

lage," and Richard Covell, jr., John Dorman, William Blossom, William D. Popple and Calvin Foster were elected the first trustees. Rev. J. Clark was at once engaged as the first pastor, and a house of worship was erected on Jackson street in the same year by T. J. Hoyt and Thomas McCulley, on land donated to the society by William D. Popple.

Even before the territory devastated by the great fire of 1834 had been again improved by the reconstruction of the edifices destroyed, another fire, though not of such serious proportions, occurred. It originated early on the evening of November 8, 1837, in a building on the north side of Genesee street owned by William Blossom and occupied as a dwelling by John Kenyon, which, with the building occupied by the Misses Vaughns as a millinery establishment and Mr. Staniford as a tailor's shop, were consumed. The flames then continued in an easterly direction, destroyed the barber shop, G. W. Allen's jewelry store, H. Noble's tailor shop and John Kenyon's grocery store. The progress of the fire was stopped by tearing down a frame building occupied by D. N. Tuttle as a hat factory and Isaac M. Joslyn as a gunsmith shop.

One of the most exciting events in early times in Batavia was the attempt of a mob to assault and destroy the office of the Land Company during the so-called "Land Office war" in 1836. Fortunately the inhabitants of the village were apprised of the impending trouble in ample time to arm themselves, and when the mob reached the village they found that such a determined and organized resistance had been prepared that all efforts on their part looking to the destruction of the land office or any other property would be accompanied by the death of greater or less numbers of the invading party. Consequently they retired and the threatened attack was never made.<sup>1</sup>

The Exchange Bank of Genesee was organized at Alexander in 1838, by Samuel Benedict, jr., Earl Kidder, Henry Martin, Van Rensselaer Hawkins, Henry Hawkins, Jesse Hawkins, Stephen King, Josiah Newton, Charles Kendall and others, with a capital stock of one hundred thousand dollars. Among those who served as cashiers at various times during the career of this institution were Heman Blodgett, E. S. Warner, H. T. Cross and J. E. Pierpont. The bank was authorized by the Legislature on March 11, 1848, to change its place of business from Alexander to Rochester, but with the proviso that it continue an office at Alexander for the purpose of closing up its business there, for a period not exceeding one year. But the institution never took the

<sup>1</sup> A more detailed account of this disturbance will be found in a preceding chapter.

step authorized by the Legislature. Soon after his removal to Alexander D. W. Tomlinson bought up all the stock and removed the bank to Batavia, where it finally discontinued business about 1858.

The Batavia Lyceum was incorporated April 17, 1843, "for the purpose of establishing and maintaining a library, reading room, and rooms for debates and lectures on literary and scientific subjects; and such other means of promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise, gift or otherwise, and to hold, transfer and convey real estate and personal property, to the amount of ten thousand dollars; and also further to take, retain and convey all such books, cabinets, library furniture and apparatus as may be necessary to obtain the objects and effect the purposes of said corporation." The incorporators named in the charter were Heman J. Redfield, Trumbull Cary, Lucius A. Smith, Isaac A. Verplanck, Joshua L. Brown, William G. Bryan, John F. Ernst, Joel Allen, Brannon Young, Seth Wakeman, Frederick Follett, John L. Dorrance and their associates.

By the amendment to the village charter passed April 22, 1844, the bounds of the village of Batavia were fixed as follows:

Beginning at a point in the east line of lot number forty-four in said village, one hundred rods north from the centre of Genesee street; thence westerly parallel with the centre of Genesee and Batavia streets one hundred rods therefrom to the westerly bounds of lot number nine in said village; thence southerly on the west line of said lot number nine, to the southwest corner of said lot; thence continuing in the same direction to the north bank of Tonewanta creek, thence up the northern bank of said creek to a point one hundred rods south of the centre of Genesee street; thence eastwardly parallel with the centre of Genesee street to the east line of lot number forty-five; thence northerly on said line to the place of beginning.

In 1847 the trustees reported that, pursuant to the vote at the preceding annual town meeting, they had "proceeded to the selection of a site and commenced the building of a suitable Engine and Hook and Ladder House, and to complete the same they were compelled to borrow Two Hundred Dollars." The trustees further reported that the engine owned by the village was not satisfactory, and continued:

Inasmuch as the corporation now own a good and sufficient Engine House, the Trustees flatter themselves that the citizens will carry out the work of encouraging the Fire Department by purchasing a good and substantial Engine, and one that will give satisfaction to the Firemen as well as the citizens.

In accordance with the recommendation of the board and the resolution then adopted by the voters, the trustees purchased of Thomas Snooks a fire engine, paying therefor seven hundred dollars.

In 1851 the trustees reported that they had "caused to be built, pursuant to the vote of the electors of said village, two large reservoirs, and have caused a well to be dug and furnished with a pump and enclosed with good and substantial railing, so that each reservoir can be filled and kept supplied with water for the use of the Fire Department. They have also exchanged the old fire engine Red Jacket for a new Engine, for which they have given their official note for \$200."

In 1852 they report: "The Engine which was procured by the exchange of the old Engine Red Jacket was found upon trial not to be of sufficient power, and the trustees have sold that for the sum of \$200, and have purchased a new engine for the sum of \$756. . . . They have also sold the old Engine house (located on Jackson street) and have procured in place thereof a permanent Lease of the basement of the Old Court house for the use of the Fire department. They have also purchased a new Hose Cart for the use of Engine No. 2; also 200 feet of new Hose."

By the amended charter adopted in April, 1853, the bounds of the corporation were fixed as follows:

The territory embraced within the following bounds, that is to say: Beginning in the east line of lot number forty-six (as laid down on the map or survey of the village of Batavia into village lots made by the Holland Land Company by Joseph Ellicott, surveyor) at a point half a mile northwardly from Genesee street; thence westwardly parallel to said Genesee street and half a mile distant therefrom to a point two chains and fifty links westwardly of the east line of lot number sixteen; thence still westwardly parallel to Batavia street and half a mile distant therefrom to the west line of lot number eight; thence southwardly on the west line of lot number eight to Batavia street, thence continuing southerly in the same direction to the south bank of the Tonawanda creek; thence up said creek on the south bank thereof to the west line of lot number fifty seven; thence southerly upon the said west line of lot number fifty seven to the plank road of the Buffalo and Batavia Plank Road Company; thence easterly along said plank road to the west line of lot number fifty five; thence southerly on the west line of said lot number fifty five to the south line of the second or straight line of railway of the Buffalo and Rochester Rail Road Company; thence easterly on the southerly line of said railway to the western bank of the Tonawanda Creek; thence up said creek on the westerly and southerly bank thereof to a point twenty rods due south from the street or highway now known as Chestnut street; thence eastwardly to the northerly bank of the Tonawanda creek, at the point where the east line of lot number twenty nine intersects the same; thence eastwardly in a direct line to the point where the east line of lot number forty seven intersects

Bigtree street; and thence northwardly on the east line of lots number forty seven and forty six to the place of beginning, shall constitute the village of Batavia, and the bounds thereof are altered and extended accordingly.

It is interesting to note at this juncture the names of the persons engaged in the various branches of trade, in the professions, etc., half a century ago, as illustrating the commercial development of the village of Batavia during that period of its career. The following is the list as it was published in 1849.<sup>1</sup>

Ministers.—J. A. Bolles, Byron Sunderland, S. M. Stimpson, Allen Steele, D. C. Houghton.

Doctors.—John Cotes, Levant B. Cotes, H. Ganson, C. E. Ford, John F. Baker, Chauncey D. Griswold, J. Delamater.

Lawyers.—Richard Smith, P. L. Tracy, G. W. Lay, H. J. Redfield, B. Pringle, E. C. Dibble, I. A. Verplanck, M. Taggart, J. L. Brown, J. H. Martindale (district attorney), H. J. Glowackie, W. G. Bryan, S. Wakeman, J. D. Merrill, T. Fitch, M. W. Hewitt, H. Wilber, H. U. Soper (Judge of Genesee county), J. F. Lay, M. F. Robertson, E. Pringle, B. Young (county treasurer), J. H. Kimberly.

Forwarding and Commission Merchants.—L. A. Smith, J. Foot, J. Ganson & Co.

Dry Goods Merchants.—Wm. H. Wells & Son, Smith & Warren, G. A. Lay, Nathan T. Smith, Thorn & Holden.

Hardware Merchants.—Belden Otis & Co., R. Haney.

Hotels.—American, B. G. Tisdale, Genesee House, S. N. Bierce, Western Hotel, J. Backus, Eagle Tavern, E. Hall, Railroad Depot, S. Frost, Dutch Tavern, A. Biechel.

Livery Stable.—Ferren & McCormick.

Cabinet Makers.—C. Kirkham, C. T. Buxton, J. T. Buxton, O. Griffith.

Carpenters and Joiners.—O. Dustin, R. W. Craig, D. Palmer, J. Coleman, S. Tuttle, J. L. Gardner, W. Lowden, L. Knapp, Mr. Rice, H. Graham, J. Palmer, J. R. Hart, L. Barner.

Blacksmiths.—F. Baxter, A. Tyrell, M. Kellogg, G. W. Miller, S. Lynn, J. Clark, J. Trumbull & Son.

Gunsmith.—I. M. Joslyn.

Saddle and Harness Makers.—Wm. Manley, A. J. Ensign, J. T. Carr.

Masons.—T. McCully, H. Murphy, J. Holten, D. Johnson, A. Wilcox.

Stonecutter.—Fellows & Co.

Furnacemen.—T. Hurlburt, J. R. Smith.

Baker.—B. C. & O. Page.

Cradle Maker.—H. Naramor.

Cooper.—Z. York.

Brewer.—E. H. Fish.

Barbers—J. Leonard, D. Leonard.

Butchers.—R. Fowler, R. Winn.

Druggists and Booksellers.—Wm. Seaver & Son, Fellows & Co.

<sup>1</sup> This list appears on the last page of Wm. Seaver's History of Batavia.

Grocers.—C. A. Russell, John Wilson, John Kenyon, J. McCullant, Wilson & Austin, S. A. Wilson, G. Knowles, J. & R. Eager.

Jewellers.—J. A. Clark, E. S. Dodge.

Hatters.—H. & E. M. McCormick, P. Warner.

Boot and Shoe Store.—T. Yates, A. Joslyn, H. M. Warren, Spencer & Merrill, M. Rupp, J. P. Phillips, J. Baker.

Milliners.—Mrs. Denslow, Mrs. Blake, Mrs. Griffith, Mrs. Showerman & Halbert.

Tailors.—G. B. Hurlburt, D. Ferguson, J. Jordan, J. M. Royce, Nathan Smith, John Allen, Biessenger & Rebstock.

Printers.—Wm. Seaver & Son, D. D. Wait.

Book Binder.—G. Kiesz.

Painters.—H. W. Ashling, Howe & Barnard, P. S. Moffett, E. Woolsey, O. N. Sanford, W. McIntyre.

Carriage Makers.—J. Clark, G. W. Miller, A. Peck.

On February 17, 1850, Batavia was visited by the most destructive fire in the history of the village up to that time. The fire originated about 11.30 A. M. in the two story wooden building on the north side of Genesee (Main) street, occupied by R. Haney as a hardware store. The wind was blowing strong from the west and the flames swept eastwardly until every building to the corner of Genesee and Bank streets was consumed. Among the principal buildings destroyed were the hardware store of R. Haney, loss \$8,000; the office and residence of Dr. H. Ganson, loss \$2,000; store of S. C. Holden, loss \$1,200; store owned by Hinman Holden and occupied by C. Kirkham as a cabinet shop; next the American hotel, the largest and most expensive building in the village, having cost over \$25,000, owned by Alva Smith and kept by B. G. Tisdale; a two story brick building owned by D. W. Tomlinson, who was fitting it up for the use of the Exchange Bank of Genesee, then located at Alexander; a building owned by Moses Taggart and occupied by Dr. J. Delamater as an office and dwelling, by Dr. Stevens, dentist, and by Mrs. Williams as a residence.

The year 1850 was marked by the organization of companies for the construction of plank roads between Batavia and Buffalo and between Batavia and Oakfield. The work of construction was begun soon after the formation of the companies referred to.

The Spirit of the Times of December 14, 1852, contained the following:

There is no mistake but this ancient Capital of the "Holland Purchase," is destined to maintain its rank and dignity, through all the changes that are constantly going on within and around it. To satisfy any of this fact, they have only to look at our thronged streets, and the business-like appearance of our stores, shops and

warehouses, all indicating continued, if not increasing prosperity. . . . We have now the great Central Railroad, with its six daily trains, beside the cross road to Attica, connecting us with the Buffalo and N. Y. City R. R. These, to which will soon be added the Canandaigua and Niagara Falls road, now nearly completed from this place westward, and the Buffalo and Conhocton Valley road to be finished next season, all combine to give us greater facilities for business or pleasure than any other town in the interior can boast, and tend directly to point out Batavia as "the greatest place of its size" in Western New York.

While thus blowing the trump of fame for the generalities of our Village, we must not omit to notice some of its new embellishments, prominent among which is the elegant Brick Block recently erected by Messrs. Dodge, Yates and the Odd Fellows, on the corner of Main and Jackson streets. The part owned by Mr. Dodge, on the Corner, is finished off in elegant style as a Jewelers store, and filled with his new stock of glittering wares, presents a splendid appearance. The other store belonging to Mr. Yates, is fitted up for a Shoe and Leather store, in a style and beauty, favorably comparing with that of Mr. Dodge. Both together, with their wide, elegantly finished doors, and immense sized glass set in metallic sash richly plated with silver, present a front truly magnificent, and the whole does honor to the enterprising proprietors.

The three story brick building erected by Mr. Godfrey, for Messrs. Onderdonk and Carr, as a Saddlery establishment, adjoining the store of W. H. Wells & Son, is now completed in a substantial and tasteful manner, and adds much to the beauty of that part of the village. Another decided improvement has been made by Mr. John Kenyon, in erecting a large addition to his old store. . . .

The Stone building formerly occupied by Mr. Ganson's Bank, is also undergoing improvements in the front, preparatory to its being occupied by Mr. Tomlinson with his Exchange Bank.

The Batavia Gas and Electric Light Company was organized as the Batavia Gas Light Company in 1855, with a capital of thirty two thousand five hundred dollars and these directors: George Brisbane, Daniel W. Tomlinson, Gad B. Worthington, S. C. Holden, Alva Smith, Frank Chamberlain and R. Merrifield. Mr. Tomlinson was president, secretary and treasurer, and W. H. Tompkins was superintendent. The first gas holder had a capacity of thirteen thousand five hundred feet. A new gas holder, with a capacity of thirty-five thousand feet, was built in 1878. Early in the year 1885 new works were erected for the manufacture of gas from crude petroleum. In 1886 the company established an electric lighting and heating plant, which it has since operated in conjunction with its gas plant.

The Batavia Fire Department was incorporated April 22, 1862, with the following trustees: David Seaver, Sanford S. Clark, Albert R. Warner, William M. Tuttle, Louis M. Cox, Benjamin Goodspeed, William H. Brown, John Passmore, Marsden J. Pierson, William D.

W. Pringle, George D. Kenyon, Hollis McCormick, Henry G. Champ-  
lin, James Nugent and Samuel Jennison. The charter officers were:  
President, David Seaver; vice-president, Sanford S. Clark; secretary,  
Albert R. Warner; treasurer, George P. Pringle.

July 28, 1862, the board of trustees of the village adopted an "or-  
dinance establishing fire districts" as follows:

District Number One.—All that portion of the village of Batavia  
lying north of Main and west of Bank street.

District Number Two.—All that portion of the village lying north  
of Main and east of Bank street.

District Number Three.—All that portion of the village lying south  
of Main and east of Jackson street.

District Number Four.—All that portion of the village lying south  
of Main and west of Jackson street.

The ordinance also provided that "at each and every fire it shall  
be the duty of the Sexton, or person or persons ringing the Fire  
Alarm Bell, to ring a general alarm for at least one minute, or until  
the district wherein the fire occurs, can be ascertained, and immedi-  
ately thereafter to strike the number, then to repeat the general  
alarm for one minute, and afterwards the district alarm, continuing  
the repetitions at proper intervals for at least thirty minutes, or  
until the said alarm shall be ascertained to be false." It was also pro-  
vided that "any watchman, sexton or other person who shall first  
ring the correct district alarm of any actual fire, shall be entitled to  
one dollar for each actual fire it is so rung."

The fire department, it was ordained, should consist of a chief en-  
gineer and two assistant engineers, in addition to the trustees of the  
village of Batavia, "and such fire engine men, hose men, hook and  
ladder men, axe men and bucket men as are and may from time to  
time be appointed by the Trustees of the Village of Batavia."

Before the organization of the department several fire companies had  
been in existence in Batavia. Reference to some of these is found in  
preceding pages. As early as September, 1829, Triton Fire Company  
was organized. A hook and ladder company was formed in 1836,  
while in 1850 two companies were formed—Pioneer Hook and Ladder  
Company No. 1 and Neptune Engine Company No. 2. Red Jacket  
Engine Company was another old fire company which existed for many  
years. Hose Company No. 3 was organized in 1863 and Alert Hose  
Company No. 1 in 1868. The old Rescue Engine Company No. 1 was

formally disbanded October 10, 1870. The first officers of Alert Hose Company were: President, C. E. Fish; vice-president, J. A. Mackey; foreman, J. E. Warren; assistant foreman, J. B. Hewitt; secretary, D. W. Tomlinson. The company, the oldest in the department, was incorporated May 5, 1879, the directors being J. M. Hamilton, Hinman Holden, M. K. Young, Ellis R. Hay and George J. Austin. The first fire attended by this company was that in the Western hotel, which stood on the site of the Schafer Commercial building, soon after the organization of the company.

At a meeting of the trustees of the fire department held July 14, 1862, the following persons were confirmed as firemen and the first members of the department:

Pioneer Hook and Ladder Ladder Company No. 1.—Henry S. Morse, George B. Edwards, William H. Preston, John Westphal.

Neptune Engine Company No. 2.—James E. Rosecrance, Patrick Donahue, Ernst Welker, Martin Erion, John Menger, Lemuel L. Tozier, Frank Nelo, Josiah P. Pierson, Michael Moran, Wm. E. Blake, Lyman Kraing, Henry Erbleding, Frank McDonald.

Neptune Hose Company No. 2.—Louis Mann, Byron S. Cotes, James H. Royce, Jeremiah O'Connell, Horatio Thomas, Daniel A. Lynch, John Corby.

Rescue Engine Company No. 1.—John Munger, Henry Steuber, Frank Newell, Brainard E. Forbes, Gottlieb Greishaber, Lewis Tevinn, John Strong, Horace Ford, Anson T. Bliss, James Giddings, James McKay, Adam Feurstein.

Rescue Hose Company No. 1.—Frank Decott, Frank Riley, Charles Morris, Daniel Connells, Thomas Kinney.

At the meeting held August 11 the following additional members were approved:

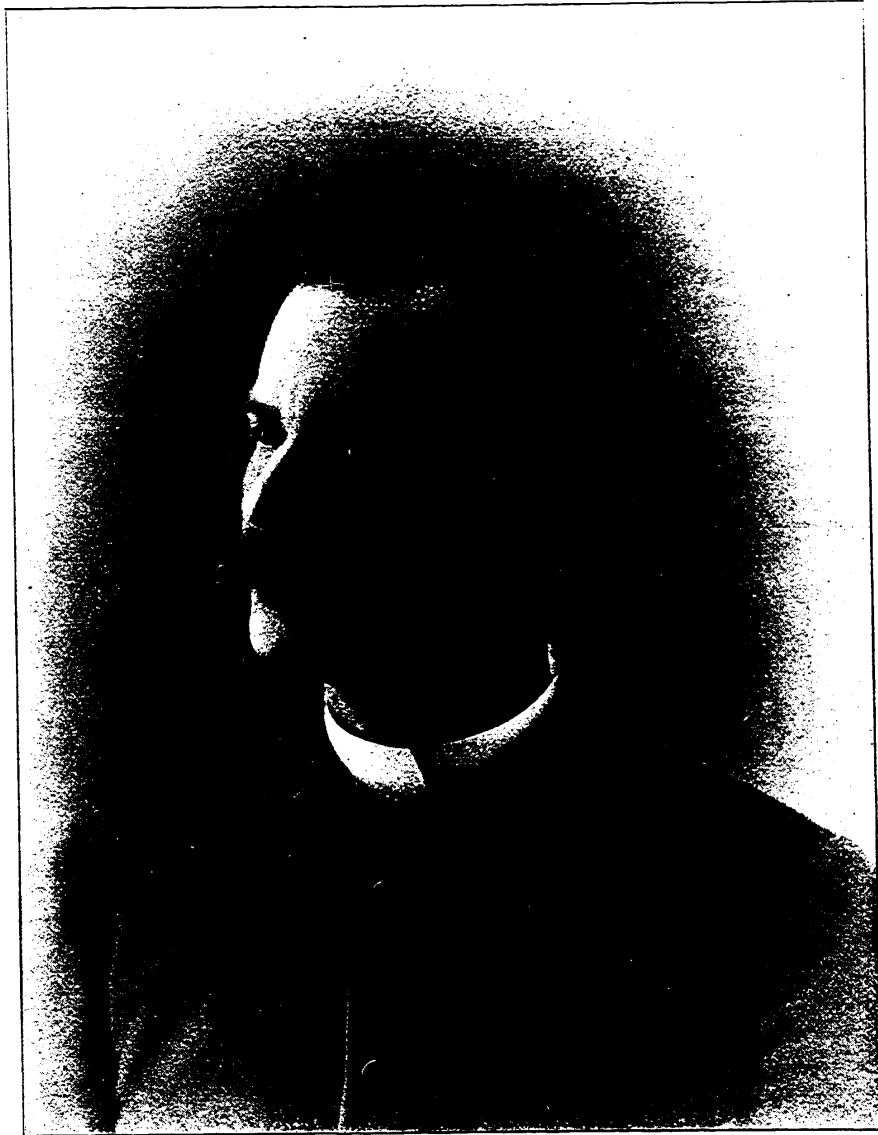
Neptune Engine Company No. 2.—James Buckley, James Whitman, Christian Wolf.

Neptune Hose Company No. 2.—Peter Lane, Charles A. Hastings, Ambrose N. Hanna, Collins Pratt.

Pioneer Hook and Ladder Company No. 1.—Joseph Houlman, A. F. Lawrence, Peter Warner.

Eagle Hose Company No. 1 was organized in 1862 and disbanded April 8, 1865. In the same year it was reorganized, and in 1868 it was again disbanded and Alert Hose Company organized in its place. Amphitrite Hose Company No. 2 and Union Hose Company No 3 were organized in





*J. A. Ward*

1863. Amphitrite Hose Company was disbanded in 1867 and Richmond Hose Company No. 2 was formed in its place. The original Neptune Engine Company was disbanded August 23, 1869. Citizens' Hook and Ladder Company was formed in 1872, disbanded in 1874, reorganized in 1874, again disbanded in 1877, and once more reorganized in the latter year under the present name of Rescue Hook and Ladder Company. Zephyr Hose Company No. 3 was formed January 7, 1885, and Ellicott Hose Company No. 4 in November, 1896. The department at the present time consists of Alert Hose Company, Richmond Hose Company, Zephyr Hose Company, Ellicott Hose Company and Rescue Hook and Ladder Company.

The chief engineers of the department have been as follows: David Seaver, 1862-63; Albert R. Warner, 1864; Hollis McCormick, 1865; Pepworth Crabb, 1866; John L. Foster, 1867-71; Hollis McCormick, 1872-74; James M. Walkenshaw, 1875; Alvin J. Fox, 1876; O. J. Waterman, 1877-78; James M. Walkenshaw, 1879-1881; Joseph H. Robson, 1882; Cornwell D. Morgan, 1883-84; L. S. Croaker, 1885-86; Cornwell D. Morgan, 1887; Clarence B. Austin, 1888-97 (died in office); L. W. Hahn, 1897-98.

The Farmers' Bank of Batavia was established in 1856 as the Farmers' Bank of Attica, at Attica, by Leonidas Doty. The bank was moved to Batavia in 1860, and in 1862 the name was changed to the present one. Mr. Doty was also one of the founders of the First National Bank of Batavia. A few years ago the Farmers' Bank erected a commodious banking house at the southeast corner of Main and Jackson streets. A few year before that date John H. Ward had been admitted into partnership with Mr. Doty, and the former has been, since Mr. Doty's death in 1888, manager of the business. Since the death of Mr. Doty his widow, Mrs. Selina A. Doty, has controlled the interest of her husband in the bank.

The First National Bank of Batavia was founded March 21, 1864, with a capital stock of fifty thousand dollars and the following officers: R. H. Farnham, president; C. H. Monell, cashier; R. H. Farnham, Tracy Pardee, Henry Monell, Charles H. Monell and George Bowen, directors. Mr. Monell never held the position of cashier, Marcus L. Babcock being elected to the position June 4, 1864. May 31, 1865, the capital stock was increased to seventy-five thousand dollars, and January 9, 1883, it was further increased to one hundred thousand dollars. The following have served as officers of the bank:

Presidents.—R. H. Farnham, March 21, 1864, to June 29, 1865; Tracy

Pardee, June 29, 1865, to January 10, 1884; Levant C. McIntyre, January 10, 1884, to 1898; Samuel Parker, from April 21, 1898, to date.

Cashiers.—Charles H. Monell, March 21, 1864 (did not act); Marcus L. Babcock, June 4, 1864, to February 8, 1865; Daniel E. Waite, February 8, 1865, to August 13, 1866; Levant D. McIntyre, August 13, 1866, to January 16, 1884; Jerome L. Bigelow, January 16, 1884, to date.

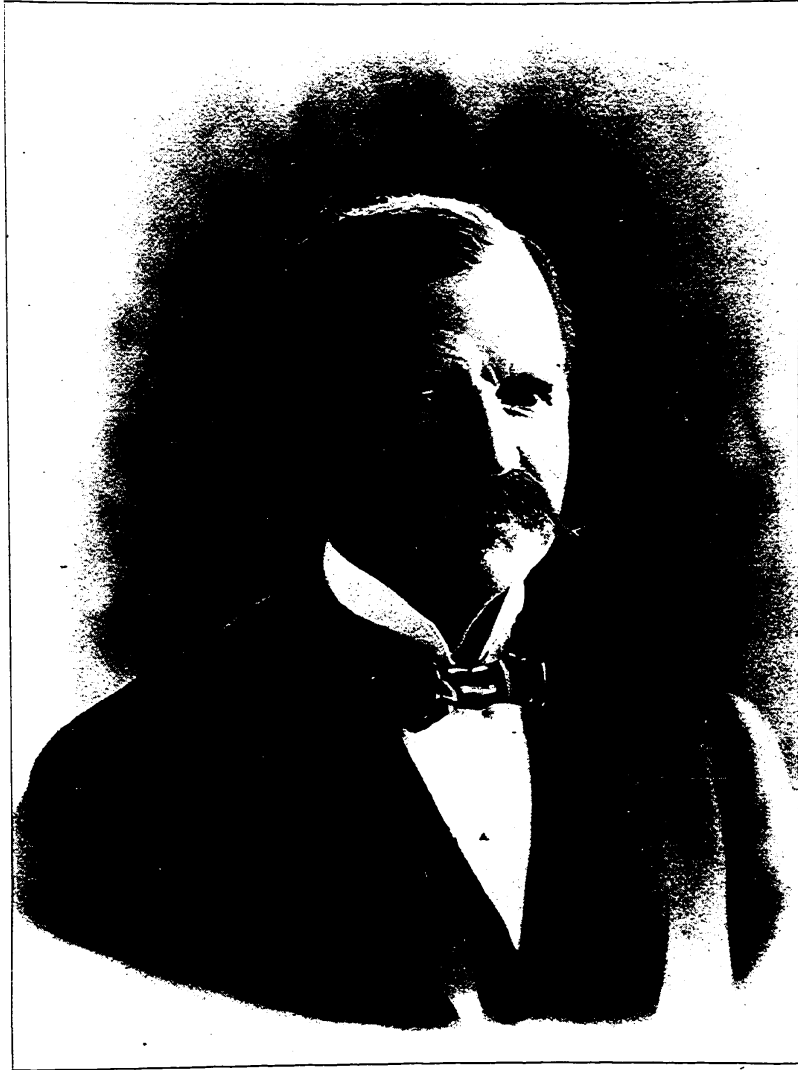
Assistant Cashier.—George F. Bigelow, January 22, 1896, to date.

The various changes in the directorate of the bank have been as follows:

1864, Reuben H. Farnham, Tracy Pardee, Henry Monell, Charles H. Monell, George Bowen; 1866, John McKay, to succeed Henry Monell; 1867, Leonidas Doty; 1868, John Fisher, to succeed John McKay; 1869, number of directors increased to seven, and Tracy Pardee, Reuben H. Farnham, Leonidas Doty, John Fisher, George Brown, Gad B. Worthington and Cyrus Walker were elected; 1874, number of directors decreased to six, and all but Reuben H. Farnham were re-elected; 1881, E. B. Wilford; 1882, Daniel W. Tomlinson, to succeed E. B. Wilford; 1883, Samuel Parker, to succeed John Fisher, and Levant C. McIntyre to succeed Tracy Pardee; 1898, E. A. Washburn, to succeed Levant C. McIntyre, deceased.

The Genesee & Venango Petroleum Company was organized in Batavia in the winter of 1864-65, with a capital stock of three hundred thousand dollars, for the purpose of mining for petroleum in the oil regions of Pennsylvania. The charter officers of the corporation were: President, Reuben H. Farnham; vice-president, Elias A. Lewis; treasurer, Eli H. Fish; secretary, William H. Story; trustees, Trumbull Cary, Eli H. Fish, E. M. McCormick, Elias A. Lewis, Johnson B. Brown, Tracy Pardee, Lyman Terry, H. L. Onderdonk, R. H. Farnham.

The funeral services held at Batavia in honor of President Lincoln on Wednesday, April 19, 1865, were of a most impressive character. Upon the conclusion of religious services held in the respective churches, a procession formed in front of Ellicott hall at 1.30 P. M., under the direction of Hon. H. U. Soper, marshal, and J. Haskell, S. B. Lusk, Capt. Robert L. Foote and Lucas Seaver as assistant marshals. The large funeral car was draped in mourning and covered with the American flag. Beside it marched the following pall bearers: Daniel W. Tomlinson, Harry Wilber, J. C. Wilson, W. S. Mallory, E. A. Lewis, D. D. Waite, H. I. Glowacki, Seth Wakeman, Wilber Smith, John



*Yours Truly,  
Samuel Parker*

Fisher, M. H. Bierce and R. O. Holden. On either side of the car the following gentlemen were mounted on horseback as a guard of honor: Captain L. Phillips, E. Wakeman, C. H. Dolbeer, B. S. Cotes, E. Stimson, O. S. Pratt, P. H. Smith and George Foote. Following them came the village officers, the Batavia fire department, public officers, veterans of the civil war and civic organizations. The procession marched down Main street to the Oak Orchard road, thence back along Big Tree street to Jackson, to Main, to Cemetery street to the front of the court house, where the following exercises took place:

Music, "Old Hundred," choir; prayer, Rev. Morelle Fowler; music, "The Departed," choir; address, Rev. Mr. Mussey; music, "Dead March," from Saul, Batavia band; address, Judge Soper; music, "America," choir; address, Wm. G. Bryan; benediction, Rev. S. M. Stimson.

The Western Farmers' Mutual Insurance Company for many years was a strong institution in Genesee county. In 1866 its officers were: President, Samuel Richmond; vice-president, Samuel Heston; secretary and treasurer, Horace M. Warren; directors, Samuel Willett, Heman J. Redfield, Samuel Richmond, Joseph Vallett, Elijah Platt, Samuel Heston, James L. Paine, Jacob Grant, Alvin Pease, Daniel Rosecrance, Hiram Chaddock, L. Douglass and John F. Plato.

The "Commercial building," located on the south side of Main street a short distance west of Jackson street, was originally occupied as a hotel. In 1837 a tavern known as the Central house was opened there by Daniel Latimer. In 1840 it became the property of Lamont H. Holden, brother of Hinman and Samuel C. Holden, who changed its name to that of Farmer hotel. It was in this hotel, while under the management of Mr. Holden, that the meetings of Batavia Lodge No. 88, F. & A. M., were held for some time. The property finally became known as the Western hotel. It was destroyed by fire May 20, 1860. Subsequently a commodious brick building was erected on the site, and for many years was run as a hotel under the names of Washburn house, Parker house, and others. In 1892 the property was repaired and remodeled for mercantile purposes, and is now one of the principal business blocks in Batavia.

The Batavia Farmers' Club was organized at Batavia in February, 1862, with these officers:

President, Henry Ives; vice-president, P. P. Bradish; secretary, J. G. Fargo; treasurer, Sanford Wilber; directors, Charles Gillett, C. D. Pond and Addison Foster.

The Batavia Library Association was incorporated by act of the Legislature April 27, 1872. The first trustees named in the charter were Gad B. Worthington, Edward C. Walker, Myron H. Peck, Sidney A. Sherwin, Robert B. Pease, Wilber Smith, Daniel W. Tomlinson, Henry F. Tarbox and George Bowen. By an act of the Legislature passed in 1887, the corporation was dissolved. The library, consisting of about 4,000 volumes together with \$3,500 in money, was turned over to the trustees of the Union Free School District, No. 2. The condition of the gift was that the fund should be kept forever intact and the income derived therefrom used, so far as needed, to maintain a reading room which the trustees were authorized to provide for, in connection with the Richmond Memorial Library.

The Bank of Batavia, now recognized as being one of the strongest financial institutions outside of the larger cities in Western New York, was incorporated July 11, 1876, with Jerome Rowan as president and William F. Merriman as cashier. Its original capital stock was fifty thousand dollars. Mr. Merriman resigned in September, 1878, and Marcus L. Babcock was elected to succeed him. In February, 1879, Mr. Babcock resigned and was succeeded by H. T. Miller. Mr. Rowan resigned as president in February, 1882, at which time Daniel W. Tomlinson was elected to succeed him. Up to this time the bank had not been successful; but with the change in management new life was put into the establishment, and from the smallest institution of its kind in Batavia, it soon grew to be the largest, its capital being increased twice—from fifty thousand to one hundred thousand dollars in March, 1883, and to one hundred and fifty thousand dollars in March, 1891. The payment of dividends was begun in the fall of 1883, since which time they have been regularly paid twice each year. At the same time the bank has built up a surplus of over one hundred thousand dollars, with resources exceeding one million one hundred thousand dollars. In 1895 the new fire proof building on the south side of Main street was erected. This is probably the finest building occupied exclusively by any country banking house in New York State.

Considerable enthusiasm over military affairs developed in Batavia in 1876, with the result that a number of the citizens of the village made application to General Franklin Townsend of Albany, adjutant-general of the State of New York, for permission to organize a separate company of the National Guard of the State of New York. The desired permission was granted in the following order by the adju-

tant-general, the company having previously been formed and officers elected:

GENERAL HEADQUARTERS, STATE OF NEW YORK,  
ADJUTANT-GENERAL'S OFFICE.  
ALBANY, July 28, 1876.

SPECIAL ORDER No. 120.

Application having been made in proper form for the organization in the village of Batavia, Genesee county, of a Company of Infantry, to be attached to the 31st Brigade, 8th Division, National Guards, State of New York, said Company is hereby organized with the following named Officers, who will be commissioned with rank from July 22, 1876:

Captain, Orrin C. Parker; first lieutenant, George W. Griffis; second lieutenant, Alvin J. Fox.

Said Company will be known and designated as the Fifth Separate Company of Infantry of the 31st Brigade, National Guard, State of New York.

By Order of the Commander-in-Chief.

(Signed)

FRANKLIN TOWNSEND,  
Adjutant-General.

The original members of the company in 1876 were as follows:

Captain, Orrin C. Parker; first lieutenant, George W. Griffis; second lieutenant, Alvin J. Fox; first sergeant, James M. Waite; quarter-master-sergeant, Lawrence L. Crosby; second sergeant, Henry C. Fish; third sergeant, Charles V. Hooper; fourth sergeant, John G. Johnson; fifth sergeant, Peter Thomas; first corporal, George Crawford; second corporal, Andrew Rupp; third corporal, William H. Kendall; fourth corporal, Thomas Gallagher; fifth corporal, Henry A. Thompson; sixth corporal, Robert Peard; seventh corporal, John A. Mackey; eighth corporal, Frederick F. Smith; musicians, William H. Bradish, Herbert L. Collamer.

Privates, Aaron Alpaugh, Ira Brady, Harlan J. Brown, Hiland H. Benjamin, George H. Buisch, Frank W. Biddleman, William H. Buckholts, John Buckholts, Levant Bullock, Henry Crego, Frank S. Cross, Henry A. Cross, Henry Curry, James C. Cummings, Thomas Cummings, John Cummings, Frank C. Campbell, William E. Casey, John P. Casey, William E. Dawson, Philip Ditzel, John Didget, Jacob Erion, Chester Ford, Charles E. Fish, Pratt Flanders, Walter K. Gould, Joseph T. Garnier, Frederick Hess, James M. Harris, Hiram Harris, Ellis R. Hay, Alonzo N. Henshaw, Frank Homelius, Henry W. Homelius, John M. Hamilton, Anthony Horsch, Frederick L. Hovey, George M. Hermance, Newton Johns, Frank Johnson, Homer N. Kelsey, Harvey W. Kendall, Benjamin F. Lowns, John B. Leonard, Edwin S. Lent,

Alva W. Lewis, Charles Lawson, Asa F. Lawrence, Charles Little, John D. Maloy, Malcolm D. Mix, Samuel P. Mix, John W. Mix, jr., Redmond Manning, Frank S. Moloney, Robert A. Maxwell, William Metzger, Callaghan McDonald, John B. Neasmith, Rodger O'Donohue, Edward O'Connor, Charles B. Peck, William T. Pond, Robert Peard, William Powell, Van A. Pratt, Charles W. Pratt, Wirt B. Quale, Michael Rebmester, Daniel Rodgers, Joseph Roth, Marvin A. Seamans, Silas H. Smith, Sanford Spalding, Frederick M. Sheffield, M. Cleveland Terry, Peter Tompkins, John Thomas, Charles A. Thompson, Charles J. Tryon, W. W. Whitney, Albert Weber, Frederick E. Williams.

This company, which bore the name of "Batavia Rifles," enjoyed an interesting career of about seven years, and was disbanded in 1883. A second independent military company, also known as the "Batavia Rifles," was organized December 24, 1894, with these officers: President, C. B. Stone; secretary, Claude Giddings; treasurer, Frank Homelius; collector, Edward Thomas; captain, H. W. Homelius; first lieutenant, W. A. Hooker; second lieutenant, Charles Moll; orderly sergeant, James Dunning; color guard, Frank Stephenson. This company, however, had but a brief existence, and never became an organization of the New York National Guard.

The Wiard Plow Company is one of the most celebrated establishments in the world devoted to the manufacture of plows. The concern is also the oldest of its kind in the United States, having been founded in 1804 by Thomas Wiard, sr., a blacksmith and farmer residing at East Avon, N. Y. His first plow was of the ancient pattern known as the "bull plow," large numbers of which were made by hand by Mr. Wiard for the use of the pioneers of Western New York. In 1815 Jethro Wood of Aurora (then Scipio), N. Y., the inventor of the first successful cast-iron plow, sold Mr. Wiard the necessary castings, which the latter completed and attached wooden handles thereto in his shop. Four years later he found his facilities for manufacture entirely inadequate, by reason of the increasing population of the community and the consequent growing demand for the output of his little smithy; so he erected a foundry at East Avon, where he made patterns for improved plows, manufacturing all the parts thereof himself. Here, in connection with his three sons—Seth, Henry and Matthew—he continued the manufacture of these implements until his death about 1820. One or more of these sons continued the business at East Avon until 1871. All were men of great ingenuity and constantly were at work





Engraving by G. S. [unreadable]

Geo. Wiard

devising improvements in the plows they manufactured, until they had become celebrated as the makers of the most satisfactory implements of this nature in the country.

October 1, 1871, George Wiard, son of William Wiard, became half owner of the establishment at East Avon. In 1871 Charles W. Hough, treasurer of the company, purchased the interest of Matthew Wiard, the firm becoming Wiard & Hough.

During the career of the concern at East Avon the works were destroyed by fire and rebuilt several times. In 1876, to such proportions had the business grown, it was decided to remove the industry to a point where the transportation facilities would be better than those offered at East Avon. Learning of the determination of the company, the citizens of Batavia donated a site for the proposed new plant, located on Swan street, between the New York Central and Hudson River and the Erie railroads, and the company accepted the proposition offered. The new plant was completed in September, 1876, and about the same time a new company was organized and incorporated under the name of the Wiard Plow Company, with a capital stock of fifty thousand dollars. This amount was subsequently increased to one hundred thousand dollars. George Wiard was the president of the new corporation and C. W. Hough the secretary and treasurer. The other incorporators were Eli Fish, John Green and Joseph H. Smith. Mr. Wiard also assumed the duties of superintendent. These gentlemen still occupy the same offices in the company, excepting that J. J. Washburn acts as secretary, relieving Mr. Hough of a share of his duties. Mr. Washburn succeeded Mr. Smith in the concern in May, 1880. The original capital stock of the company, sixty-three thousand dollars, was increased at the end of the first year to one hundred thousand dollars, and five years later to one hundred and fifty thousand dollars, the present capital. While the principal business of the company is the manufacture of its widely celebrated plows, it is also the inventor of improvements in sulky hay rakes, which it has been manufacturing for several years. The establishment turns out many varieties of plows, adapted to all kinds of soil and all other conditions. It also manufactures hop and potato cultivators, patent sulky plows, Emperor sulky rakes, Morgan patent spading harrows, Wiard disc harrows, Wiard adjustable weeders, and automatic hand corn planters. The company's territory includes everything east of Lake Michigan and as far south as Florida, Georgia, Tennessee and Kentucky, including those States, and

many foreign countries. The present plant covers about five and a half acres. Numerous improvements thereto have been made from time to time, among the latest being the new office building erected in 1897. An average of one hundred hands is employed the year around. It is a notable fact that the company has never shut down in its history, excepting for a few days in the summer of each year for the purpose of making the necessary repairs. Its employes are for the most part thoroughly skilled workmen.

The Batavia Preserving Company is an institution which could flourish in few places as it does in the geographical centre of Western New York, the most famous fruit-growing country in the world. The enterprise was established originally in 1879 by John Pierson, who began canning fruits and vegetables for the market, at Bushville. Though supplied with all the necessary appliances, lack of proper attention to the details of the business rendered it pecuniarily unsuccessful at the beginning. In 1881 the establishment became the property of the Bank of Batavia, which for one year conducted the business at Bushville. The following year it was purchased by Sprague, Warner & Co. of Chicago, who a year afterward removed it to the village of Batavia, where a marvelous development of the business was begun. So great was the increase in the demand for the product of the establishment that the erection of more commodious and convenient buildings was necessary. Into these the industry was removed in May, 1888. The business still growing at a wonderful rate, the present company was incorporated in 1891, and placed under the management of C. H. Francis. To-day the company controls three factories—at Batavia, Middleport and Brockport, N. Y., located in the heart of what undoubtedly is the finest fruit and vegetable growing section of the world. The Batavia factory has a floor area of over fifty thousand square feet, and the other factories are nearly as large, and of similar character. The Batavia factory is run exclusively, during the season, upon green peas and sweet corn, using the production of hundreds of acres of the best farming lands in Genesee county. Nowhere in the world are better vegetables grown than in Western New York, and nowhere are they better prepared for the trade with more skill and care than in the factories operated by this company. Each of the factories devotes itself only to such products as can best be raised in that locality and marketed at their doors in best condition. Thus the factory at Brockport packs small fruits, tomatoes, string beans and apples; while the plant

at Middleport is devoted to peaches, pears, squash, etc. The company also cans Bahama pineapples, baked beans, jams, jellies, preserves and crushed fruits, fruit syrups and juices for soda-fountains. Chicken and turkey are also canned in large quantities. The industry naturally is closely identified with the prosperity of the rural sections of Genesee county and Western New York.

The Genesee County Bank, of Batavia, was organized April 4, 1879, as the Genesee County National Bank, with a capital stock of fifty thousand dollars, and the following officers: President, Solomon Masse, vice-president, Dean Richmond, jr.; cashier, William F. Merriman; directors, Solomon Masse, Dean Richmond, jr., Dr. H. S. Hutchins, Charles R. Gould, Henry Craft, William C. Watson, William F. Merriman, J. C. Guiteau, Edwin Darrow, H. A. Huntington, and F. C. Lathrop. December 31, 1884, the bank surrendered its charter to the federal government and was reorganized as a State bank. At its annual meeting January 14, 1890, the bank voted to go into voluntary liquidation, and is still engaged in closing up its business. The officers of the bank have been:

*Presidents.*—Solomon Masse, April 4, 1879, to July 14, 1885; Royal T. Howard, July 14, 1885, to September 10, 1894; H. A. Huntington, September 10, 1894, to date.

*Vice-Presidents.*—Dean Richmond, jr., April 4, 1879, to January 12, 1882; Dr. H. S. Hutchins, January 12, 1882, to January 9, 1883; William C. Watson, January 9, 1883, to date.

*Cashiers.*—William F. Merriman, April 4, 1879, to June 2, 1880; Charles R. Gould, June 22, 1880, to August 28, 1882; Jerome L. Bigelow, August 28, 1882, to January 18, 1884; John W. Smith, January 18, 1884, to date.

An institution which has proven a great boon to a large number of inhabitants of Batavia is the Genesee County Permanent Loan and Building Association, which was organized April 15, 1879. Organization was perfected by the election of the following officers:

President, Wilber Smith; vice-president, Charles H. Howard; secretary, Frederick M. Sheffield; treasurer, Frank S. Wood; attorney, Safford E. North; directors—three years, Royal T. Howard, Charles H. Howard, Dr. Horace S. Hutchins; two years, George Wiard, Wilber Smith, Lucien R. Bailey; one year, Theron F. Woodward, James R. Mitchell, Charles Houghton.

The capital of the association consists of shares of one hundred and

twenty-five dollars each, payable in weekly installments of twenty-five cents for each share. The charter provides that the number of shares outstanding at any one time shall not exceed five thousand.

Wilber Smith was succeeded as president in 1881 by George Wiard, who has served continuously in that office since that time. Hon. Safford E. North has served as attorney for the association continuously since its organization. The officers of the association in 1897 were: President, George Wiard; vice-president, M. B. Adams; secretary, W. G. Pollard; treasurer, J. W. Pratt; attorney, Safford E. North; directors, George Wiard, M. B. Adams, J. W. Pratt, Safford E. North, W. W. Lewis, G. S. Griswold, John P. Casey, F. W. Board and George J. Austin.

On the 4th day of August, 1880, General Garfield, then the Republican nominee for the presidency, passed through Batavia. Although at a very early hour in the morning General Garfield was dressed and appeared at the rear platform of the car where he spoke a few words to the large crowd which had assembled. He introduced Gen. Benjamin Harrison who spoke about three minutes, when the train moved away. Batavia thus had the unusual distinction of having within its borders at the same time two men destined to become president.

The only time Grover Cleveland ever appeared in public at Batavia was during the famous grape sugar trial in 1880. He was one of the attorneys for the plaintiff. Hon. Loran L. Lewis of Buffalo, who has since won distinction as a justice of the Supreme Court, was the leading counsel for the plaintiff. He examined most of the witnesses, opened the case to the jury and summed it up with the masterly skill for which he is justly famed. Associated with him were Mr. Cleveland and Addison G. Rice of the Buffalo bar and Hon. George Bowen of Batavia. The defendants were represented by Sherman S. Rogers and Franklin D. Locke of Buffalo and William G. Watson of Batavia. The title of the case was John L. Alberger against the Buffalo Grape Sugar Company, Cicero J. Hamlin and William Hamlin. Hon. Albert Haight presided. The trial began November 30 and on the 10th of December the jury rendered a verdict for the plaintiff for \$247,125; this was by all odds the largest verdict ever rendered in Genesee county and one of the largest verdicts ever rendered by a jury in this State. No appeal was ever taken and the judgment was promptly paid with costs.

This case, in some respects the most remarkable ever tried in Gene-

see county, originated in Erie county, the venue being laid there. A trial at Buffalo resulted in a disagreement of the jury; the place of trial was removed to Genesee county on the ground that the case had attracted so much attention in Erie county that an impartial jury could not be obtained. A struck jury was ordered, the only one ever drawn in Genesee county. Forty-eight prominent citizens were selected by the county clerk as provided by law, and from this number eleven jurors were obtained, the panel was then exhausted and William Carpenter, who happened to be sitting in the court room, was drawn as a talesman. The jurors were as follows: Perry Randall, foreman; Elbert Townsend, Miles B. Adams, Henry P. Ellenwood, Edward A. Brown, Sherman Reed, Joseph F. Stutterd, Robert S. Fargo, David C. Holmes, Richard Pearson, Ancil D. Mills and William Carpenter.

Mr. Cleveland's firm were not the attorneys of record in the case. He acted as advisory counsel throughout the trial and conducted the direct examination of Williams, the plaintiff's principal witness, and who was understood to be the real party in interest.

The E. N. Rowell Company, manufacturers of paper boxes at Batavia, was originally instituted in 1881. It is an offshoot of one established before 1860 at Utica, N. Y., by Dr. A. S. Palmer, who made his own pill boxes with implements of his own invention. After Dr. Palmer's death the business was carried on by his children until 1881, when it was removed to Batavia. The business increased rapidly, and in 1890 a stock company was incorporated by Edward N. Rowell, the former sole owner of the business, Edward G. Buell and William W. Dorman. The factory is located in a three-story brick building located on Ellicott street, at its junction with Main, where about one hundred and twenty-five persons are employed. The present officers of the company are: President and treasurer, Edward N. Rowell; vice-president, Edward G. Buell; secretary, C. H. Ruprecht.

The Batavia Club was founded July 28, 1882, with nine directors, as follows: Lucien R. Bailey, Daniel W. Tomlinson, John Holley Bradish, Arthur E. Clark, Frank S. Wood, Augustus N. Cowdin, John H. Ward, A. T. Miller and W. L. Otis. Daniel W. Tomlinson was elected the first president, J. H. Bradish vice-president, A. T. Miller secretary, Frank S. Wood treasurer, and Lucien R. Bailey, W. L. Otis and Arthur E. Clark house committee. January 4, 1883, the club took possession of its first quarters, located on East Main street near Dellinger's opera house. This building was destroyed by fire February 16, 1886, and

April 17 following the club removed to the building it now occupies, on the northeast corner of East Main and Bank streets, formerly occupied by the Bank of Genesee. The club was incorporated April 7, 1888, and soon afterward purchased the building it occupies.

The Batavia Manufacturing Company was incorporated in 1883 to manufacture the Post sewing machines, by Lucien R. Bailey, H. I. Glowacki, Columbus Buell, C. J. Ferrin, jr., and C. H. Howard. The Batavia Sewing Machine Company was organized in 1884 to succeed the first-named company. No machines were ever manufactured and the company soon ceased to exist.

Upton Post No. 299, Grand Army of the Republic, so named in honor of General Emory Upton, was organized October 25, 1882, under general orders from department headquarters, dated October 14, 1882. The officers who instituted the post were as follows: H. S. Stanbach, Post 9, commander; L. S. Oatman, Post 9, senior vice-commander; C. S. King, Post 219, junior vice-commander; A. G. Rykert, Post 219, adjutant; L. F. Allen, Post 219, quartermaster; A. J. Lorish, Post 219, chaplain; Jacob U. Creque, Post 226, officer of the day; G. S. Farwell, Post 220, officer of the guard; E. N. Havens, Post 9, inside sentinel; E. A. Halcomb, Post 219, sergeant major; Julius Baker, Post 219, quartermaster sergeant. The charter members of the post were as follows:

W. J. Reedy, W. H. Raymond, George Thayer, John O. Griffis, O. C. Parker, Morris McMullen, C. R. Nichols, Peter Thomas, L. L. Crosby, Russell Crosby, Timothy Lynch, Lucius R. Bailey, Henry C. Fish, Charles A. Sloan, Irving D. Southworth, William Radley, B. M. Chesley, George W. Mather, George H. Wheeler, Daniel W. Griffis, William H. Hunn, Edward F. Moulton, Peter Welker, James F. Bennett, Oscar D. Hammond, Charles Lilly, John K. Giddings, James Conway, Frank Fanning, William Squires.

The post had for its first corps of officers the following comrades:

Commander, W. J. Reedy; senior vice-commander, W. H. Raymond; junior vice-commander, George Thayer; quartermaster, John O. Griffis; officer of the day, O. C. Parker; officer of the guard, Morris McMullen; chaplain, C. R. Nichols; adjutant, Peter Thomas; sergeant major, L. L. Crosby; quartermaster sergeant, Russell Crosby. At the first meeting of the post the following comrades were mustered in as members of the post: Edson J. Winslow, Edwin J. Fox, Edward C. Peck, George McGregor, Charles McGregor, Burr Kenyon, William Gay, Fred. Kelpenberg.

Following is a complete list of the commanders and adjutants of Upton Post from the date of its organization to the present time:

Commanders.—1883-1885, William J. Reedy; 1886, Timothy Lynch; 1887, W. J.

Reedy; 1888, Whiting C. Woolsey; 1889, Edward A. Perrin; 1890, John Thomas; 1891, Frank M. Jameson; 1892-1893, John Thomas; 1894, D. W. Griffis; 1895-1896, George W. Stanley; 1897, George H. Wheeler; 1898, Addison G. Negus.

Adjutants.—1883-1885, Peter Thomas; 1886-1888, L. L. Crosby; 1889-1894, Anson M. Weed; 1895-1897, Addison G. Negus.

The names of the members of the post at the present date, with their residences and the names of the commands with which they served during the Civil war, are:

Ahl, Henry	Batavia	Co. D, 15th H. A.
Austin, N. J.	Albion	Co. D, 9th Cav.
Barton, Isaac R.	Batavia	Co. F, 42d Ohio Vol.
Buell, Melvin	Batavia	Bat. L, 1st N. Y.
Bowe, E. A.	Batavia	3d 76th N. Y. Vol.
Burns, James M.	Batavia	Co. C, 4th H. A.
Birmingham, M.	Batavia	Co. G, 129th N. Y. Vol.
Bloss, E. L.	Batavia	Co. H, 85th N. Y. Vol.
Burroughs, Wm. A.	Pembroke	Co. G, 8th N. Y. H. A.
Braley, Wm.	Elba	Co. I, 81st N. Y. Vol.
Conrad, Jacob	Alexander	Co. G, 160th N. Y. Vol.
Colville, W. L.	Batavia	Co. L, 2d N. Y. Cav.
Crosby, L. L.	Batavia	U. S. Signal Corps.
Crosby, R.	Elba	Co. H, 129th N. Y. Vol.
Conway, James	Batavia	Co. K, 12th N. Y. Vol. and Co. L, 8th N. Y. H. A.
Colt, J. B.	Batavia	Co. A, 9th N. Y. Cav.
Collins, John	Batavia	Co. M, 8th N. Y. H. A.
Capel, Robert	Elba	Co. D, 49th N. Y. Vol.
Clark, Livingston	Batavia	Co. I, 12th N. Y. Vol.
Collins, Albert G.	Batavia	Co. I, 151st N. Y. Vol.
Cooper, James A.	Batavia	Co. F, 110th N. Y. Vol.
Crocker, George	Bethany	Co. L, 8th N. Y. H. A.
Churchill, R. E.	Batavia	Co. K, 10th N. Y. Vol.
Dolbeer, Charles	Batavia	24th N. Y. Battery.
Dewey, C. E.	Batavia	Co. A, 90th N. Y. Vol.
Durfey, Charles	Batavia	Co. G, 184th N. Y. Vol.
Duffy, John	Batavia	Co. C, 151st N. Y. Vol.
Edwards, C. D.	Batavia	Co. A, 140th N. Y. Vol.
Elliott, Edwin R.	East Pembroke	Co. E, 140th N. Y. Vol.
Follett, E.	Batavia	Co. K, 12th N. Y. Vol.
Foster, J. P.	Rochester	Co. A, 9th H. A.
Foley, Tim	Batavia	Co. A, 11th N. Y. Vol.
Ford, George	Batavia	Co. G, 8th N. Y. H. A.
Farnsworth, S. W.	Oakfield	Co. B, 1st N. Y. Dragoons.
Griffis, J. O.	Batavia	22d N. Y. Battery and 2d N. Y. H. A.
Griffis, D. W.	Batavia	Co. C, 151st N. Y. Vol.



Giddings, John K.	Batavia	Co. C, 44th N. Y. Vol.
Gardiner, J. A.	Batavia	Co. F, W. Va. Vol.
Gardiner, W. C.	Batavia	Co. D, 26th N. Y. Vol.
Greene, J. O.	Alexander	Co. A, 3d N. Y. Cav.
Gibhart, C.	Elba	Co. I, 8th N. Y. H. A.
Hunn, William H.	Elba	Co. I, 8th N. Y. H. A.
Holloran, M.	Batavia	Co. I, 151st N. Y. Vol.
Hammond, O. D.	Batavia	Co. G, 160th N. Y. Vol.
Hoyt, J. H.	Elba	Co. I, 8th N. Y. H. A.
Hayes, M.	Batavia	Co. C, 151st N. Y. Vol.
Hundredmark, G. F.	Oakfield	Co. A, 105th N. Y. Vol.
Hough, C. W.	Batavia	Co. E, 138th N. Y. Vol.
Jones, D. M.	Batavia	Co. M, 8th H. A.
Jameson, F. M.	Batavia	Co. G, 140th N. Y. Vol.
Kelley, John	Batavia	Co. H, 24th N. Y. Vol.
Kelley, Seneca	Auburn	Co. A, 89th N. Y. Vol.
Kendall, W. C.	Batavia	Co. G, 8th N. Y. H. A.
Kenyon, E.	Batavia	Co. G, 8th N. Y. H. A.
Kinell, Charles	Batavia	114th N. Y. Vol.
Lynch, T.	Batavia	Co. E., 100th N. Y. Vol.
Lock, W. G.	Batavia	14th N. Y. Vol.
Lesler, Peter	Pembroke	25th N. Y. Ind. Batt.
Lefler, G. W.	Batavia	Co. G, 50th N. Y. Vol. Eng.
Lincoln, F. M.	Batavia	Co. K, 12th N. Y. Vol.
Moulton, A. H.	Alexander	22d Ind. Batt.
Muntz, John	Batavia	Co. G, 8th N. Y. H. A.
Moulton, E. F.	Batavia	U. S. Signal Corps.
McPhail, John	Batavia	Co. B, 100th N. Y. Vol.
Mahoney, Cain	Batavia	Co. G, 8th N. Y. H. A.
Myers, John	Batavia	Co. D, 49th N. Y. V.
Negus, A. G.	Batavia	Co. G, 9th Hawkins Zouaves.
Nash, F.	Batavia	Co. B, 93d N. Y. Vol.
Odion, R. C.	Batavia	Co. E, 105th N. Y. Vol.
Osgood, A. W.	Batavia	Co. G, 23d N. Y. Vol.
Perrin, E. A.	Batavia	Co. F, 4th N. Y. H. A.
Power, E.	Batavia	Seaman on "Juniata."
Prescott, F.	Batavia	Co. I, 3d R. Corps.
Putnam, J. H.	Batavia	Co. A, 76th N. Y. Vol.
Quance, Willard	Batavia	Co. F, 94th N. Y. Vol.
Raymond, W. H.	Elba	Co. H, 129th N. Y. Vol.
Radley, William	Batavia	Co. I, 8th N. Y. H. A.
Rolfe, Lucius	Batavia	Co. E, 105th N. Y. Vol.
Robinson, W. N.	Batavia	Co. A, 1st N. Y. Infantry.
Reed, J. E.	Batavia	Co. B, 164th Ohio N. G.
Robbins, F. J.	Bethany	26th N. Y. Batt.
Russell, C. M.	Batavia	Co. H, 38th N. Y. Vol.
Stanley, G. W.	Batavia	Co. D, 2d N. Y. Cav.

Stanley, L. B.	Batavia	Co. I, 151st N. Y. Vol.
Southworth, I. D.	Batavia	25th N. Y. Ind. Batt.
Squiers, W.	Batavia	25th N. Y. Ind. Batt.
Scheer, George	Batavia	Co. B, 9th Ohio Vol.
Sennate, R.	Batavia	Co. G, 26th N. Y. Vol.
Smith, J.	Batavia	Co. C, 151st N. Y. Vol.
Staveley, J.	Batavia	E. V. C. N. Y.
Thayer, G. W.	Indian Falls	Co. F, 28th N. Y. V. M. 2 M. R.
Travis, L.	Batavia	Co. D, 3d Mich. Inf.
Taylor, Thomas	Batavia	Co. B, 10th N. Y. Cav.
Toll, Simon J.	Bethany	Co. B, 1st Iowa Cav.
Thomas, John	Batavia	Co. G, 8th N. Y. H. A.
Thomas, Peter	Batavia	Co. E, 49th N. Y. Vol.
Tarbox, H. F.	Batavia	Co. C, 108th N. Y. Vol.
Tripp, A. J.	Oakfield	Co. E, 2d N. Y. H. A.
Tournier, George M.	Batavia	Co. G, 3d Light Art.
Thomas, Edward A.	Batavia	Landsmsn, ship "Shenango.
Welch, Pat	Batavia	Co. F, 108th N. Y. Inf.
Welch, William	Alexander	Co. M, 9th H. Art.
Wheeler, G. H.	Batavia	K, 12th N. Y. V. & F, 5th N. Y. V. C.
Welker, Peter	Elba	Co. M, 8th N. Y. H. Art.
Winslow, E.	Batavia	Co. H, 129th N. Y. Vol.
Woolsey, W. C.	Batavia	Co. I, 96th Ill. Vol.
Weed, A. M.	Batavia	Co. L, 50 N. Y. Vol. Eng.
Wright, C. M.	Batavia	Co. C, 8th N. Y. H. Art.
Ward, E.	Bergen	22d N. Y. Ind. Batt.
Whitney, C. M.	Ray, N. Y.	Co. G, 8th N. Y. H. Art.
Wagner, F.	Batavia	Co. C, 151st N. Y. Vol.
Zurhorst, A. F.	Alabama	Co. G, 21st N. Y. Cav.

The Batavia Carriage Wheel Company is the outgrowth of the industry founded on a modest scale in 1882 by A. M. Colt, James R. Colt and Moses E. True, for the manufacture of clamps, saw handles and hardware specialties. In 1885 John M. Sweet became identified with the original firm, styled Colt Brothers & True, and the energies of these gentlemen were then directed more particularly to the manufacture of the celebrated Sweet carriage wheels. The works were then located on Exchange place. They were destroyed by fire in 1887, soon after which the present stock company was incorporated and a new plant built on Walnut street, adjoining the tracks of the New York Central and Hudson River Railroad. The buildings and machinery cost upwards of forty thousand dollars.

The trade of the Batavia Carriage Wheel Company has steadily developed until to-day it extends throughout the entire United States and

into many foreign lands. Its product includes carriage wheels of every description, its specialty in recent years being wheels with rubber tires. Besides these it manufactures Sweet's concealed band, the Kenney band, and the Sarven & Warner patent and plain wood hub wheels. The concern has contributed very largely to the industrial development of Batavia. Its officers are: President, Frank Richardson; vice-president, W. C. Gardiner; secretary, William W. Leavenworth; treasurer, A. M. Colt; superintendent, John M. Sweet.

The Johnston Harvester Company for seventeen years has been closely identified with the welfare and progress of the village of Batavia. As the iron industry has made Pittsburg famous, as the collar industry has made Troy famous, as the knit goods industry has made Fall River and Cohoes famous, so has this great industry known as the Johnston Harvester Company made the name of Batavia famous throughout not only the United States but many foreign countries.

This concern is not only the most important in Batavia, but it is one of the most noted of its kind in the world, and its establishment in Batavia has been instrumental, more than any other single agency, in directing attention to this thriving industrial centre. This mammoth concern had its inception in a small machinery manufacturing firm, originally instituted in Brockport, N. Y., by Fitch, Barry & Co., more than half a century ago. It was in this early factory, in 1847, that the McCormick reapers, now celebrated the world over, were constructed. In 1850 this firm became Ganson, Huntley & Co., and in 1853 Huntley, Bowman & Co. In 1868 Samuel Johnston, Byron E. Huntley and others entered into a co-partnership under the firm name of Johnston, Huntley & Co., for the purpose of continuing and enlarging the business being carried on at Brockport. Mr. Huntley was the principal member of the firm, which at first devoted its energies principally to the manufacture of the "Johnston Sweepstakes." In 1871 the company was incorporated under its present style, with Mr. Johnston as president and Mr. Huntley as secretary and treasurer. A few years later the manufacture of the old machine was abandoned and the construction of the now celebrated Johnston harvester was begun. In 1874 Mr. Johnston withdrew from the corporation and left Mr. Huntley still at its head, though the name of the company remained unchanged.

In June, 1882, while the company was enjoying a prosperous and rapidly increasing business, the works at Brockport were destroyed by



By A. S. CURRIER

Byron E. Huntley

fire. When the company began to consider the question of rebuilding, it was decided to locate the new plant in a place offering better transportation facilities than those which had been enjoyed at Brockport, and Batavia was selected as the site for the greatly enlarged and improved manufactory which it was determined to build. Accordingly the present mammoth plant, which has been enlarged and improved from time to time, was constructed and occupied, and within an inconceivably short time after the burning of the plant at Brockport, operations in the present magnificent lot of factories were resumed, with an increased number of employes and new and improved machinery. Commodious as the present buildings are, they have proved entirely inadequate to meet the requirements of the constantly increasing business of the company, and extensive additions to the plant have recently been made.

The works of the Johnston Harvester Company occupy a tract of about seventeen acres of land principally between and south of the lines of the New York Central and Hudson River and the Erie railroads, each building being especially designed and adapted for its particular part of the work. Probably no other plant in America is arranged in a more systematic and orderly manner or more independent of outside assistance. Side tracks connect the works with the railways running through the village. Over six hundred persons, a large proportion of whom are skilled workmen, are regularly employed. The output of the company's plant consists exclusively of harvesting machinery, disk implements, and sugar beet cultivating and harvesting machinery. The principal machines manufactured are mowers, binders, reapers, rakes, headers, disk harrows, disk cultivators, corn harvesters, beet cultivators, and beet harvesters, and toppers. The company has distributing warehouses for its products at twenty of the leading commercial centres of the United States, and sales agencies at all points throughout the agricultural sections of the country, with a European office at Paris, France. The officers of the company are: President, Byron E. Huntley; vice-president and treasurer, E. W. Atwater; secretary, L. D. Collins; superintendent, G. A. Farrall. E. J. Mockford, who had been vice-president, retired from the company December 1, 1898.

The Richmond Memorial Library was erected in 1887 by Mrs. Mary E. Richmond, widow of Dean Richmond, as a memorial to her son, Dean Richmond, jr., who died in 1885. The building, a handsome

fireproof structure, is located on the west side of Ross street, nearly opposite the high school. Its front is of light gray Fredonia sandstone and red Albion stone, a combination as picturesque and suitable as any that could possibly be planned. The style of architecture is Romanesque. The building cost about thirty-five thousand dollars. It was completed and presented to the village March 12, 1889. It has a capacity of 40,000 volumes, though the number of volumes on the shelves now is between 11,000 and 12,000 only.

The Young Men's Christian Association was founded in the spring of 1889 with these officers: President, Levant C. McIntyre; vice president, Safford E. North; general secretary, C. H. Harrington; recording secretary, A. H. Thomas; treasurer, John M. McKenzie. For some time the rooms were located on the corner of Main and Jackson streets, but the association now has quarters in the old Alva Smith residence at the head of Park avenue which for many years was used for a ladies' seminary.

The Western hotel, owned by Andrew J. Wells, was destroyed by fire September 13, 1889. A hotel on this site, then conducted by a man named Hensinger, was burned in 1850. The latter was the original hotel erected on the site of the old Western hotel, and was a landmark in the first half of the century.

The Baker Gun and Forging Company, celebrated as the manufacturers of the Baker hammerless shot guns, is the successor to the Syracuse Forging and Gun Company, which removed its plant from Syracuse to Batavia in the spring of 1889. The enterprise was originally founded in Syracuse in 1886, but the company was reorganized and renamed upon the removal of the establishment to Batavia. Oddly enough, it began business by manufacturing an improved fifth wheel for wagons, finally adding the manufacture of the new Baker gun, the invention of W. H. Baker, for several years the general superintendent of the company. The market for this gun extends throughout every State in the Union, from five to six thousand being sold annually. Besides the Baker hammerless, popular grades include the Batavia hammerless, the Paragon hammerless and the Baker 1897 model, a hammer gun for nitro powder. The manufacturing plant includes a two-story main factory and foundry, in which about two hundred skilled workmen are employed. The company's officers are: President and treasurer, William T. Mylcrane; vice-president, C. W. Hough; secretary, E. W. Atwater.

Hotel Richmond occupies a site that for just three-quarters of a century has been occupied by hotel buildings. On that lot the first of the famous old Eagle taverns stood. This was a spacious three-story brick structure built by Horace Gibbs for Bissell Humphrey and first opened to the public on February 1, 1823. It was destroyed by fire May 30, 1834. In this tavern Batavia Lodge No. 433, F. & A. M., held many of its meetings. The second Eagle tavern was erected by a stock company at an expense of about fifteen thousand dollars. Its doors were opened December 25, 1835, under the management of Erastus Smith. In 1869 Albert G. Collins, Andrew J. Andrews and James H. White purchased the Eagle hotel property, which was renamed Hotel Richmond by Mr. Collins; but numerous residents of Batavia protested over the name, believing that it had too strong political significance for those days, and Mr. Collins and his partners were prevailed upon to change the name, and the same was changed to that of St. James Hotel. Collins & Andrews were proprietors until 1884, when Mr. Collins purchased the interest of his partner. In the latter year the hotel was remodeled into an arcade with four stories. In that year Mr. Collins rented the property to Capt. Orrin C. Parker, who conducted it until January 8, 1886, when it was destroyed by fire. The present Hotel Richmond, which is said by many travelers to be one of the finest hostelries of its class in the country, was erected in 1889 by a stock concern known as the Batavia Hotel Company. June 22, 1889, the company, in which Mrs. Mary E. Richmond, widow of Dean Richmond, was a heavy stockholder, executed a ten-year mortgage for forty thousand dollars to her. In January, 1896, in default of payment of interest, an action of foreclosure was begun by the executors of the Richmond estate against the hotel company, and March 9, 1896, the property was purchased by the executors of that estate for \$43,649.82. The hotel has been under the management of Benjamin R. Wood since June, 1891.

The Batavia roller mills, on Evans street, were established in 1884 by N. D. Nobles, the present proprietor.

The Ellicott street roller mills were erected by Frank G. Moulton in 1889.

The Consumers' Electric Light and Power Company was organized and incorporated in 1889 with a capital of twenty-five thousand dollars and these officers: President, Henry Craft; secretary, C. H. Caldwell; treasurer, R. L. Kinsey. February 13, 1890, the plant of the Batavia

Gas Light Company was sold to those interested in the Consumers' Electric Light and Power Company. The two companies soon after were consolidated under the name of the Batavia Gas and Electric Company.

The Batavia and New York Wood Working Company was incorporated in July, 1892, soon after which it purchased the entire plant, business and good will of the New York Lumber and Wood Working Company, a concern which had been established about six years. The company's main building, exclusive of boiler and engine rooms, is sixty by three hundred feet, and three stories in height. The concern makes no stock article of any kind, working only to designs and on contract. The products comprise doors, sash, blinds, mouldings, interior hardwood finish for buildings, wainscoting, stairs, office partitions, bank interiors, and fine cabinet work of all kinds, made from architects' drawings and in special designs. Many of the finest commercial and office buildings, hotels, apartment houses and private residences in the great cities of the East have been supplied with interior woodwork by this establishment. It employs regularly about two hundred and fifty skilled workmen. The officers of the company are: President, J. N. Scatcherd; vice-president, C. H. Honeck; secretary and treasurer, A. D. Scatcherd.

The predecessor of the Batavia and New York Wood Working Company—the New York Lumber and Wood Working Company—sprang from the Batavia Manufacturing Company, incorporated in 1884 with a capital stock of two hundred thousand dollars. Soon after the firm was changed to the Batavia Sewing Machine Company, with a capital stock increased to three hundred thousand dollars, which contracted to manufacture the Post combination sewing machine. During the summer of 1884 the company erected the building now occupied by the wood working company, near the eastern boundary line of the village, at a cost of about forty thousand dollars. The plans of the company could not be carried out, by reason of financial difficulties, and in 1885 the building became the property of the New York Lumber and Wood Working Company, formerly the New York Wood Turning Company of New York city. The company, whose capital was one hundred thousand dollars, was composed of residents of New York city, with W. C. Andrews as president, and Charles H. Honeck as superintendent. In 1892 it sold its business to the Batavia and New York Wood Turning Company.



June 26, 1893, the taxpayers of Batavia decided by vote to authorize the trustees of the village to expend twenty-three thousand dollars for an electric light plant. The trustees at once acted upon the authority thus conferred upon them, and the electric light plant began operation July 13, 1894. The apparatus was furnished by the Fort Wayne (Ind.) Electric Company, at an expense of twelve thousand five hundred dollars, the contract for the same having been awarded January 25, 1894.

April 25, 1893, a number of the business men of Batavia held a meeting and organized the Batavia Board of Trade. The first officers, elected on that date, were: President, Charles W. Hough; first vice-president, Augustus N. Cowdin; second vice-president, Ashton W. Caney; corresponding secretary, Edward Russell; recording secretary, David D. Lent; treasurer, Joseph C. Barnes.

During the gubernatorial campaign in the fall of 1894 William McKinley, then governor of Ohio, stopped in Batavia about nine o'clock on the morning of October 26, and made a speech of eight minutes from a platform erected for the purpose in the park at the northeast corner of the Surrogate's office. The distinguished orator was greeted by a vast audience of early risers from all parts of the county. He was introduced by Judge North as the next president of the United States, a prediction destined to be fulfilled.

The Batavia Street Railroad Company was incorporated February 26, 1895, to operate an electric street railroad from Batavia to Horseshoe lake, a distance of seven and one half miles. The capital stock was fixed at seventy-five thousand dollars, and the company had these original directors: Amos H. Stephens, A. B. Wilgus, J. H. Wilgus, J. S. Lindsay, C. C. Marsh, New York; H. R. Burdick, Malden, Mass.; E. P. Wilgus, Mark Sugarman, Brooklyn; F. G. Fadner, Chicago. The road contemplated has never been constructed.

Among the other local organizations are the following: Lodge No. 197, I.O.O.F., was instituted in August, 1868, by H. S. Andrews, D. G.M., with five charter members: Weeden T. Bliss, William Hoyt, Simeon Lothiem, Thomas Yates and B. P. Fonda. Majestic Lodge No. 754, I.O.O.F., was instituted June 4, 1896, with Clayton W. Shedd as N.G. Richmond Encampment, No. 67, Patriarchs Militant, was instituted August 21, 1872. Security Lodge No. 21, A. O. U. W., was chartered April 20, 1876, with C. F. Starks as C.M. The Batavia Farmers' Club was organized in 1872 with P. P. Bradish as president,

J. G. Fargo as secretary and Henry Ives as treasurer. The Philharmonic Society was organized in 1883. Batavia Lodge No. 5, E. O. M. A., was instituted March 15, 1879, with thirty-three charter members. The Batavia Athletic Association was founded in 1887 with forty members and M. F. Cross as president. The Batavia Chess Club was organized in December, 1898, with Oliver A. Jones as president. The Batavia Business Men's Bowling Club was organized January 7, 1896, with D. W. Tomlinson as president, E. J. Mockford as vice-president, Dr. Burkhart as secretary, and Orrin C. Steele as treasurer. The Batavia Gun Club was organized April 9, 1896, with George Lewis as president and field captain, W. E. Baker as secretary, and H. M. Johnson as treasurer. Upton Camp, S. of V., was organized with twenty-seven members May 24, 1897, with H. H. Scott captain, George A. Gardner first lieutenant and George B. Thomas second lieutenant.

The shoe factory of P. W. Minor & Son was established in Batavia in 1896, and employs about one hundred hands. P. W. Minor already had been engaged in the manufacture of shoes for about forty years. The industry is a valuable addition to the industries of Batavia.

Smith Brothers' Shoe Company is the most recent addition to the manufacturing industries in Batavia. This company, composed of Louis E. Smith and Anthony C. Smith, was established in 1897. The factory is located on Railroad avenue, employs from ten to eighteen hands, and manufactures ladies', misses' and children's shoes exclusively.

In the spring of 1849 the town of Batavia, at its annual town meeting, appointed William Seaver, Samuel Heston and Seth Wakeman a committee to ascertain and report at the next town meeting the matter of procuring a suitable site for a town hall, specifying in such report the place, the size of the building proposed and the cost thereof with the requisite furnishings. About this time the grand jury of Genesee county adopted this resolution:

That it is advisable that the old court house should be either torn down or repaired, or that it should be disposed of in such manner as to insure its being kept in a decent state of repair.

The town committee mentioned in the foregoing decided that the old court house could be repaired and converted into a town hall, and therefore applied to the board of supervisors for its possession. November 7, 1849, the county legislature adopted the following resolution:

WHEREAS, The old court house owned by the county of Genesee, situated in the

village of Batavia, is in a perishable and dilapidated condition, and of very little use to said county, and

WHEREAS, It is represented that the same can be repaired and converted to a useful purpose, therefore be it

*Resolved* by the board of supervisors of the county of Genesee that in conformity with an application presented to this board in behalf of the town of Batavia by a committee consisting of William Seaver, Samuel Heston and Seth Wakeman, the use and occupancy of said old court house, together with the ground upon which it stands, be granted to the said town of Batavia for the purpose of converting the said building into a town house so long as the said building shall stand and be used for the purpose aforesaid, upon condition that the said building shall be thoroughly repaired, fitted up and appropriated to the uses and purposes set forth in the said application, to which this resolution is annexed.

*Resolved*, further, in case the said building shall be so repaired, fitted up and appropriated by the town of Batavia and kept in good repair, that for the purpose of securing to the building of proper care and protection, and that it may be under the control and management of some legal authority, it shall be and remain in charge of such public officer or officers as the electors of the town of Batavia may at their annual town meeting by resolution designate which officer or officers shall have the exclusive power to grant permission for its use and occupancy, except that it shall always be free for holding of town meetings and election meetings of the Genesee County Agricultural Society, and meetings for educational purposes, and except that the board of supervisors may at any meeting of said board have the use of said building or such part thereof as may be desired, and further if at any time the said building shall be needed for the purpose of holding any of the Supreme, Circuit and County Courts therein, then that it may be used for such purposes.

*Resolved*, That the foregoing application, preamble and resolution, be entered in the minutes and proceedings of this board.

The town committee reported at the next ensuing town meeting recommending the acceptance of the proposition of the board of supervisors, and the town of Batavia, by resolution, accepted the report and offer on the part of the county authorities. Thus the old court house, the oldest building now standing west of the Genesee river, became the property of the town of Batavia, with certain conditions and limitations attached to the proprietorship.

Instead of repairing the building, the town board of Batavia, at that time consisting of John B. Pike, supervisor; Isaac M. Joslyn, town clerk; Augustus Cowdin, Nathaniel Read, M. W. Hewitt and Richard Smith, justices of the peace, entered into a contract with Levi Otis, Benjamin Pringle, Rufus Robertson and William L. Mallory, whereby the building became the property of these men, they agreeing to make these repairs: Raising the building from its foundation, fitting up the basement for the use and occupancy of the Batavia Village Fire Depart-

ment; fitting up the first story into offices; converting the second and third stories into one story and one large room, for use as a town hall; erecting stairways in each of the two semi-octagons, thereby making it conveniently accessible; providing a new roof, new flooring, new windows and doors, plastering, painting and papering—in short making all the alterations and repairs essential to a first class public building. The town agreed to pay these four men for such work the sum of one thousand dollars, the latter to be entitled to all the rents and profits thereof. The town board reserved the use of the building, subject to the rights of the county therein, as contemplated by the resolution of the board of supervisors giving the structure to the town.

The building was accordingly repaired and named Ellicott hall, in memory of Joseph Ellicott, its founder, and used as a town hall up to 1888.

Since the transfer of the building to private ownership the title has undergone several changes. In 1853 William L. Mallory sold his one-fourth interest therein to the remaining three partners. In 1868 the interest of Rufus Robertson was sold to Horace M. Warren. In the same year the one-third interest of Benjamin Pringle was sold to Mr. Warren and Levi Otis, leaving the title to the property in the hands of the two latter men. In 1870 the board of supervisors deeded to Messrs. Otis and Warren a strip of land sixty-six feet to the north of the building towards Main street and the full width of the building, for the purpose of enlarging it and converting it into an opera house; but the repairs were never made. In 1871 Levi Otis sold his half interest in the property to H. M. Warren, who thereby became sole owner. After Mr. Warren's death it became the property of his two daughters, Mrs. F. M. Jameson and Mrs. W. W. Whitcomb. In 1893 Mrs. Whitcomb sold her half interest to Mrs. Jameson.

In the winter of 1897-98 the town board conceived the idea of again purchasing the property, the main thought being to preserve it as a historic relic. The board therefore appointed John Thomas, supervisor of Batavia, a committee to consult Mrs. Jameson for the purpose of ascertaining if it could be purchased, and if so, at what price. The terms proposed being considered satisfactory, the town board prepared a resolution directing the purchase, which it submitted to the voters of the town at the annual town election in the spring of 1898. The resolution was adopted by a large majority and the purchase was consummated. Soon after, the work of repairing the structure was begun, the original

colonial style being preserved. The building to-day is considered the staunchest in Genesee county. While the repairs were in progress Upton Post No. 299, Grand Army of the Republic, made application to the town board for the fitting up of one of the rooms in the building for their occupancy; and the laws of the State permitting this to be done, the application was granted by a unanimous vote, and the Grand Army post and the local camp of the Sons of Veterans, raised the Stars and Stripes over the building, the first flag being donated by Gen. George W. Stanley, a member of Upton Post, G. A. R.

The dedication of this historic building took place on the evening of Wednesday, October 26, 1898, Harry Burrows acting as master of ceremonies. The Rev. A. M. Sherman opened the ceremonies with a brief prayer. This was followed by the singing of "The Star Spangled Banner" by the Alert quartette, composed of the Messrs. Telfair, C. W. Hutchinson and Frank C. Fix, with Miss Stanley as accompanist. John Thomas, supervisor of the town of Batavia, read an interesting historical record of Ellicott Hall, prepared by him for the occasion.<sup>1</sup> W. L. Colville, on behalf of Upton Post, thanked the town for giving the post new quarters in the building. He was followed by the Hon. Safford E. North, judge of Genesee county, who delivered the dedicatory address. The singing of "America" by the Alert quartette and the benediction by the Rev. A. M. Sherman concluded the exercises.

In the course of his address Judge North spoke as follows:

Ninety-six years ago, the thrift and energy of the men, who, with their strong arms and bright axes, blazed a way through the primeval forests, led them to erect here, at this junction of two Indian trails, the building which, after the lapse of so many eventful years, we are rededicating to-night. With what ceremonies it may have been dedicated almost a century ago, or whether without ceremony, we know not. Of all those whose hands wrought this substantial structure—whose ponderous oaken timbers have withstood wind and rain these many years—not one is left to tell the story. It may well be guessed, although we do not know for certain, that not one even of the children of those who built so well yet survives to read in to-morrow's paper the story of how, after all the chances and changes of the eventful years which lie between us and the time when this structure was erected, it was reserved for those who bear the honored title of Sons of Veterans once more to dedicate this structure, grown classic with historical associations.

It was only a year ago that the matter was under serious consideration whether this building, grown somewhat unsightly from lack of repair, should not be demolished. But a few men of sound judgment—and foremost among these, I was glad

<sup>1</sup> Many of the facts contained in the above history of this time honored building were gleaned from the address of Mr. Thomas.

to note, was Supervisor John Thomas—said that it was too bad to tear down a structure surrounded by so many time-honored memories, and which had been the first court house not only for Genesee county, but for all of what are now Erie, Wyoming, Niagara, Orleans, Chautauqua, Cattaraugus and Allegany, as well as a part of the present counties of Livingston and Monroe.

And so it came about that the proposition was submitted to the voters of Batavia at the town meeting in March of this year (1898), and thanks to the good sense of our people, old Ellicott Hall with its interesting history and with its ninety-six years was elected, not to be torn down, but to receive a fresh coat of paint, to be strengthened, renovated and repaired and to remain the common property of us all, to become the heritage of our children and our children's children. . . .

#### THE CHURCHES OF BATAVIA.

In preceding pages of this chapter the details of the organization of the older churches in Batavia appear in chronological order. Following will be found concise historical sketches of the churches from the date of their organization to the present time.

The First Presbyterian church of Batavia is the outgrowth of a Congregational society organized September 19, 1809, by the Rev. Royal Phelps, who had been sent to the Genesee country by the Hampshire Missionary Society of Massachusetts. Those who signed the membership roll upon the institution of the church were Silas Chapin, David Anderson, Ezekiel Fox, Solomon Kingsley, Mrs. Solomon Kingsley, Patience Kingsley, Eleanor Smith, Elizabeth Mathers, Mrs. Esther Kellogg, Elizabeth Peck, Huldah Wright and Mrs. Polly Branard. The ancient records show that during the same month in which the society was organized a sacramental service was held in Jesse Rumsey's barn. In June, 1810, the Rev. Reuben Parmelee preached in Abel Wheeler's barn. Meetings were held after this at Phelps's inn, the Phelps school house, at Clark's settlement, and at the residences of Samuel Ranger and Ezekiel Fox. In 1813 regular services were inaugurated in the court house, now Ellicott hall, and continued there until 1824, when the first house of worship on Main street, opposite the court house, was erected. This was a frame building and cost about three thousand five hundred dollars. This was occupied by the society until 1856, when a handsome stone structure was erected on East Main street, corner of Liberty street. Sunday school rooms were added to this church in 1882, a new gallery was built in 1888, and in 1889 the interior of the church was renovated and redecored, completely rejuvenating it.

Up to October 2, 1818, when the church connected itself with the presbytery, the society was served by the Rev. Reuben Parmelee, the Rev. John Spencer, the Rev. John Alexander, and the Rev. Messrs. Ayres, Bliss, Swift, Hanning, Sweezy, Squires, Colton, Duvel, and Ephraim Chapin. In 1822 the church was incorporated under its present name. Since 1818 the church has had the following regular pastors.

1818-22, Rev. Ephraim Chapin; 1823-26, Rev. Calvin Colton; 1827-28, Rev. Charles Whitehead; 1829-31, Rev. Russell Whiting; 1837-39, Rev. Erastus J. Gillett; 1839-43, Rev. William H. Beecher; 1843-51, Rev. Byron Sunderland; 1852-55, Rev. William Lusk; 1855-58, Rev. Isaac O. Fillmore; 1861-69, Rev. Charles F. Mussey; 1871-74, Rev. Chester W. Hawley; 1875-77, Rev. Thomas B. McLeod; 1878-87, Rev. William Swan; 1887-91, Rev. Allan D. Draper; Rev. William J. McKittrick, 1891-94; Rev. Henry R. Fancher, March 4, 1895, to date.

The details of the organization of the First Methodist Episcopal church of Batavia, December 15, 1819, appear in earlier pages in this chapter. The society was then a member of the "New Amsterdam Circuit and Genesee District," and for some time services had been held either in the court house or a frame school house located a short distance west of the old land office on West Main street. In 1820 and 1821 the Rev. James Hall and the Rev. Zachariah Paddock were in charge of the circuit. James Gilmore and Jasper Bennett served in 1821-1822, and John Arnold and Asa Orcutt in 1822-1823. May 16, 1823, the work of raising money for a church edifice, by subscription, was begun. June 23 following the trustees of the society contracted with Thomas McCulley, Joseph Shaw and Seymour Ensign to build a stone church forty by forty-five feet in dimensions. This church, which cost about two thousand eight hundred dollars, was dedicated June 13, 1824. It stood on the corner of Main and Lyon streets. In 1839 this building was sold to the First Freewill Baptist church of Batavia. Then for about two years the M. E. congregation worshipped in the Nixon building, subsequently a district school house, located east of St. James's church. A new house of worship on the east side of Jackson street, known as St. John's church, was erected in 1841 and dedicated December 3 of that year. This was sold to William M. Terry in 1866, and burned July 15, 1888. After leaving the Jackson street church the congregation worshipped about a year in Concert hall, corner of Main and State streets. In 1868 a new brick house of worship, costing twenty

thousand dollars, was erected on West Main street, during the pastorate of the Rev. Sandford Hunt, D. D. The corner stone was laid June 30, 1868, by the Rev. E. E. Chambers, then presiding elder, and the building was dedicated September 14, 1869. Those who have served the society as pastor, in addition to the early circuit preachers mentioned, are:

1822-1841, Revs. John Arnold, Asa Orcutt, John Beggarly, Andrew Prindel, J. B. Roach, Benajah Williams, Jonathan Heustis, Asa Abell, John Cosart, Ira Bronson, Micah Seager, Glenzen Fillmore, Chester V. Adgate, S. W. D. Chase, Levi B. Castle, John H. Wallace, Gideon Lanning, Richard L. Waite, John B. Alverson, William Fowler, G. B. Benedict, Daniel M. Murphy, Wesley Cochran, Darius Williams, D. Nutter; 1841-1870, Allen Steele, Philo E. Brown, Joseph Cross, John Parker, William R. Babcock, Daniel C. Houghton, Philo Woodworth, J. K. Cheeseman, William M. Ferguson, Charles Shelling, E. Everett Chambers, James M. Fuller, John B. Wentworth, De Forest Parsons, King David Nettleton, Joseph H. Knowles, George G. Lyon, Schuyler Seager, Charles R. Pomeroy, Sandford Hunt; 1870-1871, Sandford Hunt, D. D.; 1871-1873, R. C. Brownlee; 1873-1876, James E. Bills; 1876-1878, A. D. Wilbor; 1878-1881, T. H. Youngman; 1881-1882, O. S. Chamberlain; 1882-1885, John W. Sanborn; 1885-1888, C. W. Winchester; 1888-1891, S. W. Lloyd; Jan. 1, 1892, to Oct. 1, 1892, C. W. Cushing, D. D. (appointed as supply to fill unexpired year of S. W. Lloyd, who resigned Jan. 1, 1892, on account of illness); 1892-1893, A. F. Colburn, 1893-1898, Thomas Cardus; 1898, A. F. Colburn.

The early history of St. James's Protestant Episcopal church has been given in detail in earlier pages in this chapter. The first house of worship, a brick structure, was consecrated by Bishop Hobart September 22, 1826. The second church, which is still in use, was erected, of stone, in 1835 and 1836, and during these years the main part of the old rectory was also built. David E. Evans, then agent for the Holland Land Company, donated the lot on which the church stands, besides presenting to the society a chandelier and the sum of fifteen hundred dollars. Trinity church of New York also gave one thousand dollars toward defraying the building expenses.

The Revs. Samuel Johnston and Lewis S. Ives conducted services from the organization of the parish until 1823. Since that year the rectors of St. James have been as follows:

Rev. Lucius Smith, 1823-33; Rev. James A. Bolles, D.D., 1833-54; Rev. Thomas A. Tyler, D.D., 1854-62; Rev. Morelle Fowler, 1863-68; Rt. Rev. C. F. Robertson, bishop of Missouri, a few months during 1868; Rev. George F. Plummer, 1868-75; Rev. George S. Baker, 1875-77; Rev. H. L. Everest, 1878-82; Rev. William A. Hitchcock, D.D., 1883-87; Rev. A. M. Sherman, 1887-98.

The First Baptist church of Batavia was organized under the State



laws at the court house November 9, 1835, as the "Baptist Society of Batavia Village." On that occasion Richard Coville, jr, John Dorman, William Blossom, William D. Popple and Calvin Foster were elected trustees. March 17, 1836, a lot on the west side of Jackson street was purchased of William D. Popple for \$400 and work upon a house of worship was begun soon after. About 1865 the church was remodeled at a cost of ten thousand dollars. In 1877 the society was reorganized and incorporated under its present name. December 3, 1833, the board of trustees decided to purchase a site for a new edifice. A week later they purchased of Mrs. Mary L. Douglass, for four thousand five hundred dollars, the lot on East Main street on which the present handsome church stands. The corner stone of the new structure was laid June 17, 1890, by the Rev. Cyrus A. Johnson, then pastor of the society. The completed edifice, which cost about forty thousand dollars aside from the organ, which cost about five thousand dollars, was dedicated October 22, 1891, the dedicatory sermon being preached by the Rev. J. A. W. Stewart, D.D., of Rochester. During the dedicatory services the sum of seven thousand dollars was contributed to liquidate the indebtedness incurred by the society in constructing its new home. The pastors of this church, with the date of the commencement of their work, have been:

1834, Ichabod Clark; 1837, William W. Smith; 1840, L. A. Esta; 1844, Gibbon Williams; 1845, S. M. Stimpson; 1852, D. Harrington; 1855, J. B. Vrooman; 1859, L. J. Huntley; 1861, S. M. Stimpson; 1865, O. E. Mallory; 1875, D. D. Brown; 1877, William C. Leonard; 1882, Cyrus A. Johnson; 1898, John H. Mason.

Though the Catholic congregation in Batavia was not placed under the care of a regular pastor until 1849, services had then been held in the village for several years. As early as 1840 the Rev. Father Gannon began to make visits to the few Catholic families then residing here, and conducted services as frequently as his duties elsewhere permitted. At that time there probably were not more than a dozen or fifteen adherents of the Catholic faith in Batavia and its immediate vicinity. Father Gannon continued his ministrations for a period of about three years. Then, from 1843 to 1847, the Rev. Bernard O'Reilly, subsequently bishop of Hartford, Conn., and his brother, the Rev. William O'Reilly, both of whom were stationed at Rochester during those years, conducted services here alternately. Sometimes the small but increasing congregation would gather for worship at the home of Edward O'Connor, and sometimes at the residence of James

Ronan. About 1845 the numerical increase of the congregation had become such that private residences were too small to accommodate them. Learning of this condition of affairs, Messrs. Otis and Worthington tendered the society, free of charge, the use of a large room on the second floor of the building occupied by Gad B. Worthington as a hardware store.

In 1848 the Rev. Thomas McEvoy was appointed to succeed the Rev. Fathers O'Reilly in charge of the congregation, which a short time before had been established as a mission. He served in this capacity until April 4, 1849, when, an independent congregation having been formed, the Rev. Edward Dillon was appointed resident priest by the Rt. Rev. John Timon, the first bishop of the newly organized diocese of Buffalo. On the following Sunday, April 8—Easter Sunday—the new priest conducted services for a congregation of about seventy-five Catholics in the old brick school house located on the corner of Main and Eagle streets. Prior to this time the subject of a house of worship had been discussed by members of the steadily increasing congregation, and now, upon the permanent location of a resident pastor, the members of the society went to work to build up a fund to pay for the erection of a church. About a month after Father Dillon had been installed as pastor, Bishop Timon visited Batavia and lectured in a hall near the Eagle Tavern (now Hotel Richmond). Interest in the project for a church edifice was at once greatly enhanced, and within a few days the congregation purchased of Benjamin Pringle, for twelve hundred dollars, a two-story stone dwelling on Jackson street, which had been erected for a private school. After the necessary alterations thereto had been made, regular services therein were inaugurated and continued there for several years. Upon the completion of the new church this building was used for St. Joseph's parochial school.

Father Dillon resigned his pastorate in November, 1850, and was succeeded by the Rev. Thomas Fitzgerald. The latter was succeeded September 5, 1852, by the Rev. Francis O'Farrell. December 10, 1855, the latter was appointed vicar-general of the diocese of Buffalo, and rector of St. Joseph's cathedral in the city of Buffalo. The Rev. Peter Brown was appointed to succeed him. The latter resigned September 28, 1856. The Rev. James McGlew, who followed him, was succeeded December 10, 1860, by the Rev. Thomas Cunningham, with the Rev. John Castaldi as his assistant. September 15, 1862, Father

Cunningham purchased the lot on the northeast corner of East Main and Summit streets, from Lawrence Timmons, for two thousand five hundred dollars, and soon after began the erection thereon of the present handsome and commodious church, which was dedicated to the worship of God in 1864. This edifice, built of brick, cost about forty-five thousand dollars. A convent was also erected on Jackson street in 1862.

Father Cunningham served as pastor of St. Joseph's for nearly thirteen years, being succeeded by the Rev. P. A. Maloy August 23, 1873. After serving exactly one year Father Maloy retired, and was followed by the Rev. Martin McDonnell. At the time of the latter's resignation in April, 1880, his charge numbered about two thousand two hundred persons, and a mission had been established at Attica. In January, 1882, the Rev. James McManus became priest in charge of the congregation. His continued illness prevented him from the performance of his duties, and the Rev. Father Walsh, his assistant, conducted services and performed the other pastoral work. Father McManus died in Batavia, at the age of forty years. In February, 1882, the Rev. T. B. Brougham was appointed to take charge of the congregation, and still serves as pastor. During his first year in Batavia the old convent on Jackson street was sold and the present convent and parochial school on Summit street, north of and adjoining the church, were erected. The Convent of Mercy, a brick structure, is a convent for novices, who go there from all parts of this diocese. During the pastorate of Father Brougham the parish of St. Joseph's has experienced great prosperity, both spiritual and temporal, and is recognized to-day as one of the strongest Catholic parishes in the diocese. Not only have the new convent and school been erected during his pastorate, but he acquired a large lot east of the church, as a site for a pastoral residence, erected in 1892. The church has also been renovated and repaired, making it one of the handsomest structures in the State.

The Evangelical Association of Batavia was organized in 1862 by M. Pftizinger and Adolph Miller. The Rev. Jacob Seigrist was the first pastor of the society. In the same year the first house of worship, a frame structure, was erected. The present church edifice, of brick, was constructed in 1871 at a cost of six thousand dollars. It is located on Centre street. The society is small numerically.

St. Paul's German United Evangelical church was founded April 20, 1873, by the organization of a society with these officers: President,

John Friedley; treasurer, Martin Wolfley; secretary, Louis Uebele. The Rev. George Field was the first pastor, and the first house of worship was located on Ellicott street. A new church, located on Liberty street, was erected in 1898, the dedication taking place during the pastorate of the Rev. E. F. Holls December 4 of that year.

The First Freewill Baptist church of Batavia was organized with about twenty-five members January 17, 1886. September 28, 1884, the Rev. J. H. Durkee opened a meeting in Odd Fellows hall, which was attended by several adherents of this denomination. The meetings thus inaugurated were continued in Odd Fellows hall and in Lorish's hall until the organization of the society. The members of the organization council were the Revs. J. H. Durkee, L. P. Bickford, J. C. Steele, D. M. L. Rollin, and R. E. Nesbit. The church edifice on Bank street, a commodious frame building, was completed early in the summer of 1887, and dedicated June 21 of that year. Its cost was about ten thousand dollars. Mr. Durkee remained as pastor until 1898, when he resigned. The society is now without a pastor.

A chapel on Ellicott street in Batavia was opened by the newly formed Free Methodist society March 2, 1893. The first pastor of the society, who conducted services on that occasion, was the Rev. M. T. Marriott.

## CHAPTER XVII.

## BENCH AND BAR OF GENESEE COUNTY.

While the judicial system of the State of New York is to a large extent founded upon the common law of England, there are important differences which are revealed by a study of the laws of our country, showing that the American system, in many respects, is an original growth. In the simple, yet initiative manner of entitling a criminal process, for example, there is a radical difference between the American method and that which must be followed in England. Here it is "the People versus the criminal," while in England it is "Rex versus the criminal." In the one it is a judiciary directly responsible to the people; in the other it is a judiciary responsible to a monarch. This principle of the sovereignty of the people over the laws, as well as their dominance in other governmental matters, has had a slow, conservative, yet steadily progressive and systematic growth.

In the colonial history of this State the Governor was in effect the maker, interpreter and enforcer of the laws. He was the chief judge in the court of final resort, while his councillors generally were his obedient followers. The execution of the English and colonial statutes rested with him, as did also the exercise of royal authority in the province. It was not until the Revolution that he ceased to contend for these prerogatives and to act as though the only functions of the court and councillors were to do his bidding as servants and helpers, while the Legislature should adopt only such laws as the executive should suggest or approve.

By the first constitution the Governor was deprived of the judicial power which he possessed under colonial rule, and such power was vested in the Lieutenant-Governor and the State Senate, the chancellor and the justices of the Supreme Court; the former to be elected by the people, and the latter to be appointed by the Council. Under this constitution there was the first radical separation of the judicial and the legislative powers, and the advancement of the judiciary to the position of a co-ordinate department of the government, subject to the limitation

consequent upon the appointment of its members by the Council. This court, called the "Court for the Trial of Impeachments and Correction of Errors," was continued by the second constitution, which was adopted in 1821.

It was not until the adoption of the constitution of 1846 that the last connection between the purely political and the judicial parts of the State government was abolished. From this time on the judiciary became more directly representative of the people by reason of the election by them of its members. The development of the idea of the responsibility of the courts to the people, from the time when all of the members were at the beck and nod of one well nigh irresponsible master, to the time when all judges, even of the court of last resort, are voted for by the people, has been very great. Through all this change there has prevailed the idea of having one ultimate tribunal from whose decisions there can be no appeal.

Noting briefly the present arrangement and powers of the courts of this State and the elements from which they have grown, it is seen that the plan is, first, a trial before a judge and jury—arbiters of law and fact respectively; second, a review by a higher tribunal of the facts and the law; third, a review of the law alone by a court of last resort. To accomplish these purposes there was devised and established, first and highest, our present Court of Appeals, perfected by the conventions of 1867, 1868 and 1894, and ratified by vote of the people in 1869 and 1894, and taking the place of the ancient "Court for the Trial of Impeachments and Correction of Errors" to the extent of correcting errors of law.

As originally organized under the constitution of 1846, the Court of Appeals was composed of eight judges, four of whom were elected by the people and the remainder taken from the justices of the Supreme Court having the shortest remaining time to serve. As organized in 1870, the court consisted of the chief judge and six associate judges, to hold office for a term of fourteen years from and including the first day of January succeeding their election. The court exists to-day as then organized. It is continually in session in the capitol at Albany, with an annual June session in the Town Hall at Saratoga Springs, except as it takes recess from time to time on its own motion. It has full power to correct or reverse the decisions of all inferior courts, when properly brought before it for review. Its decisions are final and absolute. Five judges constitute a quorum, and four must concur to ren-

der judgment. If four do not agree, the case must be reargued; but no more than two rehearings can be had, and if four judges do not then concur, the judgment of the court below stands affirmed.

The State Legislature has provided by statute what, how and when proceedings and decisions of inferior tribunals may be reviewed in the Court of Appeals, and may, in its discretion, alter and amend the same. Upon the reorganization of this court in 1869 its work was far in arrears, and a Commission of Appeals to aid the Court of Appeals was provided for by the constitutional amendment adopted that year. In 1888 the Legislature adopted a concurrent resolution that Section 6 of Article 6 of the constitution be so amended that upon the certificate of the Court of Appeals to the governor of such an accumulation of causes on the calendar of the Court of Appeals that the public interest required a more speedy disposition thereof, the governor might designate seven justices of the Supreme Court to act as associate justices of the Court of Appeals for the time being, these constituting a second division of that court, to be dissolved by the governor when the necessity for their services ceased to exist. This amendment was ratified at the succeeding State election, and in accordance therewith the governor selected the seven Supreme Court justices, the new division was organized, and began its labors March 5, 1889. Its work having become completed this division was dissolved in October, 1892.

Second in rank to the Court of Appeals stands the Supreme Court, which is constituted of several different elements. This court was originally created by act of the Colonial Legislature May 6, 1691, and finally was fully established by ordinance of the Governor and Council May 15, 1699. It at first was empowered to try all issues to the same extent as the English Courts of King's Bench, Common Pleas and Exchequer, except that it did not have equity powers. It had jurisdiction in actions involving the sum of one hundred dollars or more, and could revise and correct decisions of inferior courts. An appeal from its decisions could be taken to the Governor and Council. There originally were five judges, who made annual circuits of the counties, under a commission naming them, issued by the governor, and giving them *nisi prius*, oyer and terminer and jail delivery powers. Under the first constitution this court was reorganized, the judges being then named by the Council of Appointment. All proceedings were directed to be entitled in the name of the people, instead of in the name of the king.

The constitution of 1821 made numerous and important changes in the character and methods of this court. The number of the judges was reduced to three, who were to be appointed by the Governor, subject to confirmation by the Senate, to hold office during good behavior or until having attained the age of sixty years. They were removable by the Legislature when a majority of the Senate and two-thirds of the Assembly so voted. Four times every year this court sat in review of their decisions upon questions of law.

By the constitution of 1846 the Supreme Court as it then existed was abolished and a new court of the same name, having general jurisdiction in law and equity, was established. This court was divided into General Terms, Circuits, Special Terms, and Courts of Oyer and Terminer. It was composed of thirty-three justices, to be elected by the people. The State was divided into eight judicial districts. In the first of these five of the judges were to reside, while each of the other seven districts furnished four judges. By the judiciary act of 1847, General Terms were to be held once in each year in counties possessing more than 40,000 inhabitants each, and in other counties as often as once in two years. At least two Special Terms and two Circuit Courts were to be held annually in every county excepting Hamilton, the population of which was, and still is, inconsiderable. The court was also authorized by this act to name the time and place of holding its terms and those of Oyer and Terminer. The latter was to be held by a justice of the Supreme Court and two justices of sessions. From 1882 to the adoption of the constitution of 1894 the Courts of Oyer and Terminer were held by a single justice of the Supreme Court.

One of the old courts, the powers of which have been vested in the Supreme Court, was the Court of Chancery. This court was a relic of the old colonial period. It had its origin in the Court of Assizes, the latter being invested with equity powers under the duke's laws. The court was established in 1683. The Governor, or such person as he should designate, was chancellor, assisted by the Council. In 1698 this court ceased to exist by limitation; but it was revived in 1701, again suspended in 1703, and re-established the following year. At first this court was unpopular in the Province of New York, the Assembly and the colonists opposing it with the argument that the crown had no authority to establish an equity court in the colony, and they were doubtful of the propriety of constituting the Governor and Council such a court. Under the constitution of 1777 the court was recognized as



still in existence, but its chancellor was prohibited from holding any other office except delegate to Congress on special occasions. In 1778 the court was reorganized. Masters and examiners in chancery were to be appointed by the Council of Appointment; registers and clerks by the chancellor. The latter licensed all solicitors and counselors who practiced before the court. Under the constitution of 1821 the chancellor was appointed by the Governor, and held office during good behavior, or until he had attained the age of sixty years. Appeals lay from the chancellor to the Court for the Correction of Errors. Under the second constitution equity powers were vested in the circuit judges, whose decisions were permitted to be reviewed on appeal to the chancellor. Soon after this general equity jurisdiction devolved upon the chancellor, while the judges alluded to acted as vice-chancellors in their respective circuits. The constitution of 1846 abolished the Court of Chancery, and its powers, duties and jurisdiction were vested in the Supreme Court.

By an act of the Legislature adopted in 1848, entitled "The Code of Procedure," all distinctions between actions at law and suits in equity were abolished, so far as the manner of commencing and conducting them was concerned, and a uniform method of practice was adopted. Under this act appeals lay to the General Term of the Supreme Court from judgments rendered in Mayor's, Recorder's and County Courts, and from all orders and judgments of a court held by a single justice of the Supreme Court.

The judiciary article of the constitution of 1846 was amended in 1869, authorizing the Legislature, not oftener than once every five years, to provide for the organization of General Terms consisting of a presiding justice and not more than three associates; but by an act passed in 1870 the existing organization of the General Term was abrogated and the State divided into four departments, and provision was made for holding General Terms in each. By the same act the Governor was directed to designate from among the justices of the Supreme Court a presiding justice and two associates to constitute a General Term in each department. By the constitutional amendment of 1882, the following year the Legislature divided the State into five judicial departments and provided for the election of twelve additional justices, to hold office from the first Monday in June, 1884.

In June, 1887, the Legislature enacted the Code of Civil Procedure to take the place of the code of 1848. By this many minor changes

were made, among them being a provision that every two years the justices of the General Terms and the chief judges of the Superior City Courts should meet and revise and establish general rules of practice for all the courts of record in the State, excepting the Court of Appeals.

Previous to the constitution of 1821, modified in 1826, justices of the peace were appointed. Since that date they have been elected. The office and its duties are descended from the English office of the same name, but are much less important in this country than in England. Under the laws of this State they are purely the creature of the statute.

Next in authority to the Supreme Court is the County Court, held in and for each county in the State, except New York county, at such times and places as its judges may designate. This court had its origin in the old English Court of Sessions and, like that court, originally had criminal jurisdiction only. By an act passed in 1663, a Court of Sessions, having power to try both civil and criminal causes by jury, was directed to be held by three justices of the peace in each of the counties of the province, twice every year, with one additional term in Albany and two in New York. By the act of 1691 and the decree of 1699, all civil jurisdiction was taken from this court and conferred upon the Court of Common Pleas. By the radical changes of the constitution of 1846, provision was made for a County Court in every county in the State, to be held by an officer to be designated as the county judge, and to have such jurisdiction as the Legislature might prescribe. Under the authority of that constitution the County Courts from time to time have been given jurisdiction in various classes of actions which need not be enumerated here, and also have been invested with certain equity powers in the foreclosure of mortgages, the sale of infants' real estate, the partitioning of lands, in the admeasurement of dower and care of persons and estates of lunatics and habitual drunkards. The judiciary act of 1869 continued the then existing jurisdiction of the County Courts, and conferred upon them original jurisdiction in all actions in which the defendants lived within the county, and where the damages claimed did not exceed one thousand dollars. This sum was afterward changed to two thousand dollars.

Like the Supreme Court, the County Court now has its civil and its criminal sides. Until the adoption of the constitution of 1894, in criminal matters the county judge was assisted by two justices of sessions, elected by the people from among the justices of the peace in