetts pre-emption, west of the Owego creek, south of the Military Tract, and north of the town of Chemung, as then laid out,—estimated to contain 363,000 acres,—for which they agreed to pay the price of three shillings and fourpence per acre. (Vol. xi., Land Papers, p. 141.) The proposition was accepted, and the tract surveyed, and a return made April 7, 1794, and a patent issued June 25, 1794, to John W. Watkins, who subsequently conveyed to his associates, as their interests indicated. The lands were described in the patent as follows :

“Beginning at the northwest corner of the township of Chemung, as originally surveyed and laid out, on the east bounds of the lands ceded by this State to the Commonwealth of Massachusetts, and running along the line run for the north bounds of said township of Chemung south $87^{\circ} 40'$ east, 2,857 chains to

Owego creek, being the west bounds of a tract of 230,400 acres, also ceded by this State to the Commonwealth of Massachusetts; thence up along same bounds northerly to the township of Dryden, being one of the townships of the tract set apart for the troops of this state lately serving in the army of the United States; thence along the south bounds of the townships of Dryden, Ulysses, and Hector, and the same continued west 2,786 chains to the line run for the east bounds of the said first above-mentioned ceded lands, which line is commonly called the pre-emption line; then along the same a true south course 1,220 chains to place of beginning."

This tract includes the present towns of Spencer and Candor.

*CHAPTER III.

FIRST SETTLEMENT—CHARACTER OF THE SETTLERS—GROWTH OF POPULATION—ORGANIZATION—ORIGINAL BOUNDARIES—CURTAILMENT OF TERRITORY—PRESENT BOUNDARIES—TOPOGRAPHY—GEOLOGY—STREAMS—SOIL—AGRICULTURAL STATISTICS—AGRICULTURAL SOCIETIES.

IN the previous chapter we have stated the manner in which the original titles to the land within the present limits of the county were obtained. Upon the "Boston Purchase," where the village of Owego now is, the first white settlement was made; but as this fact is set forth in detail in connection with our history of that town, it is not necessary to repeat the story here.

Several causes operated to bring settlers to the County of Tioga from several localities. The army of Gen. James Sullivan, which passed through the valley in the summer of 1779, was composed of officers and soldiers from New Jersey, Connecticut, Massachusetts and New York. The officers of the expedition were astonished at the advance the Iroquois had made in agriculture. A letter of Gen. James Clinton states that the corn was "the finest he had ever seen." Another officer states that there were ears of corn that measured twenty-two inches in length. The broad valleys of the Susquehanna, Chenango and Chemung, with their rich fields of corn, and orchards of apple trees, must have presented to the soldiers an inviting and attractive appearance,

*In this chapter, and in some others, we quote extensively from the writings of Hon. William F. Warner, of Waverly. We hereby acknowledge our obligation to him for all.

as contrasted with the sandy soil of New Jersey, and the rocks and harder soil of Connecticut and Massachusetts. Upon returning to their homes at the close of the war, in 1783, these soldiers carried their reports of the territory they had traversed to friends and neighbors in their several states. We have seen that Massachusetts claimed the territory which forms the County of Tioga, and, as early as 1787, made a grant which, not being disputed as was the case with grants of the territory of Wyoming, many settlers in the Wyoming valley abandoned their possessions, and came to this county to find new homes; and Tioga thus gained some of her very best citizens among the early settlers from that locality. These coming mainly from Massachusetts and Connecticut, brought with them the general characteristics of the people of those states. Among them were men and women of culture and refinement, who exerted a powerful influence in restraining others who might have been inclined to acts of lawlessness. In general, this body of pioneers was composed of entire families; and the good order maintained was greatly owing to the presence of the noble wives, mothers and sisters of the pioneers, and who, while sharing in the hardships and privations incident to a pioneer life, presented examples of piety, virtue and true womanly heroism. Scantily furnished with domestic utensils and implements of husbandry, a spirit of liberality and mutual assistance was fostered. Many had for years suffered the fatigues and hardships of service in the army, and came empty handed, but with stout hearts, to carve for themselves a home in the new settlement. The exigencies of a pioneer life are always severe, but frugal means lead to frugal habits; common necessities unite a community in a common brotherhood. Doubtless there were many incidents in the lives of these early settlers of generosity and bravery, but where all were brave and generous so little notice was taken of such deeds that no record of them was thought to be necessary, nor is there record of a single act of violence.

The record of these settlements, their growth and progress, is given in the histories of the several towns, further on in this work; the growth of the county as a whole may be seen by the following, showing the population for several periods since 1800, viz: 1800, 6,862; 1810, 7,899; 1820, 14,716; 1825, 19,951; 1830, 27,690; 1835, 33,999; 1840, 20,527; 1845, 22,456; 1850, 24,880; 1855, 26,962; 1860, 28,748; 1865, 30,572; 1870, 33,178; 1875, 32,915; 1880, 32,673.

The county was legally organized under its present name* by an act of the legislature passed February 16, 1791. It was carved out of territory previously embraced within the limits of Montgomery county, which had been called before and during the revolutionary war, down to the year 1784, Tryon county, in honor of one of the late colonial governors, who, unfortunately, proved himself throughout the national struggle an uncompromising enemy to the American cause. By reason of this his name had become so unpalatable to the people of the state that it was no longer applied to the county; and by legislative enactment in that year (1784) the name of Montgomery was substituted, in honor of the Irish soldier, General Montgomery, who fell during his gallant attack on Quebec at an early period of the war.

At the date of its organization, Tioga county embraced not only its present limits, but also the counties of Chemung, Broome and Chenango. Its boundaries were Otsego county on the east; the Military Tract and Herkimer county on the north; Ontario on the west—out of which Steuben was erected in 1796; and the Pennsylvania line on the south. Its towns, commencing at its westerly limit, were Newtown, Chemung, Owego, none of whose territory was then where it now is, but all of it lay west of the Owego creek, and then embraced what are now Tioga, Candor, Spencer, Barton and Nichols, in Tioga county, and Caroline, Danby and Newfield, in Tompkins county; next easterly to Owego creek was Union, which included within its limits what are now Owego, Newark, Berkshire and Richford, in Tioga county, Union, Vestal, Lisle, etc., in Broome county, and the westerly portion of what is now Chenango county; next easterly was Chenango; and next easterly and northerly was Jericho, which covered territory then lying in the easterly part of what is now Chenango county. Thus it is seen that the six old towns, Newtown, Chemung, Owego, Union, Chenango and Jericho, then covered territory which the fifty-two towns of Chemung, Tioga, Broome and Chenango counties, and three towns, Caroline,

*The name of the county is derived from that of the river that once flowed through its western portion, now the county of Chemung. Morgan, in his "League of the Iroquois," gives the derivation and signification of the word as follows: "The various tribes of the Confederacy had a different pronunciation for the word. In the *Oneida* dialect it was Te-ah-o-ge; in the *Mohawk*, Te-yo-ge-ga; in the *Cayuga*, Da-a-o-ga; and in the *Seneca*, Da-ya-o-geh; but all meant 'at the forks.' In the text of the work quoted it is written Ta-ya-o-ga. On Guy Johnson's map of 1771 it is written Ti-a-o-ga. The eloquent Red Jacket pronounced it Tah-hiho-gah, discarding the suffix 'Point,' which has been universally added when applied to the locality known now as Athens, Pa. He said the Indian word carried the full meaning,—'the point of land at the confluence of the two streams,' or 'the meeting of the waters.'"

Danby and Newfield, in Tompkins county now cover, fifty-five in all.

The first loss sustained by Tioga in the organization of other counties was in 1798, when the northeasterly corner of her ancient domain, and a strip from the westerly part of Herkimer, were taken to make up the then county of Chenango, which, in its turn was found large enough, in 1806, to admit of the erection of Madison county out of its northern half. Next in the order of time, 1806, was the organization of Broome county, taken from Tioga, and named in honor of the then Lieutenant Governor. It embraced, originally, the old towns of Chenango, etc., and territory forming Owego, Newark, Berkshire and Richford. The next change was in 1822, when the territory now included within the towns of Owego, Newark, Berkshire and Richford was taken from Broome and re-annexed to Tioga, and the towns of Caroline, Danby and Newfield were taken from Tioga and added to Tompkins. By the same legislature Tioga county was divided into two jury districts, Owego and Elmira becoming half-shire towns. This latter act proved to be but a preliminary step to the subsequent establishment of Chemung county, resulting, in 1836, in a complete severance of the connection and mutuality of interests.

This leaves the county of which we write as it is to-day, with an area of about 542 square miles, bounded north by Tompkins and Cortland counties, east by Broome county, south by the Pennsylvania line, and west by Chemung county. It is divided into nine towns, as follows: Barton, Berkshire, Candor, Newark Valley, Nichols, Owego, Richford, Spencer and Tioga.

The surface of the country is broken by the prolongation of the Alleghany mountains, which enter in a series of ridges northerly through the territory, and attain a nearly uniform elevation of 1,200 to 1,400 feet above tide. These ridges are severed diagonally by the valley of the Susquehanna, and are separated by numerous lateral valleys, which extend in a north and south direction, and give a great variety of feature to the surface. The width of these valleys varies from a few rods to a mile, and sometimes more. They are frequently defined by steep acclivities, which rise from 250 to 400 feet, the summits of which are broad and rolling, and afford excellent land for dairy purposes.

The rocks of the county belong to the Chemung and Catskill groups. All the rocks cropping out on the surface north of the Susquehanna, and those underlying the south of it, may be

classed with the Chemung group, and those crossing the hills south of the river with the Catskill group. There are no important minerals; a deep drift consisting of sand, gravel and clay lies in the valleys and covers the adjoining hills. This deposit near East Waverly is eighty feet deep, and a wide belt of it seems to extend north in an almost unbroken line from that place to Cayuga lake.

The principal streams are Susquehanna river and Owego, Catatonk, Cayuta, Pipe, Wapasening and Apalachin creeks, with their branches. These streams have generally rapid currents, and furnish valuable water-power. Their valleys, in their upper courses, are generally narrow, but expand as they approach the Susquehanna into broad and beautiful level intervals.

The soil in the valleys is a deep, rich, gravelly loam, with an occasional intermixture of clay and sand. The land in the Susquehanna valley is especially noted for its fertility. The uplands are gravelly and sandy, and produce an abundance of grass, which renders the land valuable for grazing and dairy purposes. Since the removal of the most valuable timber, the inhabitants are mainly occupied in agricultural pursuits. The dairies of the county are becoming noted for their excellence in the principal markets, and are rapidly increasing in their productiveness. The county's agricultural resources may be estimated from the following figures, taken from the census report of 1880:

The county then had 3,401 farms, representing 243,175 acres of improved land, and were valued at \$10,949,806.00. Upon these farms were raised 8,397 bushels of barley; 129,131 bushels of buckwheat; 313,087 bushels of Indian corn; 652,918 bushels of oats; 9,236 bushels of rye; 83,367 bushels of wheat; 436,317 bushels of potatoes; 2,200 pounds of hops, and orchard products to the value of \$25,342.00. Its live stock enumerated 7,482 horses; 77 mules; 534 working oxen; 17,794 milch cows, and 11,620 other cattle; 21,914 sheep and 8,253 swine. From this stock was produced 89,780 pounds of wool; 310,133 gallons of milk; 2,150,885 pounds of butter, and 24,712 pounds of cheese.

The Tioga County Agricultural Society was organized in 1819. The only account of it extant is in the *American Journal*, a newspaper published at Ithaca by Ebenezer Mack, and now known as the *Ithaca Journal*. That paper gives an account of a meeting of the society at the house of Andrew Purdy, in Spencer,

on Wednesday, November 10, 1819, together with the by-laws, which were signed by Thomas Maxwell, secretary.

On March 28, 1837, the society was reincorporated by act of the legislature. James Pumpelly, Anson Camp, Ezra Canfield, Francis Armstrong, Stephen Strong, Henry McCormick, Ira Clizbe, John Coryell, Erastus Goodrich, Asa Wolverton, Ira Woodford, Russell Gridley, Henry Miller, George Fisher, Stephen Wells, Jr., Ezekiel Rich, David Williams, Horatio Collins, Joseph T. Waldo, Abram Hotchkiss, Otis Lincoln, Nicholas Schoonover, Samuel Mills, Isaac Shepard and William Platt, "and such persons as might thereafter be associated with them," were made a body corporate by the name of the Tioga County Agricultural Society. The act was to continue in force twenty years, and the society was empowered to hold and convey real estate not exceeding in value \$5,000.00. Thomas Farrington was chosen president of the society. The first fair was held in October, 1841, on land owned by James Pumpelly, at the northwest corner of Main and McMaster streets, in Owego. Annual fairs were held for six successive years. The last one, in 1846, was a failure, owing to some dissatisfaction because one exhibitor who owned some very fine horses had received all the best premiums.

The society was re-organized July 21, 1855, at a meeting held in the old village hall, in Owego, and articles of incorporation were subsequently filed in the office of the Secretary of State. Harvey Coryell, of Nichols, was chosen president, William Smyth, secretary, and Thomas I. Chatfield, treasurer. The first fair of the re-organized society was held October 23 and 24. The live stock and farming machinery were exhibited on the lot at the southeast corner of Main and William streets, and the fruits, domestic articles, etc., in the village hall. The next year the fair was held in the same places, but in 1857, a piece of ground owned by George W. Hollenback, corner of Division and Front streets, in the eastern part of the village, was leased for five years, at a yearly rental of \$100.00. The ground was surrounded by a high board fence, a race-track was constructed, and fairs were held there until 1864. In 1862, there was some dissatisfaction because all premiums amounting to \$3.00 and over were paid in silver-plated ware. In 1864, the location of the grounds was changed. The society leased and fenced in thirteen acres of land on the J. J. Beers farm, just north of the village line, located on the north side of the highway leading from the old Ithaca and Owego turnpike to Leach's Mills. In 1865, horse racing was made a

prominent feature of the fair. This, together with the the paying of premiums to farmers in silver-plated ware, increased the dissatisfaction to such an extent that the fairs of the two following years were failures.

An attempt to re-organize the society was made in 1871. A public meeting was held at the court-house on the 18th of October. Thomas I. Chatfield was elected president of the society, William Smyth, corresponding secretary, George Worthington, recording secretary, and Stephen S. Truman, treasurer. Nothing further was done, and no attempt was made to hold a fair.

Another and more successful attempt to re-organize the society was made August 10, 1872, when another meeting was held at the court-house. At a subsequent meeting, held on the 24th of the same month, the society was re-organized by the election of Herbert Richardson, of Newark Valley, president, William Smyth, of Owego, secretary, and George Truman, of Owego, treasurer. The first fair of the re-organized society was held on the Owego Driving Park, September 16, 17 and 18, 1873, and successful annual fairs have been held on the same grounds ever since. The following is a list of the presidents of the society since its organization:—Thomas Farrington, Owego, 1841-42; Charles F. Johnson, Tioga, 1843-46; Harvey Coryell, Nichols, 1855; Louis P. Legg, Berkshire, 1856; Chester Randall, Richford, 1857; W. R. Shoemaker, Nichols, 1858; William Ellis, Barton, 1859; John McQuigg, Spencer, 1860; David Taylor, Tioga, 1861-62; George Woodford, Candor, 1863; Louis P. Legg, Berkshire, 1864; Samuel B. Smith, Nichols, 1865; John L. Taylor, Owego, 1866-68; Thomas I. Chatfield, Owego, 1871; Herbert Richardson, Newark Valley, 1872-73; Frederick W. Richardson, Newark Valley, 1874-75; John S. Giles, Owego, 1876; William H. Armstrong, Newark Valley, 1877-80; George J. Nelson, Tioga, 1881; Frederic C. Lowman, Nichols, 1882; John Smith, Jr., Owego, 1883; W. Hulse Shaw, Tioga, 1884-87.

From 1855 to 1861, inclusive, William Smyth was secretary of the society. John L. Taylor was secretary in 1862 and 1863; Thomas I. Chatfield, in 1864 and 1865, and William H. Corey, in 1866, 1867 and 1868. Mr. Smyth was again secretary in 1871 and 1872, and his son, William A. Smyth, succeeded him, holding the office from 1873 to 1876, inclusive. Since the latter year, LeRoy W. Kingman has been secretary of the society.

Thomas I. Chatfield was treasurer from 1855 to 1861, inclusive. Dwight I. Bloodgood was treasurer from 1862 to 1868, inclusive.

Stephen S. Truman held the office in 1872, and George Truman in 1873. Mr. Chatfield was again treasurer from 1873 to 1876, inclusive. A. Chase Thompson was treasurer from 1877 to 1880, inclusive. His successor, James M. Hastings, is the present treasurer.

The Northern Tioga Agricultural Society was not organized, as might be supposed, in opposition to the county society whose fairs are held at Owego, but rather to occupy territory which did not seem to be reached by the county organization.

In the summer of 1880, the Newark Valley Farmer's Club decided to take the initiatory steps towards holding a local fair or farmer's exhibition; and a temporary organization was formed for that purpose, with the following officers: D. M. Sturtevant, president; D. H. Miller, James Borthwick, vice-presidents; Charles L. Noble, secretary; Egbert Bement, treasurer; F. W. Richardson, general superintendent; L. S. Burch, marshal.

The exhibition was held on the grounds now occupied by the society, at Newark Valley, September 15 and 16, 1880. No admission fee was charged and no premiums paid; but so great was the enthusiasm shown and so large was the exhibit made, that it was at once apparent that ample material was at hand for a successful society. A few weeks later the Farmer's Club issued a call to the farmers and business men of Northern Tioga, and a meeting was held in Elwell Hall, Newark Valley, November 23, 1880, which resulted in the organizing of a society to be known as the Northern Tioga Agricultural Society, and a few days later the articles of incorporation were filed in the clerk's office of Tioga county and in the office of the secretary of state, and the society entered upon its legal existence. The officers for the first year were as follows: L. S. Burch, president; Theodore Mayor, C. F. Curtis, vice-presidents; Charles L. Noble, secretary; J. R. Hankins, treasurer; J. R. Ford, E. F. Johnson, C. H. Randall, F. G. Bushnell, D. M. Sturtevant, W. T. Shaw, William Elwell, L. D. McCullough and F. W. Richardson, directors. The grounds now occupied by the society, taken from the farms of Ichabod Ford and Edwin P. Smith, were at once leased, and the following summer a half-mile track was graded, suitable buildings were erected, and on the 4th, 5th and 6th of October, 1881, the first annual fair of the society was held. The result was all that could have been desired, both in point of attendance and exhibits, and from that time to the present, each annual exhibition has shown a marked improvement over its predecessors, the

entries rising gradually from 1,068 in 1881, to 2,012 in 1887, while the cash receipts show a corresponding increase. Constant improvements have been made both in the grounds and the premium list, until the Northern Tioga Agricultural Society fairly ranks as one of the best managed and most prosperous organizations of its kind in Southern New York.

*CHAPTER IV.

ADMINISTRATION OF THE LAW—EARLY COURTS—CHANGES AND ESTABLISHMENT OF NEW COURTS—COUNTY BUILDINGS—JUDICIARY AND CIVIL LIST.

AT the time of the organization of the county (1791), the various courts of law, from those of a general jurisdiction to those of a specific and limited jurisdiction, had already been instituted and organized throughout the state, either by derivation from the common law, or by the constitution and the various enactments of the legislature. With a very few exceptions of courts since abolished, the courts of law of that time have continued until the present writing with powers and jurisdictions of so kindred a nature that they are easily identified. There has been very little change in the essential nature of those powers and jurisdictions, or even in the number and grades of the various courts since. There have been made, however, great changes in the executive scheme and machinery of these courts. These changes are simply those of the natural growth and development of the administration of law, equity and justice; and they may be easily traced through the history of the constitutional and statute laws of the state.

The paramount court of the state was the court for the trial of impeachments and for the correction of errors. It was provided for by the first constitution of the state, 1777, and was established by an act of legislature in 1784. It was composed of the president of the state senate, senators, chancellor, and judges of the supreme court, or the major part of them. As a court for the trial of impeachments, it had power to impeach all

*Prepared by S. Jay Ohart, of Owego.

public officers of the state "for mal and corrupt conduct in their respective offices." Two-third majority of the members present was necessary in order to successfully impeach. This court still continues, with some modifications. It is now composed of the president of the state senate, senators or the major part of them, and the judges of the court of appeals, or the major part of them. Since it was first established, in 1784, this court has been deprived of much of the jurisdiction originally conferred upon it, by the adoption of new state constitutions and by the various amendments thereto, and by numerous enactments of the state legislature.

As a court for the correction of errors, this was a species of appellate court of last resort, and had power to redress and correct all errors happening in the court of chancery, the supreme court, the court of probates and the court of admiralty. This branch of the court continued until the adoption of the new state constitution, which went into effect January 1, 1847. It was supplanted under provisions of the constitution of 1847, by the court of appeals, although it is a noteworthy feature that the new constitution of 1847 made no direct abolition of this court; but it was practically disposed of by that instrument by abolishing the offices of chancellor and justices of the supreme court, who in part made up the court for the trial of impeachments and for the correction of errors.

The new state constitution of 1847 provided for the institution of the court of appeals, consisting of eight judges, and the court was subsequently organized under provisions of enactment of the legislature, and is still in existence. The judges thereof are elected by popular vote, and since the adoption of the judiciary article to the state constitution, November 2, 1869, the court has been composed of a chief justice and six associate justices and the tenure of office is for a term of fourteen years. Its sessions are held in the city of Albany. It is an appellate court of last resort in the state, having general jurisdiction in law, equity and justice.

There was another court already organized at the time of the erection of the county, known as the court of exchequer. It was a court having jurisdiction of fines, forfeitures and amerciaments. It was abolished by the repealing acts of 1828, in anticipation of the revised statutes of the state which went into effect January 1, 1830.

The court of chancery was another court already in existence

and fully organized, to the jurisdiction of which the county of Tioga was subject upon its erection. This court had jurisdiction of general equity jurisprudence. The executive officer of the court, originally under the provisions of the constitution of 1777, was a sole chancellor, appointed by the governor of the state with the advice and consent of the council of appointment. His tenure of office was during good behavior, or until he arrived at the age of sixty years. Subsequently, when the revised statutes went into effect, January 1, 1830, provision was made for the appointment of vice-chancellors, one for each of the eight judicial circuits. The duties of the vice-chancellors were analogous to those of the circuit justices of the supreme court. The court of chancery continued until the first Monday of July, 1847, when it was abolished under the provisions of the new state constitution, which went into effect January 1, 1847. This constitution provided for a supreme court, with general jurisdiction in law and equity; and since its adoption the history of equity jurisprudence is identical with that of the supreme court.

The supreme court of judicature was also already fully organized, having general jurisdiction of civil matters. Originally it consisted of three members, a chief justice and two associates, who were appointed by the governor of the state with the advice and consent of the council of appointment. Their tenure of office was during good behavior, or until each should attain the age of sixty years. Afterward the number of associate judges was increased to three, and subsequently to four. The terms of the court were held at the state capitol, and the justices of the court continued to be appointed until June 7, 1847, when, under the provisions of the new constitution, they became elective by popular vote, and they have since continued to be so chosen. An act of the state legislature of 1786, however, authorized the trial of issues in the supreme court to be held in the county where the causes arise, and established circuit courts to be held in the vacations of the court at least once a year in each county of the state, by the justices or some one of them. The act of 1791, creating Tioga county, however, provided that it should not be the duty of the justices of the supreme court to hold a circuit court once in every year in Tioga county, unless in their judgment they should deem it proper and necessary. An act of February 10, 1797, nevertheless, appointed the circuit of Tioga county to be held on the tenth day after the second Tuesday in May, yearly. The state was at this time

divided into four judicial districts, and the county of Tioga was included in the "western district," so-called. April 17, 1823, an act was passed dividing the state into eight circuit districts, corresponding with the eight senatorial districts in extent of territory. Under this arrangement Tioga county was in the sixth circuit district.

February 22, 1788, the state legislature by enactment established courts of oyer and terminer, having general criminal jurisdiction, and directed that the justices of the supreme court, or either of them, together with the judges and assistant judges of the courts of common pleas of each county of the state, or any three or more of them, should constitute the court. The terms of oyer and terminer were also authorized to be held in the respective counties at the times when the justices of the supreme court should be holding the circuit court in such county.

The supreme court, the circuit court thereof, and the court of oyer and terminer having been thus established throughout the state prior to the erection of Tioga county, the county became subject to the jurisdictions thereof from the time of its organization. These courts have continued in existence until the present time. It will be interesting, nevertheless, to notice some changes which were made in the executive arrangement of these courts from time to time.

The revised statutes of the state which went into effect January 1, 1830, provided for the construction of the supreme court to consist of a chief justice and two associates, and divided the state into eight circuit court districts, also made provision for eight additional circuit court justices, one for each district. These circuit court districts were made to correspond to the eight senatorial districts. The county of Tioga was annexed to the sixth judicial district, and has remained in that district down to date. This scheme was continued, with some modifications, until the adoption of the new state constitution, which went into effect January 1, 1847. Out of this new constitution, the amendments thereto, and the subsequent acts of the state legislature, has grown our present elaborate arrangement of the supreme court, circuit courts thereof, and courts of oyer and terminer, the systematic executive arrangement of which elicits the admiration of the world of jurisprudence. They consist of so-called "departments," of which there are five in the state. Terms of circuit courts and courts of oyer and terminer are held in the various counties by a sole circuit justice. Under the present

arrangement the office of justice of the supreme court is elective, and the tenure thereof has been, since the adoption of the judiciary article to the state constitution, November 2, 1869, for a term of fourteen years. The county of Tioga, under the present judicial arrangement, is in the fourth department and in the sixth judicial district, which has five justices, two of them general term justices and three of them circuit justices.

Courts of common pleas, having limited civil jurisdiction, and courts of general sessions or general sessions of the peace, having limited criminal jurisdiction within the respective counties of the state, had also been provided for by the state constitution and by various acts of the state legislature before the erection of the county; but they were especially provided for by the act of February, 1791, creating the county. This act provided that there should be two terms of said courts held in the county each year. The first terms thereof were directed to be held on the fourth Tuesdays of June and January of every year, at the house of George Hornwell, in Chemung (now in Chemung county). These courts originally were composed of a first judge, three associate judges and four assistant judges. Three of these were necessary to be *en banc* to constitute the court, one of which three was required to be either the first judge or one of the associate justices. In 1818, the offices of assistant judges were abolished by an act of legislature, and the revised statutes of 1830 provided for a first judge and four judges of the county courts of each county. These species of courts continued with some modifications until the adoption of the new state constitution of 1847. That instrument provided for one county judge in each county, except the county of New York, who alone held the county court, which was thus made to supplant the court of common pleas. He also, together with two justices of the peace, called justices for sessions, holds the court of sessions, having limited criminal jurisdiction within the county which in turn, since January 1, 1847, has supplanted the court of general sessions or general sessions of the peace. Under the original system the first judge, the three associate judges and the four assistant judges were appointed by the governor of the state with the advice and consent of the council of appointment. The tenure of office of the first judge was during good behavior, or until he attained the age of sixty years; and commissions of appointment to the judges of the county courts (other than the first judge), etc., were required to be made, by the constitution of 1777, once

at least in every three years. With this exception the duration of the term of said officers was during the pleasure of the council of appointment. In 1830, the revised statutes authorized the nomination and appointment of the judges (a first judge and four assistant judges) of county courts by the governor of the state, with the consent of the state senate, and their tenure of office was for a term of five years, subject to removal for cause; and by the new state constitution of 1847, the office of sole county judge was made elective by popular vote and the tenure of office was for a term of four years. This term was by the adoption of the judiciary article to the state constitution November 2, 1869, changed to six years' duration, which is the present tenure of the office. Justices for sessions, sitting with the county judge, constituting the court of sessions, are elected annually by popular vote and are required to be acting justices of the peace.

Courts of probate, or what are now known as surrogate's courts, had also already been instituted throughout the various counties of the state, prior to 1791, by common law jurisdiction and by an act of legislature passed February 20, 1787, and by legislative acts subsequent thereto. These courts had original general jurisdiction of the probate of wills, administration of decedents' estates, and of all controversies relating thereto. The original statute of 1787, provided for the appointment of a sole surrogate in and for each county by the governor of the state and the council of appointment, to serve during the pleasure of said council. The revised statutes of 1830 authorized the nomination and appointment of surrogates by the governor of the state, with the consent of the state senate, and fixed the tenure of their office at a term of four years. Surrogates in and for each respective county continued to be appointed, with some subsequent modifications and conditions, until the new state constitution of 1847; and by that instrument the office of surrogate was consolidated with that of county judge, and since that time the office of surrogate in Tioga county is identical with that of county judge, as to manner of election and as to tenure of office. It is needless to add that this species of court is still extant in Tioga county, having the same general jurisdiction.

Courts of justice's of the peace, having specific and limited jurisdiction of petty civil controversies, and courts of general sessions of the peace, held by justices of the peace, having jurisdiction of petty crimes and misdemeanors, were also inaugurated throughout the various counties of the state at the time of the

organization of the county ; and they are still continued, having nearly the same general jurisdiction as they had when the county was first created. Courts held by justices of the peace, exercising jurisdiction of petty crimes and misdemeanors, are now denominated as courts of special sessions. Justices of the peace were originally appointed by the governor of the state and the council of appointment under provision of the constitution of 1777; and their tenure of office was during the pleasure of the council of appointment, except that it was required that commissions of appointment should be issued at least once in three years. Justices of the peace continued to be appointed until the amendment to the state constitution, ratified in November, 1826, and since that time they have been chosen by the electors within the various towns of the state. The tenure of office is now for a term of four years.

The act of the state legislature of 1791, creating the county of Tioga, provided that, until other provisions be made in the premises, the courts of said county should be held at the house of George Hornwell, in Chemung, and directed that a court-house and jail in the county should be erected at such place as the judges and justices and supervisors, or the major part of them, should direct and appoint. July 12, 1791, the justices and supervisors of the county met and selected a site for the new court-house and jail. The site selected was east of the Nanticoke creek, now in the village of Chenango, a small settlement on the west side of the Chenango river in the town of Union. A petition was made to the state legislature by the judges, justices and supervisors of the county, for authority to raise a sum of money sufficient to build such buildings. In pursuance thereof, an act was passed by the legislature on February 18, 1792, authorizing the levying and collection of three hundred pounds, with an additional sum of nine pence on the pound for collecting the same, for building a court-house and jail, and authorizing the appointment of three commissioners by the supervisors and judges of the court of common pleas on the first Tuesday in May, 1792, to superintend the building of the new court-house and jail upon the site selected July 12, 1791. The same act authorized the courts of said county to be held at the house of Nehemiah Spalding, situate near Nanticoke creek aforesaid, after the end of the term of said court to be held on the fourth Tuesday of June, 1792, until the new court-house should be built and fit for the reception of the court. In conformity with the

provisions of this act the court-house and jail were erected in 1793.

There sprung up at once intense local jealousies and strifes among the inhabitants of the county, as to the permanent location of the new county buildings. There appears to have been a numerous sprinkling of inhabitants in the vicinity of what are now the cities of Elmira and Binghamton, and the chief struggle as to the location of the county seat of the new county was between those two localities. And thus early in our history was engendered a strife for local dominancy, which has continued unabating until the present day. The Chemung inhabitants secured a temporary dominancy by the act of February, 1791; and the Nanticoke inhabitants wrested it from them by the act of February, 1792. But their victory was not an exclusive one, for the inhabitants of Chemung immediately set to work and constructed a building for a jail, at Newtown Point, so-called, in the town of Chemung, and January 14, 1793, secured the passage of an act of legislature recognizing the same as the jail of the county, "until further legislative provisions in the premises;" and also authorizing the holding of the courts of common pleas and general sessions of the place, in said county from and after April 1, 1793, on the first Tuesday in May, October and February, of every year, alternately at the house of Joshua Whitney, at Chenango, in the town of Union, and at the said new jail building at Newtown Point, in the town of Chemung, and directed the adjournment of said courts at the end of the January term of 1793, to the first Tuesday of May, 1793, to be held in this new jail building at Newtown Point. This dual arrangement threw some confusion into other official departments of the county, and there appears to have been a struggle to have the dual arrangement carried throughout all of those official departments, and doubts at once arose as to the power and authority to do this, particularly among the new loan officers. Once more the legislature was appealed to, and March 25, 1794, an act with a preamble reciting this state of affairs was passed, authorizing and requiring the new loan officers to hold the new loan office in the towns of Union and Newtown, alternately, at or near the places of holding said courts, and directing that the next meeting of the said new loan officers be held in the town of Union, aforesaid.

March 17, 1795, the good people of the Nanticoke vicinity secured the passage of an act directing that the sheriff of Tioga

county, from and after May 1, 1795, compute and receive mileage fees from Nanticoke bridge, in the town of Union, and from no other place.

The location of Chenango Village, in which the new court-house and jail had been erected, in 1793, was changed to Chenango Point (now city of Binghamton) in 1799, but the citizens of that vicinity were still persistent to maintain local supremacy, and the contention seems to have continued until 1801. March 31, 1801, the state legislature enacted that the judges and assistant justices in the County of Tioga, at the next term of their court, commencing on the first Tuesday in May, 1801, divide the county into two jury districts, "as nearly equal as may be convenient;" and authorized the holding of the courts of common pleas and general sessions of the peace at the court-house "about to be erected at Chenango Point, in the town of Chenango, instead of the house of Joshua Whitney, in the town of Union, and at the court-house at Newtown alternately."

March 5, 1794, Onondaga county was formed, March 15, 1798, Chenango county was formed and March 28, 1806, Broome county was formed, all taken from Tioga county and embracing all of the territory east of Owego creek. The act of March 28, 1806, directed the holding of the courts for Broome county in the court-house then erected in Chenango, and for the county of Tioga at the court-house in the town of Newtown, and the provisions for two jury districts in the county of Tioga was abolished.

Meantime a large settlement had grown up at Spencer. The court-house at Newtown was a rude affair, constructed of logs and covered with clap-boards, situate approximately, upon the present corner of Church and Sullivan streets, in the city of Elmira. That new county buildings would soon have to be constructed in Tioga county was manifest. What is now the town of Owego was known as the town of Tioga, and had been set off into the new county of Broome in 1806. Directly upon the formation of this new county of Broome, Spencer began to contest with the Newtown community for the location of the anticipated new county buildings, and for local supremacy. The name of the town Newtown was changed to Elmira, by act of legislature April 6, 1808, so it will be proper hereafter to speak of the locality as Elmira. Spencer was then sometimes known as "Pumpkin Hook;" but nothing daunted, she wrested from Elmira the sway of local dominancy and secured the location of the new county buildings there. February 17, 1810, an act was passed by

the legislature appointing Nathaniel Locke, Anson Carey and Samuel Campbell, "commissioners to locate a new court-house site." In the winter of 1811, these commissioners removed the county seat from Elmira to Spencer. By the same act, Joshua Ferris, Isaac Swartout and Samuel Westbrook were appointed to superintend the erection of the new building. September 28, 1810, two acres of land, situate in Spencer, were purchased of Andrew Purdy out of his farm, for the price of \$20.00. The new building was situate upon the corner where Messrs. Emmons Bros' store now is. This new court-house was built by Mr. Purdy, on contract, under the personal superintendence of Samuel Westbrook, and cost \$5,595.60. It was a wooden building, two stories high. On the ground floor were four apartments, one of which was used for a prison for criminals, another for the imprisonment of debtors, the other two for the jailers apartments. The second story contained the court-room proper and two jury-rooms.

The strife was still rife between the Elmira and Spencer localities for dominancy, and the Elmira community still persisted in maintaining a species of independence. Accordingly, June 8, 1812, Tioga county was again divided into jury districts, the eastern and the western; and the courts of the county were held at Elmira and Spencer alternately. In January, 1821, the court-house in Spencer was destroyed by fire. It was occupied at the time by the jailor, John J. French, a revolutionary soldier. He was the father of three daughters, who occupied the jury-rooms in the second story for their apartments. The fire which destroyed the building broke out at mid-night, in these rooms. They claimed that it originated in the chimney, but many were uncharitable enough to assert their belief that the jailor's girls set the building on fire at the instigation of certain persons who were desirous of having the county seat removed to Elmira.

The legislature, March 31, 1821, passed an act directing the next courts to be held where the sheriff of the county should designate, and the first court of common pleas so held was to designate where the next term should be held, and so on from term to term, till a new court-house should be erected. It was also made lawful to confine the prisoners in the Tompkins county jail, or in the jail at Elmira.

A temporary court-house, one story high, was erected about twenty or thirty rods west of the old one. It adjoined a school-house, the latter being used during sessions of the court, a door

having been cut between the buildings in order to give access from one to the other. The buildings were used for court purposes until the spring of 1822. The temporary court-house was removed fifteen or twenty rods west of its original location, to where it now stands, between George Rosecrance's wagon shop and Seth O. Sabin's blacksmith shop, where it is used to store lumber in.

In the meantime, the legislature, by act of April 12, 1813, revised the division of the state into towns, and exchanged the names of the towns of Owego and Tioga one for the other, as they are now denominated. And by an act passed March 22, 1822, the towns of Berkshire, and Owego, then including the new towns of Richford and Newark Valley also in the county of Broome, were annexed to the county of Tioga; the county as reconstructed was divided into two jury districts; and the act authorized the construction of new court-houses and jails in both Elmira and Owego. The two jury districts were designated the eastern and western. The eastern district comprised the towns of Tioga, Spencer, Danby, Caroline, Candor, Berkshire and Owego. The western district comprised the towns of Cayuta, Catharine, Chenango and Elmira. This act made it the duty of the board of supervisors at their annual meeting in October, 1822, to levy a tax of \$4,000.00 and, in 1823, an additional tax of \$2,000.00, to pay for the construction of new buildings, on condition that \$2,000.00 additional be raised by voluntary subscriptions and paid in, and that lots for building sites should be conveyed free of expense to the county. Three commissioners were appointed to take charge of the construction of each of the court-houses. John R. Drake, Gen. Anson Camp and Charles Pumpelly were nominated the commissioners to build the one in Owego.

This act dividing the county into two jury districts also directed the courts for the eastern district to be held at the hotel of Erastus S. Marsh, which was situate upon the site of the present Ah-wa-ga House in Owego, until the new court-house should be erected. And the courts for the western jury district continued to be held at Elmira, until March 29, 1836, when it was made into an independent county and denominated Chemung county, by an act of the legislature.

February 28, 1799, the trustees of the Owego settlement acquired a considerable tract of land of James McMaster for a village park. In pursuance of the act of March 22, 1822, requir-

ing that a lot for a building site for the new court-house and jail in Owego should be conveyed free of expense to the county, a further legislative act was passed April 17, 1822, authorizing the trustees of the village of Owego with the consent of the inhabitants of said village, to convey to the supervisors such parts of the lands originally conveyed by James McMaster and Rachel, his wife, to the trustees of the inhabitants of the Owego settlement as may be necessary to be occupied for the use of a court-house and jail to be erected in said village. Thereupon a meeting of the free holders and inhabitants of the village of Owego was held at Marsh's tavern, on the 12th day of October, and assent and authority given to the trustees of the public grounds in said village to deed to the supervisors of the county so much of the public grounds as they might "deem necessary to erect a court-house, and other necessary buildings upon as appendages to the court-house." The trustees of Owego settlement accordingly, on October 29, 1822, deeded to the supervisors of the county the ground on the corner of Main and Court streets, in Owego village, upon which are now situate the new sheriff's residence and jail, the old county clerk's office and the old jail building. The court-house was built by contract, Ralph Manning of Berkshire, constructing the cellar and Seth Bacon, of Candor, the structure. The work was completed in 1823. It fronted on Court street and had a hall running through its centre from east to west. On the north side of the hall were a sheriff's living room and an office. On the south side were two jail rooms and a kitchen. The stairs leading to the court-room proper, occupying the whole upper floor, were at the east end of the building.

At a special meeting of the board of supervisors, held March 3, 1851, it was decided to build a new sheriff's residence and jail. It was first proposed to build the new jail between the court-house and the old county clerk's office. The ground was then occupied by a fire engine house, which had been built there by the village in 1843, by permission of the supervisors. The plan was afterward changed, and it was decided to build east of the court-house. The village trustees were requested to remove the engine house, as the rear part occupied a portion of the ground needed for the jail. But they did not feel authorized to remove it or relinquish the right of the village to the ground without first obtaining an expression of the inhabitants. The matter was decided at a public meeting of the citizens of the village held on the 20th of March, 1851, when the trustees were directed to

remove the building before the first of April. On the day following that of the citizens' meeting, the supervisors directed the county treasurer to loan \$6,000.00 to be expended in building the new sheriff's residence and jail. The jail was to be built of brick, lined with two-inch oak planks, with one-half inch iron spiked to the bond timbers and confined at the top and bottom by bars of iron two and one-half by three and one-half inches, placed horizontally, bolted to the bond timbers. It was built by J. Conklin, of Elmira. The sheriff's residence still stands, being the small brick structure on Main street east of the new sheriff's residence and jail, and occupied by the telephone company and others for offices. The old jail portion of the building was sold in 1884 to A. H. Keeler for \$125.00 and torn down by him.

In the summer of 1852 the court-house was repaired and remodeld by John Gorman and Chauncey Hungerford, at an expense of \$1,500.00. The judges bench and bar, which had been at the west end of the court-room, were removed to the east end, and additional stairs were built at the west end of the building. A cupola, in which was afterwards, in 1855, placed a bell, was built upon the roof at the west end of the court-house, and various other changes were made. This court-house was sold to A. H. Keeler and torn down by him, in 1877, after the brick court-house in the park had been completed.

September 2, 1868, at the Tioga county oyer and terminer, the grand jury of the county indicted the court-house and jail of the county and "presented the Tioga county court-house as unsuitable and inconvenient for the transaction of the legal business of the county, and presented the Tioga county jail as insecure and inconvenient for the confinement of persons charged with crime;" and "recommended that immediate action be taken by the proper authorities for the building of a new court-house and jail as soon as practical."

November 23, 1869, the board of supervisors passed a resolution to appoint a committee of three to procure plans, specifications and estimates for a new court-house, and to report at the next annual meeting of the board; and Messrs. John A. Nichols, of Spencer, John H. Deming, of Richford, and Frederick O. Cable, of Owego, were appointed such committee, and made their report to the board November 17, 1870. On December 1, 1870, a resolution was passed by the board of supervisors to proceed with as little delay as practical to erect a new court-house and a new jail for the county, and a committee of three, consist-

ing of Messrs. John. H. Deming, of Richford, John J. Taylor and Daniel M. Pitcher, of Owego, was appointed to obtain plans and estimates of builders or architects of the expense thereof. This committee reported at a special meeting of the board of supervisors held on December 28, 1870, and recommended the public square in the village of Owego for a site. On the 9th of January, 1871, a meeting of the citizens of Owego Village was held and consent given to convey the public square to the supervisors for a court-house site, which site was adopted by the supervisors at a special meeting held January 12, 1871, but no other building except the court-house was to be erected thereon. The state legislature passed an act authorizing the board of trustees of Owego village to convey the public park to the supervisors for a court-house site, January 20, 1871, which was done by deed bearing date February 14, 1871. The present elaborate court-house was thereupon constructed, in 1871-73, in pursuance of the plans and specifications of Miles F. Howes, a resident architect of Owego village, by Messrs. A. H. Keeler and Jonathan S. Houk, contractors at the contract price of \$55,700.00. The plans were altered, however, subsequently, to the letting of the contract and important changes made. The structure was completed in 1873, and on November 26, 1873, accepted by the board of supervisors at a total cost of constructing and fitting of \$65,318.90.

The building of a new jail was for the time being abandoned, but the board of supervisors in annual session, November 23, 1881, resolved to build a new jail, either on the bank of the river or on the site of the jail above referred to; and on December 6, the site on the corner of Main and Court streets, upon which the old court-house of 1823 had been built, was selected. At a special meeting of the board, held April 17, 1882, the plans for a new jail and sheriff's residence were finally adopted, and the contract for constructing the same was awarded to John F. Corchran, of Owego, and the contract for the iron work was awarded to the Owego Iron Works, and the finishing and the plumbing to E. H. Cook & Co., of Elmira, and May 18, 1882, the board passed an act authorizing the borrowing of \$20,000.00 on the bonds of the county of Tioga for the purpose of building a new sheriff's residence and jail. The new structure was erected in 1882-83, in pursuance of the foregoing plans and specifications. The sheriff's residence is built of brick and joined to it is the jail proper, built of solid stone masonry. The completed structure

was accepted at a special meeting of the board of supervisors, held March 30, 1883, at a total cost of erecting, fitting with steam-heating, water and gas fixtures, grading grounds, etc., of \$22,739.13.

An act of the state legislature, passed April 3, 1798, provided for the recording of deeds and conveyances made and executed after the first day of February, 1799, in Tioga county, among others, in the clerk's office of the county, in books to be provided by the clerk of the county for that purpose. The county clerk's office was kept in Newtown from the time of the erection of the county, in 1791, until 1804. There was no specific county building used for a clerk's office at this era. The office was usually kept at the residence of the incumbent. March 20, 1804, the legislature, reciting a preamble that "sundry inhabitants of the county of Tioga had by their petition represented to the legislature that many inconveniences arise," enacted that from and after July 1, 1804, "the office of clerk of Tioga county should be kept in a central situation in said county, not more than three miles from the village of Owego, on the north side of the river Susquehanna." The clerk of the county at that time was Matthew Carpenter, of Newtown. Accordingly, in pursuance of the provisions of the enactment, Mr. Carpenter, in July, 1804, opened an office in Owego (then Tioga) and placed the same in charge of Samuel Avery, whom he appointed deputy county clerk, July 4, 1804. The exact place where Mr. Avery kept his office it is now impossible to determine, after an exhaustive effort we have been unable to identify it for surety. It is conjectured that he probably had desk room in the law office of his brother, John H. Avery, who was a lawyer, and had his office in a building on the bank of the Susquehanna river, on Front street, near the present residence of Dr. C. L. Stiles. Subsequently, Samuel Avery removed from Owego to Nanticoke, and thereupon, August 3, 1805; Mr. Carpenter appointed James Pumpelly, of Tioga (now Owego), as deputy county clerk of the county. Mr. Pumpelly moved the office to his land office, on Front street, where the building stood until a few years ago when it was moved back from the street, where it is still standing. Dr. William Jones, who was a cousin of Mrs. James Pumpelly, was also appointed deputy county clerk of the county, to act in the absence of James Pumpelly, January 11, 1806*. The clerk's office re-

*The official appointments of Samuel Avery, James Pumpelly, and William Jones, as deputy county clerks of Tioga county, by Matthew Carpenter, are to be found recorded in

mained in the old Pumpelly land office building until the town of Owego (then Tioga) was set off into Broome county, March 28, 1806. Upon the foot of this, the office of the clerk of the county was removed back to Newtown, in pursuance of an act of the legislature of April 7, 1806, requiring that the "clerk of Tioga county should keep his office in the Village of Newtown, any law to the contrary notwithstanding," where it remained until removed to Spencer, in pursuance of an act of the legislature passed March 12, 1813, which required that the clerk's office of the county should be kept "within two miles of the new court-house in the town of Spencer."

The first distinctive county clerk's office building was built in Spencer, in 1818. It was constructed of brick, at a cost of \$1,139.00 and stood a short distance south of the court-house. The builder was Andrew Purdy, of whom the land upon which it stood had been purchased, and the commissioners appointed to superintend its construction were Abel Hart, of Candor, and Judge Henry Miller and Joshua Ferris, of Spencer. After the building was completed the supervisors refused to pay Mr. Purdy the entire amount of his claim, which subsequent proceedings showed to be a fair and just one. An application was made to the legislature, which passed an act April 12, 1822, appointing Richard Townley, Richard Smith and Luther Gere commissioners to audit Mr. Purdy's claims, which were subsequently allowed by them in full. After the destruction of the court-house in Spencer, in January, 1821, an act was passed by the legislature, April 15, 1823, repealing the act requiring the Tioga county clerk's office to be kept in Spencer. The same act appointed Parlee E. Howe, of the County of Onondaga, Henry Towar, of Ontario county, and Charles Kellogg, of Cayuga county, "a committee to determine a proper site for a county clerk's office in Tioga county, said site to be within one mile of one of the court-houses in the county," and the clerk was required to remove his office to the place so designated within thirty days. The office was removed to Owego from Spencer in July, 1823, in conformity to the decision of these commissioners. The building in which it was kept was a small one-story structure on the bank of the Susquehanna river, on the south side of Front street, about twenty feet east of the present residence of Mr. William A. King. The basement of the building was occupied by the late Stephen

the Tioga county clerk's office, in Deed Book No. 6, at pages 25 and 328, and Deed Book No. 7, page 72, respectively.

B. Leonard, deceased, as a printing office, where he published the *Owego Gazette*. The clerk of Tioga county at this time was Thomas Maxwell, who resided in Elmira. Upon the removal of the office to Owego, it was placed in charge of Major Horatio Ross, whom Maxwell appointed deputy county clerk.

April 10, 1824, the legislature of the state passed an act authorizing the supervisors to dispose of the old clerk's office in Spencer, built in 1818, and April 21, 1825, the legislature passed another act which appointed Joseph Berry, Elizur Talcott and John Ripley, all of Owego, commissioners "to cause to be erected a suitable and sufficient fire-proof building for a clerk's office in the village of Owego," and authorized them to receive the monies realized from the sale of the clerk's office in Spencer, pursuant to the act of April 10, 1824. It also directed the supervisors at their next annual meeting to cause a tax to be levied not exceeding \$1,000.00 nor less than \$800.00 including the amount received from the sale of the Spencer clerk's office, to be expended in building the new clerk's office. The Spencer clerk's office was sold to Andrew Purdy, April 23, 1825, for \$210.00, and the board of supervisors at their annual meeting in November, 1825, directed that it be applied to the use of the commissioners for building a fire-proof clerk's office at Owego, and that an additional sum of \$600.00 be levied and raised by tax on the towns of the eastern jury district for the purpose of erecting a fire-proof clerk's office in the village of Owego, making in all \$810.00.

The office was built by Abner Beers, near the south-west corner of the court-house lot, on Court street, in 1825, and cost \$792.00. A committee of three, Messrs. Samuel Barager, of Candor, William H. Moore, of Berkshire, and William A. Ely, of Owego, appointed to settle the accounts of the commissioners, reported to the board of supervisors that the new clerk's office was completed and that there remained unexpended the sum of \$18.00, at the annual meeting of the board in November, 1826. The new building was one story high, with brick floors, and 18x28 feet insize. Its height was twelve feet. It contained two rooms with four windows and the shutters were of wood, cased with sheet iron. It was as near fire-proof as could be made.

This clerk's office, as the county grew in population and its business increased, became too small for the purposes intended, and, in 1854, it was deemed necessary to build a new one. In the fall of that year the supervisors resolved to build a new one at an expense of \$2,000.00 and appointed Harvey Coryell, of Nichols,

Samuel Mills, of Barton, and Josiah Rich, of Candor, to procure plans, etc. In April, 1855, the old clerk's office was torn down, and during the same year the brick one now occupied by the Owego Free Library, on Court street, was erected on its site. The mason work was done under the supervision of Thomas Ireland, and the carpenter work by Almerin S. Waring. The cost was \$2,200.00. Mr. Waring made a poor job of it, in order to make his contract as profitable as possible to himself, and was consequently obliged to make several alterations to the interior before the supervisors would accept and pay for it. While the building was being constructed, the grand-jury room, in the northwest corner of the old court-house, was occupied as the clerk's office, the documents and records of the county being removed thereto.

The clerk's office was kept in the brick structure on Court street, from 1855 until the completion and acceptance of the new court-house, in 1873. Rooms for a clerk's office had been constructed and fitted up in the southeast corner of the new court-house, into which the clerks office was moved in the winter and spring of 1874, where it has since been kept.*

JUDICIARY AND CIVIL LIST.

Justice of the Supreme Court.

John M. Parker,..... 1859-67†

Surrogates.

John Mersereau,..... 1791	Robert Lawrence,..... 1821
Balthazar De Haert,..... 1798	Charles Baker,..... 1825
William Woodruff,..... 1802	William Maxwell,..... 1829
William Jenkins,..... 1805	Thomas Farrington,..... 1835
Caleb Baker,..... 1806	Nathaniel W. Davis,..... 1840
Robert Lawrence,..... 1808	Alansan Munger, 1844
Isaac S. Boardman,..... 1820	

First Judges.

Abram Miller,..... 1791	Latham A. Burrows,..... 1825
John Patterson,..... 1798	Grant B. Baldwin,..... 1828
John Miller,..... 1807	John R. Drake,..... 1833
Emanuel Coryell,..... 1810	Stephen Strong,..... 1838
Gamaliel H. Barstow,..... 1818	Alanson Munger,..... 1843
Silas Hopkins, 1823	

*The compiler of this chapter desires to express his acknowledgements to Mr. LeRoy W. Kingman for valuable assistance rendered him; and also for the liberty of selecting material from historial sketches prepared by Mr. Kingman and published in the *Owego Gazette*, of August 2, 9, and 16, 1883.

†Date of Elections.

County Judges and Surrogates.

Charles P. Avery, 1847-55	Charles A. Clark, 1872-83
Stephen Strong, 1856-59	Charles E. Parker, 1884-89
Thomas Farrington, 1860-71	

Special Judges and Surrogates.

Charles A. Munger, . . . 1853-55	J. Newton Dexter, 1872-74
Alanson Munger, 1856-58	Jacob B. Floyd, 1875-77
William F. Warner, 1859-61	J. Newton Dexter, 1878-80
Alanson Munger, 1862-64	D. Wellington Allen, 1881-83
Charles A. Munger, 1865-67	Adolphus G. Allen, 1884-86
Adolphus G. Allen, 1868-70	Judge F. Shoemaker, . . . 1887-89
James B. Caryl, 1871	

Judges of Common Pleas and Sessions.

Joshua Mersereau,	}	1798	Latham Burrows,	}	1823
John Miller,			David Williams,		
Elijah Buck,			John H. Knapp,		
Emanuel Coryell,	}	1810	John McConnell,	}	1825
Caleb Baker,			Darius Bently,		
Phineas Catlin,			J. Talcott Waldo,		
Lewis Beers,	}	1814	John G. McDowell,	}	1827
Joseph Speed,			John R. Drake,		
Henry Wells,			Joseph L. Darling,		
August Boyer,	}	1816	Elijah Shoemaker,	}	1828
John Cantine,			George Fisher,		
Joshua Ferris,			J. Westlake,		
Noah Goodrich,	}	1820	Ira Clizbee,	}	1832
Stephen Beers,			Samuel Barager,		
Thomas Floyd,			Elisha P. Higbee,		
William Jenkins,	}	1821	Arthur Yates,	}	1833
Jacob Willsey,			Clark Hyatt,		
Henry Miller,					
Benjamin Jennings,					1836
					1844

Assistant Justices.

John Konkle,	}	1810	John Cantine,	}	1816
Thomas Floyd,			Benjamin Wynkoop,		
John Robinson,			Elijah S. Hinman,		
Joel Smith,					

Justices of Sessions.

J. Talcott Waldo,	}	1848-49	Gamaliel H. Barstow,	}	1850
Thomas Yates,			Samuel Barager,		

J. Talcott Waldo,	} 1851	Samuel C. Bidwell,	} 1870
Israel S. Hoyt,		John H. Yontz,	
J. Talcott Waldo,	} 1852	Luther B. West,	} 1871
Sylvester Knapp,		H. H. Bidwell,	
Oliver A. Barstow,	} 1853	Luther B. West,	} 1872
Samuel Barager,		George Cooper,	
Gaylord Willsey,	} 1854	Luther B. West,	} 1873
Aug. T. Garey,		Daniel B. Nash,	
Robert B. Miller,	} 1855-56	Anson M. Kimball,	} 1874
Samuel Barager,		John C. Parmelee,	
Nathaniel F. Moore,	} 1857	Daniel B. Nash,	} 1875
John L. Howell,		John C. Parmelee,	
Nathaniel F. Moore,	} 1858	Gershom A. Clark,	} 1876
Thomas Yates,		Robert B. Miller,	
Edwin H. Schoonover,	} 1859	Chas. F. Curtis,	} 1877
Aug. T. Garey,		Robert B. Miller.	
Robert B. Miller,	} 1860	Daniel B. Nash,	} 1878
Lorain Curtis,		Junius Collins,	
Robert B. Miller,	} 1861	Gershom A. Clark,	} 1879
Samuel Barager,		Charles F. Curtis,	
Samuel C. Bidwell,	} 1862	John C. Parmelee,	} 1880
Samuel Barager,		Daniel B. Nash,	
Horace C. Hubbard,	} 1863	Ira Hoyt,	} 1881
Samuel Barager,		George H. Grafft,	
William E. Gee,	} 1864	William B. Georgia,	} 1882
Luther B. West,		Noah Goodrich,	
Lorain Curtis,	} 1865	John C. Parmelee,	} 1883
Samuel Barager,		Ira Hoyt,	
Oscar Glezen,	} 1866	Ira Hoyt,	} 1884
John H. Yontz,		Noah Goodrich,	
Samuel C. Bidwell,	} 1867	Ira M. Howell,	} 1885-86
William F. Belden,		Ira Hoyt,	
Herbert Richardson,	} 1868	Junius Collins,	} 1887
John H. Yontz,		Ira M. Howell.	
Herbert Richardson,	} 1869		
William F. Belden,			

District Attorneys.

William Stuart,	1796	Stephen Strong,	1844
Vincent Matthews,	1813	Ezra S. Sweet,	1847
John L. Tillinghast,	1818	Alanson Munger,	1850
William Maxwell,	1822	Benjamin F. Tracy,	1853
Eleazar Dana,	1823	Delos O. Hancock,	1859
Aaron Konkle,	1826	Isaac S. Catlin,	1865
Andrew K. Gregg,	1835	Delos O. Hancock,	1867
Stephen Strong,	1836	Eugene B. Gere,	1870
Ezra S. Sweet,	1838	Lyman Settle,	1873
John J. Taylor,	1841	Howard J. Mead,	1880
George S. Camp,	1843	John G. Sears,	1886

County Clerks.

Thomas Nicholson,.....1791-92	LeRoy W. Kingman,. . .1853-58
Matthew Carpenter, .1792-1817	Thomas C. Platt,.....1859-61
Thomas Maxwell,.....1817-28	Horace A. Brooks,.....1862-73
Green M. Tuthill,.....1829-34	John J. VanKleek,.....1874-76
David Wallis,.....1835-43	John C. Gray,.... . .1877-82
Moses Stevens,.....1844-52	John J. VanKleeck1883-88

Sheriffs.

James McMaster,.....1791	Robert L. Fleming,.. . . .1840
Joseph Hinchman,.....1795	Charles R. Barstow,1843
Edward Edwards,.....1799	John J. Sackett,.....1846
Guy Maxwell,1800	Nathan H. Woodford,.....1849
John Cantine,.....1804	Robbins D. Willard,.....1852
William Woodruff,.... . .1805	Samuel Mills,.....1855
William Jenkins,.....1806	Daniel L. Jenks,.....1858
Jonathan Platt,.....1810	Frank L. Jones,.....1860
Miles Forman,.....1811	Barney M. Stebbins,.....1860
Jonathan Platt,.....1813	Hiram W. Shoemaker,....1861
Miles Forman,1815	Joseph B. Upham,.....1864
Elijah S. Hinman,.1819	Barney M. Stebbins,.....1864
Henry Wells,.....1819	Lewis W. Truesdell,.....1866
Miles Forman,.... . . .1821	Thomas F. Pearl,.....1869
William Jenkins,.....1822	Charles C. Brooks,.....1872
E. Shoemaker,.... . . .1825	William H. Rightmire, . . .1875
Henry McCormick,1828	Timothy Robertson,.....1878
Lyman Covell,.....1831	Burr J. Davis,.....1881
John Jackson,.....1834	Charles Rodman,.....1884
Prentice Ransom,.....1837	

County Treasurers.

Jonathan Fitch,.....1793	William P. Stone,.....1847
Orringh Stoddart,1795	Charles Platt,.....1848
David Pixley,.....1798	Franklin Slosson,.....1851
Samuel Tinkham,.....1803	Ezra S. Buckbee,.....1854
Joshua Ferris,1804-36	Gordon G. Manning,.....1860
John Carmichael,.....1837	John B. Brush,.....1863
Daniel Armstrong,.....1843	Eli W. Stone,1872
Franklin Slosson,.....1846	Charles F. Parmele,.....1881

CHAPTER V.

INTERNAL IMPROVEMENTS—TURNPIKES—NAVIGATION OF THE SUSQUEHANNA
EARLY MAIL ROUTES—CAYUGA AND SUSQUEHANNA RAILROAD—NEW
YORK, LAKE ERIE AND WESTERN RAILROAD—SOUTHERN CENRRAL
RAILROAD—GENEVA, ITHACA AND SAYRE RAILROAD—ELMIRA, CORTLAND
AND NORTHERN RAILROAD—DELAWARE, LACKAWANNA AND WESTERN
RAILROAD.

THE internal improvements of our state were commenced at the close of the last century, and were a stupendous undertaking. More than half of the state was in forest. To make passable roads through an almost unbroken wilderness, over rugged mountains, and to bridge swift and broad streams, required indomitable energy and an unshaken faith in the future growth and prosperity of the state. We cannot withhold our admiration of the wisdom of those men upon whom devolved the duty of shaping legislation upon this subject. The plan adopted was that of granting charters to companies for the construction of turnpikes in all parts of the state. The first act affecting the county of Tioga was the appointment of commissioners, in 1797, to lay out a turnpike from "Kaatskill Landing," on the Hudson, to the town of Catharines, in Tioga (now Tompkins) county. The completion of this work led subsequently to the construction, by citizens of Owego and Ithaca, of the Owego and Ithaca Turnpike, and, as early as 1816, Tioga county appears to have had connection with all the great thoroughfares of the state.

The next step in the matter of internal improvements was the construction of canals. The Hudson and Erie was opened for traffic in 1825, to the great advantage of the state at large, but with very little direct benefit to the people of Tioga county, indeed it rather retarded the growth and prosperity of the county. We return for a moment to the period of the construction of the Ithaca and Owego Turnpike. The opening of this avenue gave an outlet from the north, through the county, to Owego upon the Susquehanna, and a very considerable traffic in salt, plaster, flour and grain was carried on to supply the markets in Pennsylvania and Maryland. A circumstance connected with the construction of this turnpike is perhaps of sufficient interest

to be noticed. A contest arose between the owners of the two rival taverns on Front street, the Bates tavern and the Franklin, as to the terminus of the road at Owego. The present McMaster street was the original highway leading northward from the village. Each of the owners of these public houses strove to secure the terminus at his inn. The contest was sharp and even bitter. The proprietors of the turnpike finally compromised the matter by fixing the terminus of the road at the intersection of North avenue with Main street, about midway between the rival taverns.

Large store-houses were built at Owego, and for many years this was the principal source of supply of the above mentioned articles for a large territory. The traffic became so large, in fact, that in 1824 an effort was made to navigate the Susquehanna by steamboat, but which was not only a failure but caused a serious disaster by the explosion of its boiler. The river furnished means of transportation by canoes and the Durham boat, propelled by the use of setting-poles, and later, by a modern "ark," which, like the ephemeron, had but a brief existence, terminating with a single voyage down the Susquehanna. By means of these Durham boats and arks an extensive traffic was maintained. The citizens of the county, not willing to be left behind in the growing prosperity of the state, with commendable energy obtained a charter, in 1828, for a railroad from Ithaca to Owego, which was opened for use in 1834, the cars being propelled by horse-power, making a line of communication with Cayuga lake and the Erie canal. Direct communication with the city of New York was accomplished by the extension of the Erie railroad to Owego in the month of June, 1849.

A second effort was made, about 1835, to navigate the Susquehanna by steam-power. The Susquehanna Steamboat and Navigation company was formed, which procured the construction of a stern-wheel boat. This novel attempt at river navigation also proved unsuccessful. It served to illustrate, however, the enterprise of the commercial men of that period, and their desire to keep abreast with the internal improvements going forward in other portions of the state.

At the first session of the VIth Congress of the United States, 1799-1800, a mail-route was established from the Hudson, by way of Kaatskill, Harpersfield, Oleout, Unadilla and Windsor, in New York, to Tioga Point (Athens), Pa. The same act provided for a mail-route from Wilkesbarre, by way of Wyalusing, Tioga

Point, Newtown (Elmira), Painted Post and Bath, to Canandaigua. It is difficult to conceive how a mail could have been conveyed over these routes, where there were neither roads nor bridges. For fifteen years, however, the pioneer had been dependent upon private hands, and chance ways and means for receiving by letter or verbal communication, intelligence from distant friends. A postoffice was established at Owego, with Stephen Mack as postmaster, about 1803. In 1814 the mail was carried between Chenango Point and Tioga Point in a one-horse wagon. This was continued until 1816, when Conrad Peter commenced carrying the mail between Owego and Newburg, on the Hudson, in a wagon drawn by four horses. Nine years later (1825), Stephen B. Leonard established a line of coaches running twice a week between Owego and Bath, Steuben county. Subsequently Lewis Manning and his son, Chester J. Manning, of Owego, Major Morgan, of Chenango Point, Cooley and Maxwell, of Newtown (Elmira), and John McGee, of Bath, became the proprietors of the great Southern Tier Mail and Passenger Coach Line, between Newburgh and Bath, which became a daily line and was continued until the opening of the New York and Erie railroad, in 1849. Thus the first fifty years of this century were a period in which were made three marked advances in the mail service: first, from the irregular and chance service, to one at intervals of two weeks; second, a mail twice each week, and improving to a daily delivery; third, the present mail service by railroad, beginning in 1849.

The changes wrought in the facilities for travel, commerce, transportation of the mails, and by the invention of the telegraph, all within the past forty-five years, are as marvelous as any of the thousand-and-one tales of the "Arabian Nights" Entertainment." As an illustration of the magnitude of these changes let it be noted that towns distant from each other twenty miles by coach have practically been rendered but two miles apart by the introduction of the railroad.

The Cayuga and Susquehanna Railroad was the second railroad chartered in this state. It was incorporated January 28, 1828, with a capital stock of \$150,000.00 and authorized to construct a road from Ithaca to Owego. No attempt, however, was made to construct the road until the building of the Chemung canal from Elmira to Watkins. The successful accomplishment of this project was regarded by the citizens of Ithaca and Owego as detrimental to the interests of their towns, and a movement

was started by Simeon DeWitt, then a resident of Ithaca, and others to build the road. In March 1832, the capital stock was increased to \$300,000.00 and the road was opened in April, 1834. In the following month the capital stock was increased to \$450,000.00 and in April, 1838, the legislature authorized a loan to the company of \$250,000.00 taking a lien upon the road and its appurtenances. The "panic" of 1837 crippled the company; it failed to pay the interest to the state, and on May 20, 1842, the comptroller sold it at auction to Archibald McIntire and others. The road as originally constructed was twenty-nine miles in length, with two inclined planes ascending from Ithaca. The first of these was 1,733 $\frac{1}{3}$ feet long, with 405 feet rise, and the second was 2,125 feet in length, with a rise of one foot in twenty-one. The total elevation in eight miles was 602 feet above its southern terminus at Ithaca. It was operated on the first plane by a stationary steam-engine, while horses were used as the motive-power on the balance of the road. After passing into the hands of Mr. McIntire, the inclined planes were replaced by others of lesser grade, traversing the mountain in a zigzag manner, and locomotives superseded the horse-power and stationary engine. The main line of the road is now 34.61 miles in length, and the total track mileage is 40.61. The road is leased to the Delaware, Lackawanna and Western Railroad company, and is operated by them as the Cayuga division.

The New York, Lake Erie and Western Railroad company was incorporated as the New York and Erie Railroad company, April 24, 1832. In 1861 it was re-organized as the Erie Railway company, which organization was continued until 1878, when it was again re-organized, this time as the New York, Lake Erie and Western. The first section of this road was opened for traffic from Piermont to Goshen, in 1841; from Goshen to Middletown in June, 1843; to Port Jervis in January, 1848; to Binghamton in December, 1848; to Elmira in October, 1849; to Corning in January 1850; and through to Dunkirk, the then western terminus, May 14, 1851. The opening of the road brought a wealthy and comparatively isolated section of the state in communication with the sea-board, and soon became the outlet for a large Western traffic. Although the "Erie," as it is familiarly known, has had a checkered career, it has ever been regarded as one of the representative railways of the United States. The road crosses the towns of Owego, Tioga, and Barton, in Tioga county.

The Southern Central Railroad company was incorporated in September, 1865, as the Lake Ontario, Auburn & New York railroad, but subsequently its present corporate title was substituted. The company as originally organized was authorized to construct a road from Fair Haven, on Lake Ontario, to Athens, near the Pennsylvania state line. Twenty-five miles of the road were opened in 1869; forty-three in 1870; twenty-seven in 1871; and the remaining twenty-two miles in the winter of 1871-72. The Southern Central railway is 117 miles in length. It crosses the towns of Richford, Berkshire, Newark Valley, Owego, Tioga and Barton, in Tioga county. On January 1, 1887, the road was leased to the L. V. R. R. Co. for a period of 975 years.

The Geneva, Ithaca and Sayre Railroad Company is successor to the Geneva, Ithaca and Athens Railroad Company, which was formed by a consolidation, May 25, 1874, of the Ithaca and Athens and the Geneva and Ithaca Railroad Companies. The former was opened in 1871, the latter in 1874. Having defaulted in payment of interest, the G. I. & A. R. R. was placed in the hands of a receiver, March 24, 1875, and re-organized under its present name, October 2, 1876. On April 5, 1879, the Cayuga Southern Railroad, by an act of the legislature, was consolidated with the G. I. & S. R. R. Co., and now forms a part of its line. The former road was organized as the Cayuga Lake Railroad in 1867; opened May 1, 1873; sold under foreclosure July 26, 1877, and re-organized. The G. I. & S. R. R. enters the southwestern part of the county, and after passing through a part of Barton, enters Chemung county, to appear in Tioga county again, passing through the town of Spencer.

The Elmira, Cortland and Northern Railroad Company is a re-organization, March 7, 1884, of the Utica, Ithaca and Elmira Railroad Company. That company was constituted by a consolidation of the Ithaca and Cortland, and Utica, Horseheads and Elmira Railroad Companies, the former of which was organized July 31, 1869, and the latter April 2, 1870. It traverses the towns of Spencer and Candor, in Tioga county.

The Delaware, Lackawanna and Western Railroad, as it passes through Tioga county, traversing the towns of Owego and Nichols, was originally built as the New York, Lackawanna and Western Railroad. In October, 1882, it was leased to the Delaware, Lackawanna and Western Railroad Company, thus extending that company's line through to Buffalo.

CHAPTER VI.

NEWSPAPERS OF OWEGO—OF WAVERLY—OF NEWARK VALLEY—OF SPENCER—
—OF CANDOR.

THE first newspaper published in this part of the State of New York was *The American Constellation*. It was established November 23, 1800, and was dated at "Union, Tioga County, N. Y.," although it was really printed at Chenango village, a small settlement on the Chenango river, about one mile above the present city of Binghamton. Mr. Cruger afterward removed his printing office to Owego. The name of the paper was changed in August, 1803, to *The American Farmer*, and some time afterward Stephen Mack became its publisher. In the winter of 1813, Stephen B. Leonard purchased a one-half interest in the paper. June 15, 1814, after the death of Judge Mack, Mr. Leonard changed the name of the paper to *The Owego Gazette*, which name it still bears. In October, 1827, Jonas B. Shurtleff became Mr. Leonard's partner. This partnership continued two years, when Mr. Shurtleff withdrew from the firm. John J. C. Cantine was Mr. Leonard's partner from 1833 to 1835. In the fall of the latter year the establishment was sold to Shurtleff & Bull. In July 1836, Mr. Shurtleff purchased his partner's interest and continued the publication of the paper until February, 1839, when Edward P. Marble became the proprietor. In December, 1841, the paper passed into the hands of Charles C. Thomas, and Alanson Munger became its editor. July 15, 1842, Thomas Woods succeeded Mr. Thomas as proprietor of the paper, and Gideon O. Chase became the editor. In January, 1843, Hiram A. Beebe purchased the paper, subject to a chattle mortgage of \$400, which had been given by Mr. Marble. At this time the division of the Democratic party into "Hunkers" and "Barnburners" occurred. The leaders of the "Barnburners" induced Mr. Woods to foreclose the mortgage, and the establishment was sold to Mr. Woods. Mr. Beebe at once secured a new press and material and opened a new office. The result was that two papers called *The Owego Gazette* were published at the same time. A suit brought to collect payment for certain

legal advertising, resulted in a decision in favor of Mr. Beebe, the court holding that the sale of the *Gazette* printing office on a mortgage foreclosure did not include the good will or the name of the paper. Mr. Woods was accordingly compelled to discontinue the publication of his paper. Mr. Beebe sold the *Gazette* to Thomas Pearsall, in July, 1845, who sold it to David Wallis & Son, in March, 1846. The next year Mr. Beebe repurchased the paper. In August, 1871, he sold a one-half interest in the establishment to LeRoy W. Kingman. In September, 1880, the latter became sole proprietor. The *Gazette* has always been Democratic in politics.

On the 2d of September, 1828, Stephen S. Chatterton commenced the publication of the *Owego Free Press*, and supported John Quincy Adams, the Republican (or Whig) candidate for President. Gen. Jackson, the Democratic candidate, was elected and after the election the publication of the paper was discontinued.

The organ of the old Whig party, the *Owego Advertiser*, was established in Owego, in 1836, and its first number was issued March 25th. In June, 1853, the establishment was sold to a stock company, composed of William Smyth and eleven other persons, and the office was leased for one year to Powell & Barnes. At the same time the name of the paper was changed to the *Southern Tier Times*. Mr. Smyth purchased the interests of the other stockholders, in June, 1854. June 7, 1855, he changed the name to *Owego Times*. In 1872, Mr. Smyth took his son, Wm. A. Smyth, into partnership, and the paper has since been published by Wm. Smyth & Son. Since the formation of the Republican party the *Times* has been its organ.

The division of the Democratic party in this state into two factions, one of which was known as the "Free Soil" Democrats, resulted in the establishment of a "Free Soil" newspaper in Owego. It was called *The Tioga Freeman*. Its editor was Gideon O. Chase, it was owned by a stock company, and John Dow was the publisher. Its first number was issued May 2, 1848. In September, 1849, the office was destroyed by fire and its publication was discontinued.

In April, 1853, Chas. P. Avery, Thomas C. Platt, Chas. A. Munger, and others, issued the first number of a monthly magazine called *St. Nicholas*. It was published one year. It contained among other things a series of papers entitled "The Susque-

hanna Valley," written by Judge Avery, and which have been the foundation of all early history of Tioga county.

August 23, 1855, Andrew H. Calhoun issued the first number of the *Owego American*, the organ of the American, or "Know-Nothing" party. Its business office was in Owego, but the paper was printed on the press of *The American Citizen* at Ithaca. Mr. Calhoun was the "Know-Nothing" candidate for State Senator and was defeated. At the conclusion of the campaign the publication of the paper was discontinued.

In 1870, Charles H. Keeler, the proprietor of a job printing office, commenced the publication of a small advertising sheet, for free circulation, known as the *Trade Reporter*. It was enlarged and called the *Tioga County Record*, March 18, 1871. August 3, 1885, the paper was sold to C. S. Scott and is now published as a daily and weekly, by Messrs. Scott & Watros.

The defection of a large number of the prominent men of the Republican party, known as Liberal Republicans, resulted in the establishment of an organ in Owego. It was called *The Ahwaga Chief*, and its first number was issued February 23, 1872. Its last number was published November 1, 1872, with the close of the Presidential campaign.

The publication of *The Workingman*, the organ of the Greenbackers, was commenced in Owego, November 1, 1877, by two printers, Webster & Graves. It died a natural death with its issue of February 28, 1879.

Benjamin B. F. Graves commenced the publication of a newspaper in the interest of Temperance on the 18th of January, 1879. It was entitled *The Family Journal and Temperance Advocate*, and was published but five weeks.

Another Temperance organ, *The Resolute*, was published the same year. Its first number was dated April 12, 1879. Its editors were G. M. Jordan and G. W. Tyson. It expired with its thirty-fourth issue, November 8, 1879.

The *Owego Blade*, a Republican newspaper was established January 1, 1880, by McCormick & Young. It afterward became the property of Eugene B. Gere, who published it until April, 1887, when it was discontinued.

The first number of the *Owego Press*, a monthly newspaper devoted to educational matters, was issued by C. R. Burnette, in September, 1886, and expired with its twelfth issue, August, 1887.

Daily Journalism in Owego.—The first attempt to establish a daily newspaper in Owego was made in 1838, by Mr. Calhoun,

publisher of the *Owego Advertiser*. Its first number was issued October 18th, in that year. It was published but a few weeks.

The next attempt to establish a daily journal was made by Mr. Beebe, in 1855, the first number appearing on the 18th day of October. It was discontinued on the 6th of the following December.

The *Daily Gazette* was revived May 27, 1861, at the commencement of the civil war. It was not properly sustained by the public and its publication was discontinued in the following October.

Backed by neither capital nor brains, the first number of the *Daily Owegoan* appeared October 7, 1879. It was published by Dorsey B. Gibson. It struggled along until the 4th of the following August, when it ceased to exist.

The *Owego Daily Blade* was established by E. B. Gere, and its first number was issued November 4, 1882. With its issue dated April 23, 1887, its publication was discontinued.

The daily edition of the *Record*, previously mentioned, was started December 20, 1886, by Messrs. Scott & Watros, its present publishers.

Waverly Newspapers.—The *Waverly Luminary* was established by Thomas Messenger, October 3, 1851. The office of the paper was on the second floor of the Spalding block, and here under Messenger, "Brick" Pomeroy took his first lessons in "the art preservative of arts," and, it is said, at an early age developed those traits of character which have since made him so well known. The *Luminary* had a brief existence of about ten months. F. H. Baldwin soon after purchased the office and material, and, September 17, 1852, published the initial number of the *Waverly Advocate*. M. H. Bailey succeeded him in 1853, publishing the paper for a few months, when, in 1854, F. H. Baldwin and William Polleys purchased the paper, and continued the publication until 1860, when O. H. P. Kinney succeeded to Mr. Baldwin's interest. Polleys & Kinney continued as publishers till 1883, during which year both died, the former in June and the latter in September. G. D. Genung, who for about a year previous to Mr. Kinney's death had edited the *Advocate*, continued its publication, for the administrators of the estates, G. F. Wellar and J. G. Kinney, until the following April, when legal questions regarding the settlement of the estates of the deceased publishers arose that resulted in the closing of the office. Soon after this, J. C. Shear purchased the Kinney interest in the business; and, July 15, 1884,

E. M. Fenner purchased the paper and resumed its publication. January 1, 1885, Mr. Fenner's father became nominally associated with him in the publication of the *Advocate*, under the firm name of E. M. Fenner & Co., and G. D. Genung was again engaged as manager and editor of the paper, a position which he has filled to the present time. February 1st., E. M. Fenner retired from the concern, and June 15th it was sold to Messrs. Wellar & Shear, who continued the publication until November 1, 1885, when they sold to its present proprietor, E. L. Vincent, a talented newspaper man. The paper has been increased to a nine-column folio, new type, presses, etc., have been added, and it is now the leading paper published in the place, and ranks with the foremost country newspapers of the day. It is Republican in politics, liberal and enterprising, and under the present management more prosperous than ever before in its history.

The Waverly Enterprise, was established October 15, 1867, by Frank T. Scudder, a young man of much ability. It first appeared as a four-column monthly folio, 12x18 inches, then as a semi-monthly of 18x24 inches, and thus continued for about three years, when it was changed to a five-column folio, and published as a weekly. It was enlarged from time to time until, in 1873, it was an eight-column folio, and one of the most prosperous newspapers in the county. Mr. Scudder's health failing, he sold a half interest, in 1874, to P. C. Van Gelder. The partnership continued about six months, when Mr. Van Gelder purchased Mr. Scudder's remaining interest, and then sold a half interest to Amos Roberts. Shortly after, Mr. Van Gelder leased his interest to J. A. Fraser, and the business was continued until October 7, 1876, by Roberts & Fraser, at which date the office was entirely destroyed by fire. The subscription list and good-will of the office were then purchased by James B. Bray, who was formerly foreman of the office, but was at that time conducting a job office of his own, and the paper was revived under its present title, *The Waverly Free Press*. Mr. Bray, who had been in failing health for many years, soon found that the added responsibility was undermining his remaining strength, and in December, 1877, he sold the office to Cyrus Marsh, who continued in the office but two weeks, when Mr. Bray assumed control again, and has since continued as editor and proprietor. The office has always been prosperous, especially so under the management of its founder and the present proprietor. The paper is especially devoted to local news and home interests, and is fearless in all

matters pertaining to the public interests. It has always been Independent Republican in politics, but never extremely partisan.

The *Waverly and Athens Democrat*, a seven-column folio, was established by David P. Shutts, in the winter of 1867-68, and was continued by him about one year, when he formed a partnership with S. C. Clizbe; but the partnership existed but a few months, when Mr. Clizbe retired, and Mr. Shutts continued the paper until 1870, when it suspended. The material was purchased by Polleys & Kinney, then proprietors of the *Waverly Advocate*. Mr. Charles Rogers was the political editor of the *Democrat*.

The Waverly Review was established by Ira L. Wales, during the summer of 1875. It was a seven-column folio, Democratic in politics, and from the first had a precarious existence. Two attempts were made to establish a daily paper, but neither succeeded beyond a few months, and in April, 1882, Mr. Wales closed his office here, and moved the material to Binghamton.

The *Waverly Tribune*, an eight page weekly, was established in 1882, by W. H. Noble and A. G. Reynolds, under the firm name of Noble & Reynolds. The first number appeared April 27, and three numbers were issued by this firm, when Mr. Reynolds sold his interest to A. C. Noble, a brother of the senior partner. Since that time the paper has been conducted by these brothers, under the firm name of Noble & Noble. From the outset the *Tribune* has met with success, the office having grown from a small job office to one of the best equipped in the county. The paper is non partisan.

Newark Valley Newspaper.—*The Tioga County Herald* was established March 4, 1876, by G. M. Jordan, now a resident of San Antonia, Florida, and George Riley, Jr., now one of the proprietors of the *Press*, at Ottumwa, Iowa. In May of the same year Mr. Riley disposed of his interest in the business to H. A. LeBarron. Messrs. Jordan and LeBarron conducted the paper until August 25, 1877, when Charles L. Noble purchased the interest of Mr. LeBarron. On January 1, 1878, Mr. Noble became sole proprietor, and conducted the paper until January 1, 1884, when G. E. Purple became a member of the firm, and since that time the paper has been published by Noble and Purple.

Spencer Newspapers.—The first attempt at publishing a newspaper in Spencer was made in 1874. In the spring of that year, Otho Hedges, a young man who probably possessed more enterprise than capital, took up his residence in the village and began the publication of the *Spencer News*. The first number had four

pages, about 9x12 inches. In a few weeks the paper assumed somewhat larger proportions; but struggled along with a small circulation. Toward the close of the summer, an enlargement was made to four six-column pages, with a "patent" outside, and the *News* made quite a pretentious appearance; but this sudden expansion seemed to be in excess of the elasticity of the editorial funds, and a financial explosion took place in the fall of that year. No further effort at journalism was made in Spencer until the summer of 1878, when the *Spencer Herald* was started by Pride & Foote, on the 22d of August, an independent journal which is maintained to the present. In the fall of 1878 Mr. Pride retired from the concern, and Foote continued the publication to the summer of 1880, when it was purchased by J. LeRoy Nixon, who enlarged the paper from seven columns to eight, and soon thereafter to nine; but finding this size too expensive for profit, dropped back to eight columns, its present size. On January 1, 1887, the office was purchased by its present owners, P. C. Van Gelder & Son, who put in steam-power, and other facilities, dressed the paper in new type, and changed its form from four to eight pages. The paper has a large local circulation, and a liberal local advertising patronage.

Candor Newspapers.—The first venture in journalism in Candor was made in 1867, by Clizbe & Mandeville, who issued the *Candor Press* for a time, and sold it to Benjamin Graves, who continued its publication under the name of the *Candor Free Press* for some time, and then discontinued it. In 1872, Wales & Cameron issued the *Candor Review*, Ira S. Wales succeeding; and in 1873 the office was burned, and the publication of the paper discontinued. *The Independent*, the next in order, was established by T. H. Pride, October 14, 1876, and was continued until a recent date, since which time the village has been without a paper.

CHAPTER VII.

WAR OF THE REBELLION—FIRST MEETING OF COUNTY COMMISSIONERS—
SUBSEQUENT MEETINGS—APPROPRIATIONS—STATEMENT OF TOTAL EXPENDITURES.

IN a work so brief in its scope as this *Gazetteer*, it would be folly to attempt a detailed history of the various regiments and companies made up wholly or in part by Tioga county men, who served in the late rebellion. In our remarks on this

subject, then, we will confine ourselves to the action of the county supervisors during the war period.

The first meeting of the board for war purposes was held April 27, 1861. It was called by the clerk, by request of seven supervisors, and Watson L. Hoskins was chosen chairman and Franklin Slosson, clerk. Six thousand dollars were appropriated for relief of soldiers' families, and a committee appointed to negotiate a loan for that amount on the faith of the county. The disbursement of the funds was placed in the hands of the supervisors of the respective towns, with authority to draw on the treasurer for such amounts as were needed. The resolution passed unanimously. At the annual meeting in November an additional sum was appropriated to the volunteer aid fund. At a special meeting held July 29, 1862, Charles C. Thomas, chairman, and Watson L. Hoskins, clerk, the board voted to raise \$3,920.00 to pay a bounty of \$10.00 each to 392 men to fill the quota of the county, and also \$1,500.00 to pay the expenses of procuring the enlistment of the same. On August 20, the same year, \$4,840.00 were appropriated to pay the same bounty to 484 men, then required to fill the quota of the county under the call of the president. Supervisors Pratt, of Barton, Deming, of Richford, and Thomas, of Owego, were the disbursing committee. The clerk having enlisted, Thomas C. Platt was elected to fill the vacancy. The treasurer reported in November, 1862, the payment of \$7,317.00 for relief of soldiers' families, of which \$817.00 were refunded by the state, and for bounties \$7,420.00, expenses \$1,134.00, and interest \$298.34—total, under bounty resolutions, \$8,852.34.

On December 17, 1863, at a special meeting, a bounty of \$300.00 was offered to volunteers under the call of November, 1863, requiring 427 men to fill the quota of the county. Bonds to the amount of \$130,000.00 were authorized to be issued, payable \$40,000.00 on the first day of February, 1865 and 1866, and \$25,000.00 on the same day in 1867 and 1868, provided so much funds were needed. The amount paid for each town was to be charged against the same, and collected of the town by tax.

On February 5, 1864, the board voted to continue the bounty of \$300.00 for men enlisting under the call of January, 1864, and changed the time of payment of the bonds to \$20,000.00 February 1, 1866 and 1867, and the balance in 1868. On February 25 the bounty was voted to be paid to 286 men already enlisted and credited.

On July 26, 1864, the treasurer had paid 702 volunteers, and had issued bonds to the amount of \$210,600.00. A bounty was then voted of \$300.00 per man for volunteers, under the call for 500,000 men, and a vote was had making the bonds already issued a general county charge, to be assessed at large upon the county. Other bonds were voted, \$40,000.00 to be paid February 1, 1869, and the balance February 1, 1870, with interest at seven per cent., and for an amount sufficient to pay for men to fill the quota, which was subsequently found to be 327, and \$98,100.00 of bonds were issued. At the annual meeting of November, 1864, the sum of \$2,660.00 was voted to pay recruiting agents \$10.00 per man for recruits. \$63,564.00 were raised, by tax on the several towns, for bounties paid this same year.

On December 30, 1864, the bounty of \$300.00 was continued to volunteers enlisting to fill the quotas, and on January 24, 1865, a bounty of \$300.00 for one year and \$600.00 for three years was offered to volunteers enlisting for the respective terms, and bonds voted to be paid, one-half in one year and the balance in two years. On March 1, 1865, the bounty to one-year volunteers was increased to \$450.00 and bonds for same made payable February 1, 1866. On May 10, bonds for \$5,100.00 for expenses were issued, payable February 1, 1866. At the annual meeting, the county treasurer was authorized to re-issue bonds falling due February 1, 1866, to the amount of \$125,000.00 and to pay the towns \$3,355.00 for bounties paid by them respectively. A claim made by Broome county for volunteers furnished, and credited to Tioga, was compromised by the payment of \$3,000.00.

The total amount of appropriations for war purposes by the county authorities was as follows:

Under the orders of 1861 for relief of volunteers and their families.....	\$ 13,079.00
Under calls of 1863 and 1864 for 700,000 men, 702 volunteers at \$300.....	210,600.00
Under the call for 500,000 men 1864, 362 men... ..	97,800.00
Under the call of 1865... ..	128,550.00
	<hr/>
Total bounties and relief.....	\$450,029.00
Expenses.....	13,978.00
Interest paid on bonds... ..	102,302.00
	<hr/>
Total payments by the county.....	\$566,309.00
From this amount is to be deducted the amount refunded by the state under the general bounty law, viz., cash.....	\$ 49,100.00
Revenue 7 per cent. bonds.....	210,000.00
Interest paid to the county on the latter.....	18,076.00
	<hr/>
Total from state.....	\$277,176.00
	<hr/>
Net amount paid by county.....	\$289,133.00

Besides this, the towns paid heavy amounts for bounties, in addition to the county bounty. The last county bond for war purposes was paid in 1870.

GAZETTEER OF TOWNS.

BARTON* lies in the southwestern corner of the county, and is bounded north by Spencer and a small portion of the county line, east by Tioga and Nichols, south by the state line, and west by the county of Chemung. It has an area of 32,686 acres, of which about 28,000 acres are improved land. It was taken from Tioga and formed into a separate township by an act of the legislature passed March 23, 1824. It has been the scene of tragic events—its early record rises to the romance of history, and is traced by a competent hand in the first chapter of this work. The original titles to the soil, how obtained, etc., is detailed in chapter two. To these chapters we refer the reader.

Topography.—The surface of the town is generally hilly, though a small portion of level land lies along the southern border. The highlands on the west rise abruptly from the valley of Cayuta creek,† and are divided into two ridges by the valley of Ellis creek. Their summits are broad and rolling, and to some extent covered with forests. The principal water-courses are the Cayuta, Ellis, and Buttson creeks. They flow in a southerly direction, and empty into the Susquehanna, which forms the south part of the east border, dividing the town from Nichols. The Chemung river forms a very small portion of the west border of the south part. The soil is a rich alluvium in the valleys, and a sandy and gravelly loam upon the hills. A sulphur spring is found on Ellis creek, near the center of the town. The inhabitants are chiefly engaged in agricultural pursuits, stock-raising and dairying being the specialties.

Origin of the Name of Barton.—In 1849, Prof. Chauncey A. Goodrich published what he styled *A Revised and Enlarged*

* For this sketch we are largely indebted to Hon. William Fiske Warner, and city editor George D. Genung, of Waverly.

† Locally, this stream is known as Shepard's creek.

Edition of Noah Webster's Unabridged Dictionary. In this work the word "Barton" is defined as follows: "Saxon, (bere-ton, Barley town.) The demain lands of a manor; the manor itself, and sometimes the out-houses." He gives as authorities, Johnson and Blount. In 1656, Thomas Blount, of England, published a *Dictionary of Hard Words*. In 1754, about a century later, Samuel Johnson published his celebrated dictionary, in which he follows Blount as to the origin and meaning of this word. As we see, about a century later, Noah Webster publishes his dictionary, giving the same origin and meaning of the word, and Johnson and Blount as authorities.

The first constitution of the state of New York was adopted April 20, 1777. Up to this period, and until the year 1813, the law pertaining to personal and real property was the same as it was in England, and many of the original owners of land granted by patent by the state, made arrangement for the formation of "manors," whereby, as in England, large landed property might be held and perpetuated in families. Some of the well-known families of this state owned large manors upon the Hudson river, such as the Livingston Manor, Radcliff Manor, and others.

Upon a map of the county of Tioga, published by the Surveyor-General of the state of New York, in 1829, showing the original survey and numbers of lots, there appear two large lots in the plot of Coxe's Patent. These large lots appear, by this old map, to be reserved, and the word "manor" is printed upon them. Upon the same map appears lot No. 175, in the town of Barton, bounded on the west by Cayuta creek, and extending eastward about four miles, and one and one-half miles in width. Undoubtedly this large lot was intended by the original patentee to be reserved as a manor, and we will suppose that being familiar with the quaint old Saxon word, he placed the word "Barton" upon the survey of the land that was filed in the proper office in Albany.

A town frequently derives its name from that of some prominent individual resident, or the owner of a large amount of its territory. For example, the town of Nichols derived its name from Nichols, the patentee of a large portion of the land in that town, but who never resided there. No prominent person by the name of Barton ever lived or owned property in Barton. It is a reasonable conjecture, therefore, that when the project of forming a new town from Tioga was conceived, surveys and original maps were consulted for proper boundaries. Upon making such

examination, probably, this word "Barton" was found upon one of the maps, and hence the name of the town became Barton.

In this connection it should be stated that the ambitious projects of the original patentees for reserving large landed estates for their families, and perpetuating them, were forever defeated by the legislature of the state, in 1813, by a law forbidding the creation of such estates, and providing that land could only be devised for the benefit of two lives in being, and twenty-one years beyond two such lives.

It would appear that the word "barton" is used by modern writers in a much more restricted sense than formerly attached. For example, Thomas Hardy, one of the most careful writers of England, in a recent work, revives this almost obsolete word in the following sentence: "Now his nearest way led him through the dairy barton,"—a yard or appurtenance of a dairy farm, as is evident from the context. But this is only one of many instances in which words have lost their original meaning.

Spanish Hill.—This interesting elevation, though just without the town's limits, must be noticed in the history of Barton. Spanish hill is situated in the immediate vicinity of Waverly, in the township of Athens, Pa. This hill is one of the notable features of the valley. A range of hills stretches from the Chemung river along the north side of Waverly for the distance of a mile and more, to Cayuta creek; Spanish hill lies south of the west end of this range, and is about five hundred yards east of the Chemung river. Its east, south and west sides are quite abrupt and form nearly three-fourths of a circle, rising to the height of one hundred and twenty-five feet above the river. The top is nearly level, and embraces about twelve acres. The broken hillocks lying adjacent to the north suggest the idea that at some period they formed a part of this hill, and that Spanish hill had then the form of a cone, and that by some titanic labor the cone had been cut away and the earth carelessly thrown in uneven masses to the north side, leaving a level plane one hundred and twenty-five feet in elevation above the surrounding plane below. An examination of the stones upon the top of the hill quickly dispells this supposition, as it is at once observed that these stones contain shells, and that the surface of this hill once formed the bed of the sea, and the hill therefore was formed by natural causes and not by the hand of man. Spanish hill is a beautiful object, and visable from all parts of the triangular valley. But why is it called *Spanish* hill? Like the origin of the name of the town of Barton, the answer to this

question is only speculative, and yet the following theory is so plausible as almost to force conviction as to the genuine origin of the name; and being so plausible it is deemed of sufficient importance to entitle it to a place in a work of this character.

The discovery of this continent by Columbus, in 1492, necessarily created a great excitement in Spain, then one of the most powerful nations of the world. Her naval power was superior to all others, and England had trembled by reason of the powerful naval force that had been sent by Spain threatening to crush the kingdom. After the discovery, the Spanish government sent many expeditions to make further discoveries and conquests. Cortez, Pizzaro and other Spanish leaders carried the Spanish flag to Central America, Mexico and Peru, bringing back rich spoils from these conquered lands. De Soto, in 1541, conducted one of these notable expeditions through Florida and made the discovery of the Mississippi. These were expeditions sent by the government of Spain. But the intense interest caused by these regular expeditions sent out for legitimate purposes, led to the organization of private and irregular expeditions, organized for the purpose of plunder and the search for gold and silver, that in their character were not unlike pirates. It is supposed that a band of this character, composed of about two hundred, sailed from Spain about the time De Soto landed in Florida, in the year 1541. This band made their way further north and entered the bay of Chesapeake. They were armed to the teeth, and were provided with all implements needful for mining purposes. The idea prevailed that all the rivers of the new continent led to rich mines of gold and silver. The discovery of gold along the streams of California, in 1849, gives a fair illustration of the wild excitement that prevailed in Spain in the year 1540, about three centuries earlier. This band of two hundred anchored their vessel in the Chesapeake Bay, and leaving it in the care of a portion of the crew, made their way up the Susquehanna. Above the rapids, below Harrisburgh, they made suitable boats for the conveyance of their provisions, camp and mining tools. At this period the Five Nations of Indians occupying the territory that now forms the State of New York, had been formed as a confederacy, and dominated all the tribes as far south as the gulf of Mexico. They had become enraged by reason of the Spanish treatment of their tributary tribes inhabiting Florida, and kept a watchful eye upon all the movements of the Spanish expeditions, large and small, regular and irregular. Of this powerful confederacy the Spaniards appear to have been

wholly ignorant. The moment, however, this marauding band of 200 Spaniards landed in Chesapeake Bay, a fast runner carried the information to the chiefs of the Five Nations at the head waters of the Susquehanna. The southern border of these five tribes was at Tioga Point (Athens), four miles south from Spanish hill, and at the confluence of the Susquehanna and Tioga (Chemung) rivers. The confederate Indians watching the approaching Spaniards, prepared to meet them somewhere in the vicinity of Spanish hill. The pirates, finding that an armed force was assembled to contest their invasion, sought this prominent hill for shelter.

It is supposed that the Five Nations were able to oppose this marauding band by not less than five thousand warriors, poorly armed with bow and hatchet, formidable weapons in warfare against Indians, but of small account against the weapons used by Spaniards. Ignorance, of course, existed upon both sides as to the arms to be used. The Spanish band could not remain long in their fortified position. Food and water would soon become exhausted, and they resolved to cut their way out. The multitude of Indians assembled knew these marauders as "Espanas," at this time a name hateful to them by reason of the cruelties practiced upon their tributary tribes in Florida and Georgia. Armed as this band was, with weapons of warfare unknown and superior to those of the Indians, it was not unreasonable to suppose they might cut their way through, but the vast superiority of the Indian force more than balanced the inequality of arms, and not a Spaniard was spared. The slaughter of the Indians, however, was frightful. Probably not less than one, or perhaps two thousand fell. So frightful was the slaughter that the hill was called the "Espana," and the early pioneer reports that the Indians found remaining in the locality had a dread of the hill, and could never be induced to ascend it, a tradition existing among them that a powerful spirit inhabited the hill, fatal to any Indian who should venture to ascend it. Confirming this theory is the fact that in the year 1865, a flood in the Susquehanna, greater than had been known by any one living upon its banks, tore away a bank on the border of a meadow that had been undisturbed from the earliest period—then nearly a century—and exposed a rude boat, thirty feet in length by four feet in breadth, and three feet in height, formed by crude planks cut by broad-axes, and fastened by wooden pins. In short, exactly such a boat as would have been constructed by a maraud-

ing band for transportation of necessaries, such as indicated by this Spanish force. The writer* was informed by James Hanna, a pioneer of the valley, in 1816, and a notable hunter, that he found a bayonet with Spanish inscriptions, at the base of Spanish hill, but that his sons caused the bayonet to be made into a spear for fishing, and so the valuable testimonial was lost.

The intelligent reader will receive the foregoing theory at its just value, and until a better theory is found, this must remain unquestioned.

Settlement and Growth.—The first to settle in the town of Barton and make for themselves and their posterity homes among the giant pines that thickly covered its valleys, were Ebenezer Ellis and Stephen Mills, who, in 1791, settled near the mouth of Ellis creek.

Ebenezer Ellis came from Forty Fort, near Wyoming, in 1787, making his way up the Susquehanna in a canoe. He first located in the present town of Nichols, upon what is known as the old "Samuel Walker" farm. He remained there until 1791, when he came into Barton. His cause for the move and again making a clearing in the forest, we are unable to explain. Here he first settled upon the farm afterwards owned by John Hanna, with whom he subsequently traded for a farm at the mouth of Ellis creek, making the exchange for the purpose of gaining control of the water privilege and building a saw-mill. This exchange was made not long after the settlement, and most historic accounts have erroneously stated that upon this latter farm he made the first settlement. He had thirteen children, among whom were Samuel, Jesse, Cornie, Abigail, William and Alexander. The latter was the first white male child born in the town. He married Betsey Saunders, by whom he had twelve children, viz.: Ira D., Charles B., Zeno W., who died in infancy, Solon S., who died at the age of four years, Nancy, Sarah, wife of Robert Fitzgerald, Christopher S., Nelson A., Lewis B., Cyrus, Charlotte M., wife of Nathan Saunders, and Hiram. William married Lydia, daughter of Israel Seeley, of Orange county, N. Y., by whom he had thirteen children, viz.: William, Fanny, who died in infancy, John, of Geneva, Ill., Sela, of Ellistown, Amanda, wife of Charles Pemberton, Sally, wife of Henry Swartwood, of Kansas, Ransom, Lydia, Charlotte, wife of James Parker, and Elizabeth. Two others died in infancy. Charles B. married

*Hon. W. F. Warner, of Waverly.

Elizabeth Maria, daughter of Robert Curtis, by whom he has two children, viz.: J. Addison, and F. Leontine. J. Addison married Alice, daughter of George Edgcomb. Gilbert S., son of Sela, married Amanda, daughter of Robert Curtis, by whom he has had three children, viz.: Harvey W., who died in infancy, Arthur C., and Eddie M., who died in infancy.

Stephen Mills, originally from Connecticut, also first located in Nichols, moving to Barton about the same time as Mr. Ellis. He was a revolutionary soldier, and became a pensioner under the act of 1832. His son Lewis married Elizabeth, daughter of John Hanna, by whom he had three children: Miama, widow of Sylvanus Wright, William G., of this town, and John, of Athens, Pa. William G., married Susan, daughter of John O. Shakelton, by whom he has had eight children, viz.: Charles, Elizabeth (Mrs. Cornelius Case), Charlotte (Mrs. Spencer Brougham), Augusta (Mrs. Thurlow Gale), Wilson, Theodore, Adolphus and Anna.

About this time also (1791) Benjamin Aikens settled where the village of Barton now is. He owned a tract of 900 acres, of which Gilbert Smith afterwards became the purchaser. These pioneers were joined by John Hanna, Ezekiel Williams, Luke Saunders, Samuel Ellis, and James Swartwood, all of whom were here previous to 1795.

John Hanna was born in Scotland, and when a boy came to this country, working his passage as a servant to the captain of the vessel in which he sailed. He landed at Philadelphia, and soon made his way up to Nescopeck Falls, Pa. Here he subsequently engaged in the distillery business, losing heavily owing to the depreciation in value of Continental money. Here also he married Margaret McCulloch, who came from the same town in Scotland as himself, though they were not acquainted with each other there. After his business failure at Nescopeck Falls, he came to this town, and purchased a farm at the mouth of Ellis creek. He subsequently purchased of Peter C. Lorillard, of New York city, a thousand acres of land in the locality known as "Ellistown," the original deed of which is now in the possession of Mr. J. E. Hallet, of Waverly. It is told that at stated periods he used to go on horseback to New York with gold in a saddle-bag to make payments on his land. Their first habitation here was a log house, which had only an earth floor, and there being no saw-mill he was obliged to split planks from pine logs and hew them smooth for flooring. He had no threshing floor, so was obliged to keep his