

**A statement of facts relative to the establishment and progress of the Elgin Botanic Garden, and the subsequent disposal of the same to the State of New-York / [David Hosack].**

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*Med Society of Lon*  
*from D Hosack*

A

STATEMENT OF FACTS

RELATIVE TO

THE ESTABLISHMENT AND PROGRESS

OF THE

ELGIN BOTANIC GARDEN,

AND THE

SUBSEQUENT DISPOSAL OF THE SAME

TO THE

STATE OF NEW-YORK.

BY DAVID HOSACK, M. D.

Professor of Botany and Materia Medica in Columbia College.

NEW-YORK:

PRINTED BY C. S. VAN WINKLE

No. 56 Pine-street.

1811.



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PREFACE.

THE Botanic Garden, commonly known by the name of Elgin, situated in the vicinity of this city, having agreeably to an act of the Legislature passed on the 12th day of March, 1810, become the property of the state of New-York, I have deemed it proper to lay before the public, the following statement of facts relative to the first establishment, the progress, and subsequent disposal of that institution. A publication of this kind has become the more necessary for the purpose of correcting many errors which have prevailed, and do still prevail with the community, owing partly to an ignorance of the real circumstances of the case, and partly to misrepresentations circulated through the medium of the public papers, and other channels of information. Among these errors may be particularly mentioned the three following: first, that the ground appropriated to the use of the Botanic Garden, was not originally purchased by me, but gratuitously granted by an act of the corporation of this city; secondly, that I have received an annual salary from the Legislature of this state, for the mainte-

nance of the establishment; and, thirdly, that the valuation of the property made by the appraisers appointed by the Land Office, has been ratified by that board to the full amount of the appraisement presented. These errors have been extensively circulated; but the following statement, taken from original documents, will place this subject before the public in its true light, and afford sufficient evidence of the incorrectness of those reports and of many others which have obtained circulation.

D. H.

New-York, March 12th, 1811.

## A STATEMENT, &c.



WHATEVER difference of opinion may exist, relative to the utility of a botanic garden, as a necessary appendage to a medical establishment, certain it is, that the judgment of scientific men has been uniformly concurrent on this subject. The example of the schools of medicine, in almost every great city of Europe, is sufficiently conclusive on this head, as scarcely one of them is without an extensive botanic garden; and their practice, it is presumed, must be the result of experience of their utility.

At an early period, in our own country, also, there were men of distinguished acquirements, who strenuously maintained the necessity of institutions of this kind. Among these may be mentioned the late Lieutenant Governor Colden, justly celebrated for his many and valuable contributions to American botany, and the learned Dr. Peter Middleton, late professor of medicine in King's College, in this city. The following observations, delivered by the latter gentleman, upon the opening of the medical school, in New-York, in 1769, contain his opinion on this subject, and will show, that even at that early date, the founders of the medical college looked forward with an ardent desire to an establishment of this sort, as necessary and important to a complete system of medical education.

“By botany, we are instructed in the natural history and distinguishing characters of plants. This, pursued as a science, or branch of medical study, presents to us a fund of knowledge, both valuable and ornamental. As this continent yields most of the medical plants now in use, and abounds also with a variety of others, whose qualities we are as yet but little acquainted with, or entire strangers to; may we not hope, that among the future literary institutions in this place, a teacher of botany will soon be appointed, and a botanical garden laid out, and properly furnished? This would open an extensive field for further discoveries in, and for large acquisitions to the *materia medica*;

and this city might yet have the honour of the first appointment of that kind in America.”\*

Upon the revival of the medical school in Columbia College, in the year 1792, the board of trustees, aided by the legislature of the state, made provision for the endowment of additional professorships in that institution. A distinct professorship of botany was also at that time established, and lectures on this branch of science were delivered by Dr. Samuel L. Mitchill, who was chosen to that station. But though the aid of the legislature was thus far bestowed in behalf of the advancement of the medical school, it appears, that they conceived still more was wanting to give efficacy to their labours, and to the organization of a complete medical establishment. The public solicitude on this occasion appears in the following abstract from a report made by the Agricultural Society of the state, (of which association the members of the legislature formed a part) and published in their transactions, part 2d, 1794.

“The establishment of a garden is nearly connected with the professorship of botany under the college, and the lectures on that branch must be always very lame and defective without one. Nothing but a more full conviction of its importance and utility is wanting to set on foot such an institution, and to carry it into effect. A botanical garden is not only one of the most useful and most important of public improvements, but it also comprises within a small compass the history of the vegetable species of our own country; and by the introduction of exotics, makes us acquainted with the plants of the most distant parts of the earth. Likewise, by facilitating experiments upon plants at this time, when a true theory of nutrition and manures is such an interesting desideratum, a botanic garden may be considered as one of the means of affording substantial help to the labours of the Agricultural Society, and be conducive to the improvement of modern husbandry. When these things are duly considered, it can scarcely be doubted, that a botanic garden, under the direction of the society, or of the college, with a view to further the agricultural interest, will be set on foot and supported by legislative provision: to the end that young minds be early imbued with proper ideas on this important subject.”†

In the month of May, 1795, Dr. Mitchill having resigned his botanical professorship, I was appointed his successor; and in the following year, upon the death of the late Dr. William P. Smith, professor of the materia medica, I was elected to the joint professorship of botany and materia medica.

I now readily perceived that an abstract account of the principles of these sciences, as taught by books, coloured engravings, or even with the advantages of an herbarium, must necessarily be

\* Medical Discourse, 8vo. p. 58.

† Transactions of the Society instituted in the state of New-York, for the promotion of Agriculture. 4to. p. xiv.

very imperfect and unsatisfactory, when compared with the examination of living plants, growing in their proper soils, with the advantages of culture; that a study, in itself both highly useful and agreeable, was necessarily rendered uninviting from the manner in which its principles were illustrated, and that a botanical establishment was indispensably necessary in order to teach this branch of medical science with complete effect.

Influenced by these considerations, and persuaded of the advantages to be derived from the institution of a botanic garden, which could be made the repository of the native vegetable production of the country, and be calculated to naturalize such foreign plants as are distinguished by their utility either in medicine, agriculture, or the arts, as well as for the purpose of affording the medical student an opportunity of practical instruction in this science, I, immediately after my appointment as professor in the college, endeavoured to accomplish its establishment. I was also strengthened in my design by the advice of those of my friends to whom I made known my wishes, and for whose opinions on this subject, I could not but entertain the highest respect. Sensible, however, that an undertaking of this nature could with difficulty be effected by an individual, and having already expended considerable sums in the purchase of an extensive collection of books, numerous coloured engravings, and a valuable herbarium, I made application to the board of trustees of Columbia College, soliciting their assistance in the undertaking which I contemplated. The following are copies of the memorial, which was presented in November, 1797, and of the report of the committee, appointed by the board of trustees, to consider the subject.

*To the President and Members of the Board of Trustees of Columbia College*

The establishment of a Professorship of Botany in Columbia College was justly considered as an evidence of your regard to the general interests of science. As completing your plan of medical education, it has given reputation to the college both in Europe and America, and has excited expectations which unfortunately hitherto have in no sort been fulfilled.

Since I have had the honour of an appointment to this Professorship, it has been to me a source of great regret that the want of a *Botanical Garden*, and an extensive Botanical Library, have prevented that advancement in the interests of the institution which might reasonably have been expected.

My mind has been much exercised in devising some means of removing these difficulties, but hitherto without success. To this end, I have purchased for the use of my pupils such of the most esteemed authors as are most essential in teaching the principles of Botany; and at a considerable expense I have been enabled to procure a large and very extensive collection of coloured engravings; but the difficulty of teaching any branch of natural philosophy, and of rendering it interesting to the pupil, without a view and



examination of the objects of which it treats, will readily be perceived; it will also occur to you that books, or engravings, however valuable and necessary, are of themselves insufficient for the purposes of regular instruction in medicine.

The obvious and only effectual remedy would be the establishment of a Botanical Garden; this would invite a spirit of inquiry. The indigenous plants of our country would be investigated, and ultimately would promise important benefits, both to agriculture and medicine. But I am aware that the funds of the College will not at present admit of such an establishment upon an extensive scale. Influenced by this consideration, I beg leave to suggest to the board of trustees, as the best substitute for such an establishment, and as introductory to a more extensive plan, whenever the funds of the College may justify it, that the professorship of botany and materia medica be endowed with a certain annual salary, sufficient to defray the necessary expenses of a small garden, in which the professor may cultivate, under his immediate notice, such plants as furnish the most valuable medicines, and are most necessary for medical instruction; or that it be appropriated in any other manner which may appear more eligible, under his direction.

(Signed)

DAVID HOSACK.

(COPY.)

The committee appointed by the board of trustees to examine the proposition laid before them by the professor of Botany—Report,

That upon inquiring into the present state of the professorship of botany and materia medica, we have found that the present professor, Doctor David Hosack, has been at great expense in the purchase of the necessary books, plants, and engravings, to render the professorship valuable and instructive to his pupils.

That to the same end, the establishment of a botanical garden appears to be essentially necessary for the purposes of medical instruction.

That we consider such an establishment will not only contribute to the instruction of the pupil, but will greatly advance the real interests and reputation of the college.

That we have particularly examined the plan which Doctor Hosack has proposed, and earnestly approve the same.

That with the advantages he already enjoys of an extensive botanical library and herbarium, and having a piece of ground under his own immediate inspection, we consider that a sum not exceeding three hundred pounds per annum will enable him to defray the expenses of the establishment he proposes, in the cultivation of those plants that are employed as articles of medicine.

That we earnestly recommend to the board of trustees, that the above mentioned sum of three hundred pounds, be annually allowed for the term of five years to Doctor Hosack for the above purposes, which we believe will be faithfully employed, and in such manner as will greatly redound to the honour and interests of the institution.

(Signed)

BENJAMIN KISSAM,  
WILLIAM MOORE.

Though the committee appointed by the trustees of the college expressed an opinion thus favourable of a botanic garden, and recommended that an annual sum of three hundred pounds, for five years, might be allowed for the purpose of aiding in the establishment of such an institution, and though the board of trustees coincided in the opinion of the committee;

yet for want of sufficient funds they were unable to comply with their request.

In the month of February, 1800, I made application to the legislature of the state, that the sum recommended by the trustees of Columbia College, for the purpose of instituting a botanic garden, might be granted, or such other provision made as they should think proper. I insert a copy of my memorial, followed by an account of the proceedings of the legislature, as taken from the journals of the house.

*To the honourable the Senate and Assembly of the state of New-York—The respectful memorial of David Hosack, professor of botany in Columbia College—Sheweth,*

That your memorialist, some time since, presented to the board of trustees of the said college, a memorial stating the great utility and necessity of a botanical garden, to render the institution of the professorship under his care productive of those advantages to the student which ought to be expected from it; and praying the appropriation of a sum of money to be employed for that purpose

That the board appointed a committee to examine the subject, and report their opinion; who reported, that they entirely approved the plan proposed, and earnestly recommended, that the sum of three hundred pounds per annum might be allowed, for five years, to enable your memorialist to carry it into execution: a copy of which memorial, reference, and report, are hereunto subjoined, and to which your memorialist prays leave to refer your honourable body, for more particular information.

That the board of trustees, although sensible of the utility and importance of the object, have not been able, for want of sufficient funds, to carry into execution the plan proposed by your memorialist, and approved by the committee; and without which the students in that branch of science, under the direction of your memorialist, will continue to labour under all the disadvantages hitherto experienced; and he finds it cannot be effected without the aid of the legislature.

Your memorialist therefore prays your honourable body to grant to your memorialist the sum recommended as necessary to carry the proposed plan into execution, or that such other plan may be devised, and sums appropriated, as may be thought better calculated to answer the end proposed.

(Signed)

DAVID HOSACK.

IN ASSEMBLY.

*February 20th, 1800.*

A petition of David Hosack, M. D. professor of botany and materia medica in Columbia College, relative to establishing a botanical garden, and praying a grant of three hundred pounds per annum, for five years, for such purpose, was read, and referred to Mr. Wood, Mr. Henry, and Mr. Masters.\*

*February 26th, 1800.*

Mr. Wood, from the committee to whom was referred the memorial of David Hosack, reported, that in their opinion the prayer of the memorialist

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\* Journal of Assembly, 23d session, p. 181.

ought to be granted. That they have prepared a clause to be annexed to some proper bill for that purpose, and directed their chairman to bring in such clause.

*Ordered,* That the consideration of the said report be postponed.\*

It was accordingly postponed, and no other notice taken of it during that session.

Thus disappointed of that public aid and encouragement, which such an undertaking peculiarly demanded, and the wealth of the state enabled it to bestow, I resolved to devote my own private funds, the proceeds of my professional labour, to the prosecution of this object; trusting, that when the nature of the institution should become generally known, and its utility more fully ascertained, it would receive the patronage and support of the public.

Accordingly, in the following year, 1801, I purchased of the corporation of the city of New-York twenty acres of ground, situated on the middle road, between Bloomingdale and Kings-bridge, and distant from the city about three miles and an half. The view from the most elevated part of the ground is variegated and extensive, and the soil itself of that diversified nature as to be particularly adapted to the cultivation of a great variety of vegetable productions.

At a considerable expense, the establishment was inclosed by a well constructed stone wall; the ground, though originally exceedingly rough, cleared and put in a state of promising cultivation, arranged in a manner the best adapted to the different kinds of vegetables, and planted agreeably to the most approved stile of ornamental gardening: a conservatory for the preservation of the more hardy green house plants was also erected.

As a primary object of attention in this establishment was to collect and cultivate the native plants of this country, especially such as possess medicinal properties, or are otherwise useful, among others, such gardeners as were practically acquainted with our indigenous productions, were employed to procure them, and by the distinguished liberality of several scientific gentlemen in this country, I had in cultivation at the commencement of 1805, nearly fifteen hundred American plants, besides a considerable number of rare and valuable exotics.

The expenses necessary to effect these improvements, especially in the cultivation and arrangement of the grounds, and in erecting the buildings, being greater than what I had anticipated, and being somewhat apprehensive that I should have to delay

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\* Journal of Assembly, 23d session, p. 116.

such farther improvements as were considered essentially necessary, I made application to the legislature, requesting the loan of a sum of money for the purpose of enabling me to execute the plan I had projected, and to maintain the establishment. The following are the proceedings of the senate relative to the memorial presented, and the report of the committee on that occasion, which show the favourable opinion entertained by the committee, as well as the unfavourable result of my application.

## IN SENATE.

*March 6th, 1805.*

A petition of David Hosack, of the city of New-York, praying for a loan of a sum of money, to enable him to maintain a botanical garden near the said city, was read, and referred to Mr. Brett, Mr. Schenck, and Mr. Johnson.\*

*March 15th, 1805.*

Mr. Brett, from the committee to whom was referred the petition of David Hosack, professor of botany in Columbia College, reported, that the establishment of a botanical garden within this state, will, in the opinion of the committee, be highly useful; for while to the students of medicine it affords the means of acquiring information in a science intimately connected with, and highly useful to their profession, it will also give an opportunity of making experiments upon soils and manures, upon foreign grains, plants, and grasses, which may be of the highest importance to the agricultural interest of this state. The committee have been informed from respectable authority, that the memorialist has made a botanical establishment upon a scale sufficiently extensive to form a useful repository for plants and vegetables, and to make the necessary botanical and agricultural experiments, and has hitherto pursued it with a zeal and ability which leaves no room to doubt of his ultimate success. The committee are therefore of opinion, that such an institution well deserves the patronage of the public, and recommend that suitable provision be made by law to assist the memorialist in the further prosecution of his plan; that they had prepared a bill for that purpose, and directed him to move for leave to bring in the same.

Leave being given, Mr. Brett brought in the said bill, entitled, "An act for the support of a botanical garden within the city and county of New-York," which was read the first time, and ordered a second reading.†

*March 16th, 1805.*

The bill, entitled, "An act for the support of a botanical garden within the city and county of New-York," was read the second time, and committed to a committee of the whole.‡

*March 20th, 1805.*

Mr. Burt, from the committee of the whole, on the bill, entitled, "An act for the support of a botanical garden within the city and county of New-York," reported progress, and obtained leave to sit again.§

\* Journal of the Senate, 28th session, p. 83.

† Journal of the Senate, 28th session, p. 95.

‡ Journal of the Senate, 28th session, p. 97.

§ Journal of the Senate, 28th session, p. 102.

The house, however, adjourned without further attention to this bill.

Upon the opening of the next session, in 1806, his excellency governor Lewis, in his speech of the 28th of January, delivered to the two houses of the legislature, among other subjects, which he considered worthy of their consideration, introduced the following observations upon the advantages to be derived from a botanic garden, and recommended the same to their patronage and support.

“ Application was made to the legislature at their last session, by a gentleman of the city of New-York, for aid in the support of a Botanic Garden, which he had recently established. At the request of some of the members, I, in the course of last summer, paid it two visits, and am so satisfied with the plan and arrangement, that I cannot but believe, if not permitted to languish, it will be productive of great general utility. The objects of the proprietor are, a collection of the indigenious, and the introduction of exotic plants, shrubs, &c. and by an intercourse with similar establishments, which are arising in the eastern and southern states, to insure the useful and ornamental products of southern to northern, and of northern to southern climes. In the article of grasses, I was pleased to see a collection of one hundred and fifty different kinds.\* A portion of ground is allotted to agricultural experiments, which cannot but be beneficial to an agricultural people. When it is considered that this branch of natural history embraces all the individuals of the vegetable which afford subsistence to the animal world, compose a large portion of the medicines used in the practice of physic, and many of the ingredients essential to the useful arts, its utility and importance is not to be questioned. But in a country young as ours, the experimental sciences cannot be expected to arrive at any degree of excellence without the patronage and bounty of government; for individual fortune is not adequate to the task.”†

#### PROCEEDINGS OF THE LEGISLATURE.

*In Senate, January 30th, 1806.*

Resolved, That Mr. Tredwell, Mr. L'Hommedieu and Mr. Graham, be a committee to take into consideration, and report upon that part of his excel-

\* For the information of those who may be unacquainted with the meaning of the term, in the sense in which it is made use of by botanists, and as it was employed by his excellency, I subjoin the following paragraphs, extracted from a communication in the Morning Chronicle, of February 24th, 1806, and which at the same time express the favourable opinion entertained upon this subject by its learned author, Dr. Hugh Williamson.

“ I observe that the governor, in his speech to the assembly, refers to a great variety of grasses that are cultivated in the botanic garden near this city. I presume that the governor uses the term *grass* as botanists always do. Oats, rye, barley, rice, and wheat, in the language of botanists, are only different kinds of grass; and it is sincerely to be wished, as every farmer will admit, that we could find a variety of the grass called wheat, that would elude the malice of the Hessian fly. The varieties of wheat are infinite, and I deem it not improbable that we shall, on some occasion, make the happy discovery. But a complete collection would be made at a considerable expense. It is by no means certain that we are provided with the best kinds of *meadow grass*, or the kinds best suited to our soil and climate. It is known that the most valuable plant in Jamaica, except the sugar cane, is the *Guinea grass*; that was imported by accident. Good citizens should not trust to accident for the introduction of useful things; industrious research is commendable.”

“ Although it might be expected that the citizens of New-York would give their support to a botanic garden, as one of the means by which they may promise themselves a constant supply of able and well instructed physicians without the expense of a foreign education, and one of the means by which our medical school may take the lead of the several other schools on the continent, it is not to be supposed that farmers in general, our fellow citizens through the state, will refuse their assistance in promoting such an institution. They are interested on many accounts.”

† Journal of the Senate, 29th session, p. 2.

lency the governor's speech, which relates to a botanic garden, in the vicinity of New-York.\*

*February 1st, 1806.*

A memorial of David Hosack, professor of botany and materia medica, in Columbia College, in the city of New-York, praying legislative aid in improving a certain botanic garden, which he alleges he has at great expense commenced, was read and referred to the committee appointed to take into consideration and report upon that part of his excellency the governor's speech which relates to a botanic garden.†

*February 10th, 1806.*

Mr. Tredwell, from the committee appointed upon that part of his excellency the governor's speech, relative to a botanic garden, and to whom was referred the memorial of David Hosack, professor of botany and materia medica, in Columbia College, reported, that in their opinion, the study of botany, as a branch of science, is highly useful and necessary. That the committee are informed that the memorialist, David Hosack, as professor of botany, hath for a number of years past given lectures in that science to the students of Columbia College, without receiving any compensation therefor from that institution, the funds of which, as the committee understand, are not sufficient for that purpose. That the said David Hosack, as the committee are informed, hath, at very considerable expense, established a botanic garden upon a very extensive scale, and hath devoted it to the purpose of instructing students in the science of botany. That the legislature of this state hath, for a number of years past, given to the professor of anatomy in Columbia College an annual allowance to compensate him for anatomical preparations, which he had already procured, and to enable him still further to extend his collections. That the committee are of opinion, that it would be proper, as far as is consistent with the present funds of this state, also to aid the instruction of students in the science of botany, and they would therefore recommend that an annual allowance be for that purpose made to the said David Hosack, as professor of that science in Columbia College; they have accordingly prepared a bill to that effect, and had directed their chairman to move for leave to bring in the same. Leave being given, Mr. Tredwell brought in the said bill, entitled, "An act for the support of a professor of botany in Columbia College," which was read the first time, and ordered a second reading.‡

*February 12th, 1806.*

Mr. Adriance, from the committee of the whole, on the bill, entitled, "An act for the support of a professor of botany in Columbia College," reported, that the committee had gone through the bill, and agreed to the same without amendment, which he was directed to report to the senate, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the senate.

*Ordered,* That the bill be engrossed.§

*February 13th, 1806.*

The engrossed bill, entitled, "An act for the support of a professor of botany in Columbia College," was read the third time.

*Resolved,* That the bill do pass.

\* Journal of the Senate, 29th session, p. 11.

† Journal of the Senate, 29th session, p. 21.

‡ Journal of the Senate, 29th session, p. 35.

§ Journal of the Senate, 29th session, p. 40.

*Ordered*, That the clerk deliver the said bill to the honourable the assembly, and request their concurrence to the same.\*

*In Assembly, February 13th, 1806.*

A message from the honourable the senate, delivered by their clerk, with the bill therein mentioned, was read, informing, that the senate have passed the bill, entitled, "An act for the support of a professor of botany, in Columbia College;" to which they request the concurrence of this house.

The said bill was read the first time, and ordered a second reading.†

*February 14th, 1806.*

The bill, entitled, "An act for the support of a professor of botany, in Columbia College;" was read the second time, and committed to a committee of the whole house.‡

Notwithstanding the favourable sentiments that had been expressed upon this subject, by governor Lewis, at the opening of the session; and that a bill for the support of the botanic garden had passed the senate, and in the lower house had been referred to a committee of the whole; the session ended without any other notice of this subject.

I still, however, did not abandon the hope of ultimately obtaining legislative aid, and therefore continued, as before, my exertions to increase the collection of plants which I had begun, and to extend the improvements for their preservation. Accordingly, in 1806, I obtained from various parts of Europe, as well as from the East and West-Indies, very important additions to my collection of plants, especially of those which are most valuable as articles of medicine. I also erected a second building for their preservation, and laid the foundation of a third, which was completed the following year. In the autumn of the same year, 1806, I published a *Catalogue* of the plants, both native and exotics, which had been already collected, amounting to nearly 2000 species.

The expenses necessary to effect these several objects, it will readily be supposed, were not inconsiderable. I had now erected, on the most improved plan, for the preservation of such plants as require protection from the severity of our climate, three large and well constructed houses, exhibiting a front of one hundred and eighty feet, and which experience has shown are well calculated for the purposes for which they were designed. The greater part of the ground was brought to a state of the highest cultivation, and divided into various compartments, calculated not only for the instruction of the student of

\* Journal of the Senate, 29th session, p. 41.

† Journal of the Assembly, 29th session, p. 102.

‡ Journal of the Assembly, 29th session, p. 104.

botany and medicine, but also made subservient to agriculture and the arts. The whole establishment was enclosed by a stone wall, two and an half feet in breadth, and seven and an half feet high. Add to all this the great loss of interest which I had to sustain, inasmuch as the establishment and improvements of the institution could not be considered as an active capital; the expenses necessary for the preservation of what had already been done, the additional costs for the continual increase in the number of plants, particularly of those imported from abroad, though in this respect I was liberally aided by the contributions of my friends, both in Europe and in the East and West-Indies; and the high price of the manual labour indispensably necessary for the progressive improvement of the institution.

Finding my expenses for these several purposes far exceed the calculations I had formed, and that they were more than prudence would justify, especially with an increasing family of children, and being still desirous of perpetuating the benefits of this institution, I at once resolved to offer the whole establishment for sale to the state, at a fair and equitable valuation. It will evidently appear, from the facts which have been already stated, that it was not my original design to dispose of this property during my life; yet I ever entertained the opinion that when I should cease to occupy it, that either the state, the university, or the medical schools, to whose use it had been devoted, would probably become the purchasers of this establishment. And I have no hesitation further to add, that under the impression of thus rendering it permanently useful to the community, many improvements were made, and upon a more extensive scale than I should have otherwise introduced. In these additional expenses, I also considered myself justified by the rapid rise and increase in the value of property in the vicinity of the city. But finding my expenses, at the end of the year 1807, to exceed the amount I originally contemplated; I determined to make an application to the state, in the manner before mentioned. Accordingly I presented a memorial to the legislature, on the 5th of April, 1808.

*In Assembly, April 5th, 1808.*

The memorial of David Hosack, of the city of New-York, praying the legislature to purchase his botanic garden, near the said city, and give him in payment therefor such public lands of the state, as they may deem proper, was read, and referred to a select committee, consisting of Mr. Broadhead, Mr. Willoughby, Mr. Huntington, Mr. M'Whorter, Mr. Crosby, and Mr. De Witt.\*

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\* Journal of the Assembly, 31st session, p. 393.



April 7th, 1808.

Mr. Broadhead, from the committee to whom was referred the memorial of Doctor David Hosack, of the city of New-York, reported,

That the establishment of a botanic garden, in the vicinity of the city of New-York, upon the extensive scale adopted by Doctor Hosack, is highly honourable to the founder; and its continuance and improvement must be desirable to a community which justly appreciates and duly cherishes science and the useful arts.

The committee regret that this subject was not communicated to the legislature at an earlier period of the session, that it might have received that deliberate attention which its importance justly merits. At this late hour the introduction of a bill would be useless. But the committee believing that a future legislature may, on a full investigation, accept the proposition of the memorialist, respectfully submit the following resolution:

*Resolved*, (If the honourable the senate concur herein,) That leave be given to Dr. David Hosack, to present to either house of the legislature, at their next session, a bill relative to his botanic garden, near the city of New-York.

*Ordered*, That the consideration of the said resolution be postponed until to-morrow.

The House adjourned.\*

Encouraged by the preceding resolution, proposed in the assembly, at the close of their session, I presented the following memorial at the opening of the legislature in 1809:

*To the honourable the Senate and Assembly of the state of New-York—The memorial of David Hosack, physician of the city of New-York—Respectfully sheweth,*

That your memorialist, impressed with the importance of an institution, in which the students of medicine might have an opportunity of acquiring a knowledge of plants, and their medicinal qualities, and desirous, thereby, of increasing the celebrity of his native state for medical instruction, he immediately, upon his appointment to the professorship of botany, resolved to institute such an establishment, not doubting that when the same might be accomplished and rendered useful to the students of medicine, resorting to this city for instruction, that it would receive a liberal patronage from the public.

That under these impressions, your memorialist, eight years ago, purchased in an advantageous situation near the city of New-York, twenty acres of ground, which he has employed in the establishment and cultivation of a botanic garden; in which he has collected, from our own and foreign countries, a great variety of those plants which are found most useful in medicine, agriculture, and the arts.

That for the preservation of those exotic plants which require shelter, he has erected a spacious green-house, and two hot-houses, which, experience has shewn, are well constructed, and calculated to accomplish the purposes for which they were designed.

But your memorialist with pain observes, that not having received any public aid which might have diminished his expenses, he is compelled to abandon his plan, as too extensive for his individual resources, and more so than comports with the duties which he owes to a rising family.

But, desirous of seeing this institution, the first of the sort established in the United States, rendered permanently useful by being connected with the

\* Journal of the Assembly, 31st session, p. 414.

medical schools of New-York, your memorialist respectfully offers it to the state, that under their patronage it may continue to be made productive of those advantages originally contemplated.

Your memorialist need scarcely to remark, that the principles and the practice of medicine are so intimately connected with this branch of natural history, that all the celebrated medical schools and universities of Europe have found it necessary to establish botanic gardens for their pupils, and to which our youth in the study of medicine have hitherto, and at great expense, been compelled to resort for this branch of medical learning.

It is equally unnecessary for your memorialist to remind your honourable body of the various important national benefits such an establishment would be calculated to produce, supported by public munificence, under the superintendance of the regents of the university, the college of physicians and surgeons, or the governors of the New-York hospital; more especially, as the present state of public affairs renders it necessary to cultivate at home the means of affording a complete system of medical instruction. These circumstances induce your memorialist to hope and believe, that the legislature will not hesitate to purchase this establishment for the benefit of the state; especially as the terms upon which it is offered are such, that the state can experience no present inconvenience, or future loss, by the purchase of the same.

With this view, your memorialist proposes to sell to the state his grounds, buildings, and collection of plants, at his garden, near the city of New-York, for such price as shall be ascertained to be their fair and just value, by commissioners to be appointed by law for that purpose; the same to be paid whenever the state may find it convenient so to do; in the mean time paying an interest of six per cent. per annum.

DAVID HOSACK.

*New-York, February 4th, 1809.*

This memorial was followed by one from the faculty of physic of Columbia College, and by another from the medical society of the city and county of New-York; the members of which associations expressed their unwillingness, that an institution which they considered so valuable and useful as a botanic garden, should be lost to the public, and therefore solicited the purchase of the same by the state. The governors of the New-York hospital, being apprised of my application to the legislature, and desirous of preserving and extending the benefits of the medical school, took occasion in their annual report, to notice the importance of the botanical garden, and to express their wishes that it might be preserved as necessary to complete the system of medical instruction. The members of the college of physicians and surgeons also, in their annual report to the regents of the university, expressed their sentiments upon the importance of this subject as they had done on the preceding year, though much more at length, as appears in the following extract from their report.

*Extract from the report to the Regents, dated 31st January, 1809.*

“It would be unnecessary to offer to the regents any observations on the advantages of cultivating the knowledge of botany in this state. The radical

connection of this science with the progress of agriculture, and its tendency, by exploring and multiplying the production of our soil, to increase the wealth of the community, and to extend the independence of the nation, are too important to be overlooked by a wise government. Since the present obstructions of commerce, many medicinal articles, belonging to the vegetable class, which are of indispensable use in diseases, and which might be readily produced in this country, have become so scarce, and so exceedingly enhanced in price, as to create apprehensions with respect to the sufficiency of future supplies. Another inducement to patronise botany in this state, might properly be drawn from the liberal encouragement offered to the cultivation of that science in several of our sister states, and from the absolute necessity of such encouragement to the support of an establishment, which is always unavoidably expensive. An enterprising and public spirited botanist of this city, Dr. Hosack, has, at great expense, purchased and cultivated a piece of ground, for the purpose of a botanic garden; which might easily be rendered subservient to the promotion of this important object."

The legislative proceedings upon this application for the purchase of the botanic garden, I copy from the printed Journal of the Assembly, to which branch of the legislature the consideration of the subject was, in that year, confined.

*In Assembly, March 1st, 1809.*

The memorial of David Hosack, of the city of New-York, praying the legislature to purchase his botanic garden, near the said city, on the terms therein mentioned, was read, and together with the petition of the medical society of the city and county of New-York, referred to a select committee, consisting of Mr. German, Mr. Willoughby, Mr. J. Van Rensselaer, Mr. Davis, and Mr. Barnes.\*

*March 2d, 1809.*

Mr. German, from the committee to whom was referred the memorial of David Hosack, of the city of New-York, physician, together with that of the medical society of the city and county of New-York, reported as follows, to wit:

That the memorialist, about eight years ago, being professor of botany in Columbia College, purchased twenty acres of land, and established a botanical garden in the vicinity of New-York, at his own expense; and with the laudable view of affording to the students under his charge an ample opportunity of improvement by the inspection of various medicinal and other plants, a knowledge of which is intimately connected with the science of medicine; he has, at great expense, imported from different parts of the world, a great variety of plants; for the preservation of those coming from a milder climate, he has been under the necessity of erecting, on a large and extensive scale, both green and hot-houses, and to employ several persons of skill in attending to their cultivation; he has likewise collected a variety of plants from different parts of the United States, useful in agriculture, as well as medicine; so arranged as to afford an opportunity of making many useful experiments; the whole is in good order; the ground well selected and valuable. The medical society of the city and county of New-York, the college of physicians and surgeons, the faculty of physic in Columbia College, and the governors of the New-York hospital, all approve of the establishment, express their opinion of its importance and public utility, and recommend its purchase by the

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\* Journal of the Assembly, 32d session, p. 236.

state, as the only means of protecting and supporting it, as it is too extensive and expensive to be supported from the funds of any individual.

It is a fact that most of the enlightened governments of Europe have supported extensive botanical establishments, as intimately and necessarily connected with the science of medicine, to which the youth of our country, desirous of completing their professional education, have been obliged to resort. Experience proves, that every country furnishes many plants peculiarly adapted to the cure of diseases incident to its climate; and there is therefore reason to believe, that if fair experiments were made, we should in a considerable degree be relieved from our dependence on foreign countries for our necessary medicines, an event desirable at all times, but more peculiarly so at the present.

The legislature of this state, with a spirit and zeal worthy an enlightened and patriotic people, have, on many occasions, fostered, encouraged, and protected the education of our youth; and certainly no branch of learning is more important, and more peculiarly entitled to national patronage, than the science of preserving life and health. Your committee state, with pleasure, that this is the first establishment of the kind ever attempted in the United States; but that unless patronised by the government, its utility to the state will be entirely lost. As the legislatures of several states have already appropriated large sums for the support of similar establishments, and connected them, in a spirit of wisdom, with their colleges, this state is confessedly the first in the union, in point of wealth and commercial importance, and it would afford cause of regret did she not appropriate a portion of her wealth in fostering the useful sciences.

Your committee conceive that the terms of sale are liberal, and that no material loss can be sustained, but that the land will probably increase in value, equal to the interest of the purchase money: and your committee are therefore of opinion that the prayer of the memorialists ought to be granted, and that the memorialist have leave to present a bill for that purpose.

*Ordered*, That leave be given to present such bill.

Mr. German, in behalf of the petitioner, brought in the said bill, entitled, "An act for promoting medical science in the state of New-York," which was read the first time, and ordered a second reading.\*

*March 3d, 1809.*

The bill, entitled, "An act for promoting medical science in the state of New-York," was read a second time, and committed to a committee of the whole house.†

The house then resolved itself into a committee of the whole, on the bill, entitled, "An act for promoting medical science in the state of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. S. Barker, from the said committee, reported, that in proceeding on the said bill, and after the same had been read in the committee, the first enacting clause thereof was again read, in the words following, to wit:

*Be it enacted by the people of the state of New-York, represented in senate and assembly*, That John Broome, De Witt Clinton, and Matthew Clarkson, or any two of them, shall be, and are hereby appointed commissioners to examine the lands, fences, houses of every kind, and all and singular the trees, plants, shrubs, and their appurtenances and utensils, with all the improvements as they shall be shewn to the said commissioners, or any two of them, commonly called Elgin, near the city of New-York, belonging to the said David Hosack, being the grounds purchased by him of the corporation of the city of New-

\* Journal of the Assembly, 32d session, p. 244, 245.

† Journal of the Assembly, 32d session, p. 246.

York, and to make a fair and equitable valuation and appraisal thereof, and that the said commissioners do make a full description thereof, and a catalogue of the trees, plants, and shrubs, and certify such their value and appraisal under their hands, or the hands of any two of them, upon oath to be made by them or any two of them, that the valuation and appraisal by them so made is fair and equitable, according to the best of their judgments, which said valuation and appraisal shall be made as soon as may be.

That debates were had thereon, and the question having been put, whether the committee would agree to the said clause, it was carried in the affirmative.

That the yeas and nays having been called for by Mr. R. Van Horne, seconded by Mr. Mooney, were as follows, to wit :—Yeas 60—Nays 20.

Mr. S. Barker further reported, that the committee had gone through the said bill, added a clause, and agreed to the same, which he was directed to report to the house ; and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house.

*Ordered*, That the bill be engrossed.\*

*March 4th, 1809.*

The engrossed bill, entitled, “ An act for promoting medical science in the state of New-York,” was read the third time. Thereupon,

Mr. Child made a motion, that the said bill should be recommitted to a committee of the whole house.

Debates were had thereon, and the question having been put, whether the house would agree to the said motion, it was carried in the affirmative.

The yeas and nays having been called for by Mr. Child, seconded by Mr. R. Van Horne, were as follows, to wit :—Yeas 49—Nays 37.

Thereupon, *Ordered*, That the said bill be recommitted to a committee of the whole house.†

*March 10th, 1809.*

Then the house resolved itself into a committee of the whole, on the bill, entitled, “ An act for promoting medical science in the state of New-York,” and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pond, from the said committee, reported progress, and asked for and obtained leave to sit again.‡

*March 13th, 1809.*

The house then resolved itself into a committee of the whole, on the bill, entitled, “ An act for promoting medical science in the state of New-York,” and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pond, from the said committee, reported, that in further proceeding on the said bill, the first enacting clause thereof, was again read.

That debates were had thereon, and the question having been put, whether the committee would agree to the said clause, it was carried in the affirmative.

That the yeas and nays having been called for by Mr. R. Van Horne, seconded by Mr. Fairlie, were as follows, to wit :—Yeas 43—Nays 35.

That in further proceeding on the said bill, the third enacting clause thereof was again read, in the words following, to wit:

\* Journal of the Assembly, 32d session, p. 252, 253.

† Journal of the Assembly, 32d session, p. 254.

‡ Journal of the Assembly, 32d session, p. 283.

*And be it further enacted,* That the surveyor general shall set apart and designate, and if necessary, cause to be surveyed, so much of the unappropriated lands belonging to the people of this state, as upon a fair and equitable valuation by him to be made, shall amount to the same sum that shall be expressed in the certificate of the aforesaid commissioners; and the said surveyor-general shall give to the commissioners of the land office, an accurate description of the lands so by him designated, and the value and appraisement thereof so by him made; and it shall thereupon be the duty of the commissioners of the land office, and they are hereby authorised to grant letters patent to the said David Hosack, his heirs and assigns, for the lands so designated and appraised by the surveyor-general, in full compensation of the said botanic garden, lands, buildings, and improvements, by him so to be conveyed to the people of this state.

That debates were had thereon, and the question having been put, whether the committee would agree to the said clause, it was carried in the affirmative.

That the yeas and nays having been called for by Mr. Cande, seconded by Mr. Child, were as follows, to wit:—Yeas 43—Nays 37.

That in the further proceeding on the said bill, Mr. R. Van Horne made a motion, that the committee should rise, report progress, and ask for leave to sit again.

That debates were had thereon, and the question having been put, whether the committee would agree to the said motion, it passed in the negative.

That the yeas and nays being called for by Mr. R. Van Horne, seconded by Mr. B. Thompson, were as follows, to wit:—Nays 60—Yeas 26.

Mr. Pond further reported, that after the committee had gone through the said bill, made amendments, filled up the blanks, and agreed to the title, the question was put whether the committee would agree to the whole bill, and it was carried in the affirmative.

That the yeas and nays having been called for by Mr. Kellogg, seconded by Mr. Bishop, were as follows, to wit:—Yeas 46—Nays 40.

Which he was directed to report to the house; and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

*Ordered,* That the bill be engrossed.\*

*March 14th, 1809.*

The engrossed bill, entitled, "An act for promoting medical science in the state of New-York," was read the third time.

Mr. Skinner then made a motion, that the said bill should be recommitted to a committee of the whole house.

Debates were had thereon, and Mr. Speaker having put the question, whether the house would agree to the said motion, it was carried in the affirmative.

The yeas and nays being called for by Mr. Scott, seconded by Mr. Pond, were as follows, to wit:—Yeas 49—Nays 36.

Thereupon, *Ordered,* That the said bill be recommitted to a committee of the whole house.

The house then resolved itself into a committee of the whole, on the bill, entitled, "An act for promoting medical science in the state of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Rogers, from the said committee, reported, that after the committee had gone through the bill, made an amendment and added a clause, the question

\* Journal of the Assembly, 32d session, p. 293, 4, 5.

was put, whether the committee would agree to the whole bill, and it passed in the negative.

That the yeas and nays having been called for by Mr. Bishop, seconded by Mr. H. Bloom, were as follows, to wit:—Nays 49—Yeas 43.

Which he was directed to report to the house; and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon, *Resolved*, That the bill be rejected.\*

Notwithstanding the very favourable sentiments which had been expressed in the report of the committee who introduced the bill, and the able support which the bill itself received from many of the most influential members of the house, of both political parties, among whom may be mentioned Mr. Van Vechten, General German, Colonel Van Rensselaer, Major Fairlie, Mr. Skinner, Mr. Sanford, Mr. Ross, and the speaker of the house, general Wilkin, the bill was ultimately lost by a majority of six votes. It will be asked, to what cause is this failure to be ascribed, after so many and repeated expressions of the general approbation of the house. I answer, to misconceptions relative to the value of the property, and especially of the plants, which, agreeably to the act proposed in that session, were to be included in the valuation. These erroneous impressions had the effect of changing the sentiments of a few, by which the bill was lost.

I should now have proceeded to dispose of the property at private sale; but finding that the failure of my application had created strong sensations of regret among many gentlemen of the medical profession, as well as of others who feel an interest in the welfare of our medical school, and in the literary reputation of the state, I was induced, by their advice, to make another appeal to the legislature. In this I was also encouraged by the very spirited and honourable zeal manifested on that occasion by the president and members of the medical society of the county of New-York, and of many other medical societies throughout the state.

To Dr. James Tillary, the president of the medical society of the county of New-York, great obligations are due from me, as well as from the medical schools of our city, for his exertions on that occasion, in introducing the subject to the attention of the society.

*Extract from Dr. Tillary's address, delivered before the Medical Society of the County of New-York, at a meeting of the Society, held on the 2d of October, 1809.*

“Permit me, gentlemen, before I sit down, to call your attention for a moment, to a subject not irrelevant to, but intimately connected with, the interests

of our profession: I mean the botanic garden, established in the vicinity of New-York. Of this useful establishment it were small praise to say, that it exceeds any thing of the kind ever attempted in this state, or perhaps in the United States.—The truth is, that its founder, with a zeal that has not stooped to narrow or niggardly considerations, but which has almost overleaped the boundaries of prudent calculation, finds the ardour of his pursuit much weakened by the constant labour and expenses still necessary to uphold and extend this undertaking. An individual, who like Dr. Hosack, has devoted so great a proportion of his time to an object of acknowledged importance to the public interest, and which might have been employed more to the advantage of his family, ought not, I conceive, to be suffered to deplore the consequences of unremitting exertions to promote the cause of science and the honour of his country.

For my part, gentlemen, I have always been decidedly of opinion, that from the day he found the botanic garden too heavy a concern for the time and pocket of an individual, that public patronage should magnanimously have interfered to lighten the burden. But such interposition I hope is at hand; and I trust that the legislature of the state at their next session will generously interfere and finish a work that is too heavy for the purse of a private citizen. That a portion of the public revenue should be thus employed will be apparent from the following considerations: to which, if it were necessary, others of equal cogency might be added.

The chief medical education of our youth must be derived from this city, where colleges and professors of no inferior grade, are ready and able to unlock those treasures of science, which they will in vain look for in any other part of this great and growing state. A botanic garden is essentially necessary to furnish the means of a complete system of medical education. This I am warranted in saying by referring to the medical universities in Europe, none of which claim celebrity without such an institution. Possessed, as we long have been, of able teachers, in every department of medical science, of an extensive public hospital, so richly endowed and so discreetly conducted, one only desideratum was a botanic garden; one which owes its design and execution to the skill and superintendance of some competent individual, but its protection to the public sentiments, and its provision to the *public purse*. Here it may not be amiss to observe to you, that the institution now recommended to your patronage, has the honour of having been the first ever attempted in the United States. The praiseworthy example of Dr. Hosack has since been followed elsewhere; enlarged views on this subject have, in several of the most respectable states, produced a settled conviction that it would be wise to provide, without loss of time, for this desirable object. Accordingly they have made handsome appropriations for a botanic garden, in the full persuasion that its national advantages are not confined to the physician, but extend to the agriculturalist, and are made in some degree subservient to the arts which comfort, and the sciences which ennoble mankind. Unless a botanic garden, of dimensions befitting national views, be established near this city, and supported at the public expense, Pennsylvania will inevitably become, as it relates to the states, what she deserves to be, if we cannot rival her, the Edinburgh of America, the seat of science and chief nursery of arts. Hence it will follow, that our students will be compelled to quit their native state to seek that knowledge abroad, which ought to be provided for them at home. Lastly, Gentlemen—It ought to be considered by every friend to the real dignity of professional character, by every patriotic legislature, that few individuals in any country can be found so public spirited and so rich, as to support, by his own private means, such an establishment on a respectable, much less a national scale. What then have we to do? In my judgment, shortly this: Let us intreat our rich and intelligent fellow-citizens, to use their influence with the legislature, to preserve to the state, the benefits of this



infant establishment. Let us by the most effectual means within our power, individually, as well as aggregately, call on every class of the community to aid in this reputable effort; and let the whole combined social and professional strength of the country, all the medical societies in their corporate capacity, be called forth to unite in an address to the honourable the legislature, on this highly interesting subject. The medical faculty of this state, from their numbers, respectability, and just influence in the community, are entitled (I speak with due respect of the constituted authorities) to be heard by their representatives, and, if practicable, to be gratified in a case like this, which is neither private nor personal, but one of great and general concern. Holding this sentiment, I do no more than offer a fair tribute to the patriotism and discernment of our public guardians, when I confidently believe they will not be indifferent to a proper representation on this very important subject."

Whereupon, it was resolved unanimously, that the thanks of this society be presented to the president, for his patriotic and eloquent address, and that he be requested to address a *Circular letter* to the president of the different county societies throughout the state; requesting them to unite with this society, in addressing the legislature, relative to the botanic garden, and in soliciting them to purchase the same, for the benefit of the medical schools of this city.

(CIRCULAR.)

SIR,

At a late regular meeting of the medical society of the county of New-York, it was made my duty to communicate to you their unanimous wish, that the medical society over which you preside would co-operate with them in presenting to the legislature at their next session, a petition soliciting the purchase of the botanic garden, established in the vicinity of this city. Several weighty considerations lead us to desire and to hope that from the patriotism of that honourable body, they will be inclined to gratify the medical faculty of the state, by the purchase of this valuable establishment.

As the city of New-York will probably be the resort of medical students from different parts of the state, we naturally anticipate, that while they are acquiring enlarged views and a scientific knowledge of the vegetable kingdom, they may, at the same time, be the happy instruments of discovering among the native treasures of our country, such as may not only possess useful medicinal properties, and thus subserve the practice of medicine, but those also which may more extensively apply to the general good of the community. In this manner the benefits of the botanic garden will probably, in a very few years, extend to every part of the state, and diffuse its benignant influence to the remotest parts of our wide extended country.

It is scarcely proper to remind you, sir, on this occasion, that a botanic garden is absolutely necessary to complete the means required, for attaining a finished medical education. You will, however, permit me to say, that on this subject there is no difference of opinion among your medical brethren in New-York, nor will there be any jealousies excited in consequence of the disposition which the wisdom of the legislature may judge proper to make of it. For if they determine that it shall remain in connection with the medical schools in this city, the advantages will remain to *every student* that seeks instruction in the metropolis. Our anxiety, therefore, to preserve this elegant and useful establishment, is proportioned to the disappointment we shall feel if the legislature do not interfere and secure it for the public good. Should they be disinclined to listen to the prayer of our petition on this interesting subject, the botanic garden must inevitably pass into other hands; for we may not dissemble the fact, that the proprietor, Dr. Hosack, after all his exertions to retain it, finds the undertaking not only too heavy for his private funds to support, but incompatible with the duty which he owes to a rising

family. For these, and other reasons which might be urged, we trust that you will address the medical society over which you preside, on this important topic, and we also hope that you will favour us as soon as possible, with such resolutions as you may think proper to express respecting it, in order that we may come forward with a united memorial to the honourable the legislature, at the ensuing session.

I have the honour to be,

Sir, your obedient and humble servant,

JAMES TILLARY,  
*President Med. Society. C. N. Y.*

At an extraordinary meeting of the medical society of the county of New-York, held on the 13th of January, 1810.

On motion, resolved, that this society do renew their application to the legislature, for the purchase of the botanic garden. Whereupon the following memorial to the legislature was read and approved:

*To the Honourable the Legislature of the State of New-York, in Senate and Assembly—The respectful Memorial of the Medical Society of the City and County of New-York :—Sheweth,*

That they are informed that Dr. Hosack, proprietor of the botanic garden in the vicinity of this city, thinking it unjust towards his family, to devote so large a portion of his time and property to an object solely of public utility, has determined to dispose of that establishment. The members of this society, apprehensive lest an institution so important to the public schools of this city, and the community, should be lost, (or its benefits transferred to some rival city) beg leave to solicit your honourable body to become the purchasers; that it may continue to be applied to the same public uses for which it was originally intended, in the patriotic views of its founder.

Your memorialists beg leave to state to your honourable body, that this garden consists of about twenty acres of ground, well laid out, and improved, and conveniently situated. The plants are of great number and variety, from every quarter, with suitable buildings for their preservation. For several years past the students in medicine, in this city, have derived great benefit from this garden, which the liberality of the owner has thrown open to their researches; and your memorialists hope your honourable body will not allow this opportunity to escape, of making it a permanent addition to the medical schools of this city, to which the youth from every part of the state resort to complete their education.

Your memorialists beg leave to suggest, that a botanic garden is not only of importance to the students and professors of medicine, but also greatly conducive to public utility, by affording the means of experiments to ascertain the properties of vegetable productions, as well of native as of foreign growth; whence very important discoveries and improvements have been made, not only in medicine, but in agriculture and manufactures, now perhaps, more than ever, important to our country. Hence, in every European state where arts and sciences are extensively cultivated, an institution of this kind, founded and maintained by national policy and munificence, makes a part of the system of public education. Some of our most wealthy states, influenced by the weight of these considerations, and knowing that individuals will not incur the necessary expense, have lately made appropriations of large funds for a botanic garden connected with their respective colleges; and considering the riches, extent and population of our state, and

the liberal endowments it has already made for public schools, and seminaries of learning, your memorialists entertain a confident expectation that your honourable body will find this acquisition well worthy your most serious consideration.

Your memorialists deem it their duty further to observe, that it would require a considerable length of time, at any future period, to bring any new establishment of this kind to the same degree of perfection as that now offered; upon which the proprietor, with a zeal and public spirit highly honourable to him, has employed many years of unremitting attention, besides the considerable expenses he must necessarily have incurred. They believe it may be relied on, that the gradual rise in the value of the grounds, from the extension of the city, will be fully equivalent to the interest of the purchase money, and that under proper regulations it will defray its own annual expenses.

Your memorialists entreat your honourable body to excuse the solicitude which has impelled them thus earnestly to press this subject upon the attention of the legislature, and to attribute it to their entire conviction of its importance, and their belief that it is not probable that another opportunity of acquiring any similar establishment will soon again, if ever, occur.

Your memorialists therefore respectfully pray your honourable body to make provision for the purchase of this property, if it can be obtained at a fair and reasonable valuation.

*By order and in behalf of the Medical Society of the County of New-York.*

JAMES TILLARY, *President Med. Society, C. N. Y.*

W. W. BUCHANAN, M. D. *Sec'y Med. Society, C. N. Y.*

New-York, January 13th, 1810.

On motion, That whereas the securing of the botanic garden to the medical schools of this state, is in the highest degree essential to the literary reputation of the same, and intimately connected with the formation of medical science: Resolved, That this Society request the co-operation of his honour the mayor, and the honourable the corporation of this city, and the governors of the New-York hospital, in petitioning the legislature to purchase said garden for the benefit of the state.

On motion, resolved, That a committee of three persons be appointed to wait on the honourable the corporation and governors of the New-York hospital, to solicit their co-operation in the memorial to the legislature of this state respecting the botanic garden.

Whereupon, Doctors *Post, Miller, and Douglass*, were nominated a committee for that purpose.

The committee accordingly, on the 15th of January, waited upon the mayor and common council, when the following resolution was adopted:

*City of New-York. In Common Council, 15th January, 1810.*

Resolved, That the common council, fully coinciding with the medical society of this city, in their opinion of the important benefits, resulting to the medical profession in particular, and to the cause of science in general, from the botanical establishment of Dr. Hosack, and being persuaded that the patronage of the legislature will redound to the public advantage, and to the honour of the state, do most cordially and most respectfully unite with the medical society, in their application on that subject.

*By the Common Council.*

J. MORTON, *Clerk.*

DE WITT CLINTON, *Mayor.*

The same committee applied to the board of governors of the New-York hospital, at their meeting held on the 16th of January. Whereupon the following resolution was unanimously agreed to by the board :

*At a meeting of the Governors of the New-York Hospital, at the Hospital, 1st Month, (January) 16th, 1810.*

Resolved unanimously, That the governors of the New-York hospital concur in the opinion of the medical society of this city, in the public advantages resulting from the botanical garden, established by Dr. David Hosack, for the promotion of medical science; and respectfully unite with the medical society in their recommendation of that establishment to the patronage of the legislature.

*By order of the Governors,*

M. CLARKSON, *President.*

THO. BUCKLEY, *Secretary.*

Upon the same occasion, many of our most respectable citizens expressed their solicitude upon this subject, by co-operating with the preceding public bodies in manner following :

The subscribers, impressed with the importance of the botanical institution, established by Dr. Hosack, and believing, that under the patronage of the state, it will greatly contribute to extend the usefulness and reputation of the medical schools of New-York, respectfully unite with the preceding public bodies in soliciting the legislature to purchase the same, if it can be obtained at a fair valuation.

Brockholst Livingston,	William Bayard,	William Cutting,
John Watts,	Amasa Jackson,	David B. Ogden,
Hu. Williamson,	Cadwallader D. Colden,	Martin Hoffman,
John Stevens,	Caleb S. Riggs,	Nathan Sanford,
Nathaniel Pendleton,	Stephen N. Bayard,	Thomas Storm,
Robert Watts,	Nicholas Romaine,	John Wells,
Archibald Gracie,	Walter Bowne,	Richard Riker,
Charles Wilkes,	James Fairlie,	William Few,
Josiah Ogden Hoffman,	William Denning,	Silvanus Miller,
Henry Remsen,	Robert Bowne,	Levinus Clarkson,
Nicholas Fish,	Cornelius Ray,	Peter Curtenius,
Jon. Burrall,	John A. King,	Nic. W. Low,
Samuel Osgood,	Benjamin Moore,	A. Hammond,
Cornelius Dubois,	Samuel Miller,	Garrit Van Horne,
John R. Livingston,	John B. Romeyn,	John Wilkes,
Herman Le Roy,	William Moore,	Samuel Bard,
William Edgar,	John Henry Hobart,	John Johnston,
Henry Rutgers,	Cornelius I. Bogart,	William Bard,
Jno. Beekman,	John Rodgers,	Morgan Lewis,
Dom. Lynch,	Oliver Wolcott,	Maturin Livingston,
John B. Coles,	Aufus King,	Phillip S. Schuyler,
Peter Jay Munro,	Richard Harison,	J. Rutsen Van Rensselaer,
Lynde Catlin,	Richard Varick,	

The students of medicine attending the medical schools which were then in session, feeling a deep interest in the success of the

applications about to be made to the legislature, also prepared a memorial upon the same subject, as follows :

*To the honourable the Representatives of the People of the state of New-York, in Senate and Assembly convened—The Memorial and Petition of the Students attending the Medical Schools in the city of New-York—Respectfully Sheweth—*

That your memorialists and petitioners, deeply impressed with the importance of a regular course of medical education, have witnessed, with the greatest satisfaction and gratitude, the exertions which have been made by your honourable body towards completing a medical establishment in this state. Your memorialists chiefly refer to the several acts lately passed for that purpose, and which remain on the records of the state as lasting monuments of the wisdom and paternal solicitude of the legislature for the welfare of the community. While your memorialists thus sincerely express their sentiments of gratitude for the liberality which has already been displayed, they take the liberty of suggesting, that this subject acquires additional importance from the necessity, at this time, of cultivating, at home, the means of medical instruction, when students cannot go abroad and frequent the seminaries of Europe, without great inconvenience and difficulty; and they beg leave to represent, that a botanic garden alone is wanting to establish the respectability and promote the utility of the medical schools of this city.

That a knowledge of the science of botany is indispensably necessary to a medical student before he can sustain the character of a well-educated physician, is a truth confirmed by the practice and experience of every celebrated school in Europe. Every citizen in the state is deeply interested in the promotion of medical knowledge; for every man's life is in danger when he chances to fall into the hands of an ignorant physician. It has been alleged, and the opinion is, as we conceive, well founded, that "every country produces plants which are antidotes to the common diseases of that country." Such being the case, the study of botany is of singular importance to a medical student in this new country, the vegetable productions of which are not hitherto sufficiently explored.

By the zealous exertions of an individual, a botanic garden has been established in the vicinity of this city, and the founder of it has generously devoted it to the use of such students as have resorted to New-York for medical instruction. This institution has already produced the most beneficial effects. But your memorialists, as well on their own as on account of every medical student who may succeed them in this city, deeply lament that so excellent an establishment is in danger of being destroyed or converted to other uses than those to which it is now devoted. If that should take place, a valuable and extensive collection of plants would doubtless be transferred to a rival school in some neighbouring state, and we should hardly expect to see another botanic garden in this city.

No city in the union is better calculated for the seat of a great medical school than New-York. It is of peculiarly easy access by water from other states. Its medical professors are of acknowledged celebrity, and its liberally endowed public hospital affords the best means of practical information. An extensive botanic garden is almost the only thing wanted to constitute a school of medicine superior to any other on this continent, and one which in a few years would vie with any in Europe.

Considering that the state of New-York is eminently distinguished by its importance and resources, your memorialists and petitioners earnestly entreat

that the botanic garden already prepared, may be perpetuated in its present form, and connected with the medical schools, under the superintendence of the executive of the state, or of the regents of the university, or such other superintendence as to your wisdom may seem best, and your petitioners, as in duty bound, will ever pray.

Delos White, Otsego county,	S. A. Walsh, New-York,
Robt. Morrell, Queens do.	Wm. H. Wilson, Columbia county,
Edward Post, New-York,	Richard I. Ludlow, Essex, N. Jersey,
John C. Cheesman, do.	Gideon Leeds, Fairfield county, Conn.
H. Holmes, do.	Andrew French, New-Haven, do.
Theo. Romeyn Beck, Albany county,	Charles Winfield, Ulster county,
Egbert Carv, Dutchess do.	Isaac Chichester, Greene, do.
Joseph M. Smith, Westchester,	John C. Moeller, Schoharie do.
Robert C. Hunter, Orange county,	Joseph Odell, Connecticut,
John T. Jansen, Ulster do.	Walter D. Wheaton, Rhode-Island,
John P. Lewis, New-Jersey,	Chas. Drake, New-York,
Richard Sill, Washington county,	Jonathan D. Marvin, Connecticut,
Daniel Hatfield, Westchester do.	Pearl Crafts, do.
Asa Coltrin, Niagara do.	Thaddeus D. Austin, do.
Jas. M. Henderson, North-Carolina,	Elijah P. Fraring, Massachusetts,
Gardner Wells, Montgomery county,	Ja. Hevon, Orange county,
Alexander Gilmour, North-Carolina,	Jeremiah B. Pierce, Rensselaer county,
Jabez W. Husted, Westchester,	Lemuel Lee Chester, Connecticut,
Wm. J. Titford, New-York,	John S. Dany, Morris county, N. J.
Peter Quireau, do.	Benj. B. Hewes, New-York,
William Van Deursen, New-Jersey,	Isaac I. Van Voorhis, Dutchess,
James L. Hannah, St. Martins, W. Ind.	John Carpenter, New-York,
Samuel W. Moore, New-York,	James Ray, do.
John P. Beekman, Columbia county,	Samuel Dusenbery, Westchester,
Charles Marvin, Connecticut,	Edward N. Bibby, New-York,
Zebulun W. Seaman, Queens county,	Francis E. Boyer, do.
James Inderwick, New-York,	Benj. A. Akerly, do.
Richd. R. Hoffman, do.	Alexander M. Montgomery, do.
Platt Williams, Albany,	Peter Van Arsdale, do.
Saml. G. Mott, New-York,	David Long, jun. Washington county,
Aaron Bard, Troy,	Josiah Torrey, New-York,
John L. F. Randolph, Nova-Scotia,	Samuel Voorhees, Montgomery county,
Benton W. Halsey, Staten-Island,	Samuel Maxwell, Saratoga do.
Isaac Roosevelt, New-York,	William G. Hopkins, Westchester do.
Gerardus A. Cooper, Westchester,	James Wilson, Steuben do.
Edward Copland, New-York,	John W. Francis, New-York,
James Forman, do.	Peter H. Cole, do.
Robert H. Wilson, District of Columbia,	James Farelteer, jun.
Moses Gillett, New-York,	Wm. Goldin, New-York,
Jno. H. Sackette, Orange county,	Gamaliel Wheeler, do.
Caspar Wistar Eddy, New-York,	Robt. M. Livingston, do.
Jno. Nottingham, Ulster county,	Robt. M. Barclay, Orange county.

About the time that these measures were adopted in this city, many of the county medical societies throughout the state, especially those that had received the circular letter addressed to them by Dr. Tillary, were convened, and memorials prepared, expressing their sentiments relative to the utility of the botanic garden and soliciting the state to purchase the same for the benefit

of the medical schools. The zeal manifested upon this subject by the medical societies of the counties of Clinton, Ulster, Niagara, Saratoga and Dutchess, reflects much credit upon the presidents and members of those institutions. The address delivered before the medical society of the county of Dutchess, by the president, Dr. Samuel Bard, and the subsequent resolutions of that society were also at that time presented to the public, and had no inconsiderable influence in diffusing throughout the community, correct and liberal views of this subject. Dr. Bard having been one of the founders of the medical school of this state, long a distinguished teacher of various branches of medical science, and one of the most learned and eminent physicians of our country, his sentiments were received with great respect, not only by the medical profession, but by his fellow citizens in general.

*Extracts from Dr. Bard's address, on the importance of the medical character, delivered on the 14th of November, 1809.*

“ Convinced as I am of the great and general importance of correct medical instruction, and anxious that our schools should be fostered by necessary patronage, I cannot but regret the failure of the proposal made last year in our legislature, for the purchase of Dr. Hosack's botanic garden. It would be too tedious at present to point out how much medicine may be benefitted, how greatly the arts may be enriched, and how many of the comforts, the pleasures, and even the necessaries of life may be improved by such an institution. As an appendage to a medical school it has become indispensable; and if we suffer this garden of Dr. Hosack's to sink, as sink it must, if left in the hands of an individual, we give a decided advantage to every medical school in the United States, as well as in almost every other country, over our own. In point of expense it makes very little difference to a young man who must go from home for his education, whether he goes to Boston, Philadelphia or New-York.—He will always go, where, for the least expense he can obtain the greatest advantages: it becomes therefore decidedly the interest of the state, to render our own seminaries as perfect as possible. I hope therefore that this institution, as well as both our medical schools may continue to receive a decided patronage from our government, and that there never will be wanting in our legislature enlightened individuals, who will reiterate their application on the subject until they shall convince the less informed.”

“ By the purchase of the botanic garden, a national ornament and most useful establishment, already brought to a great degree of perfection, will be preserved: by which our medicine, our agriculture and our arts, the elegancies, and the conveniences of life will necessarily be improved.”

Upon the delivery of Dr. Bard's address, the following resolutions were adopted:

Resolved, That this society very cordially coincide with the medical society of the city and county of New-York, in their opinion of the great importance of the botanical garden in the neighbourhood of that city, as a national ornament, and as the probable source of many improvements in the arts and in agriculture; and more particularly as a necessary appendage to our medical

schools, without which they cannot be complete, and must necessarily yield the pre-eminence to such seminaries of the healing art in our own and in other countries, as possess the advantage of so essential a department.

Resolved, also, that this society will heartily co-operate with the medical society of the city and county of New-York, in any plan they may devise to lay their sentiments and wishes on this subject before the legislature of the state, and to induce that honourable body to adopt such measures as will preserve for the general good and the particular benefit of our medical colleges, this very valuable establishment.

Extracted from the minutes.

J. LIVINGSTON VAN KLEECK, M. D. Sec'ry.

The convention of the delegates from the county medical societies, annually held at Albany, and constituting the medical society of the state, having in charge the general interests of the profession, also gave their sanction to the application for the purchase of the botanic garden. The following is the resolution of that body, expressive of their sentiments on this subject.

*Medical Society of the State of New-York.*

Resolved, That the medical society of the state of New-York do unite with the preceding public bodies in an application to the legislature to solicit them to purchase the botanic establishment of Dr. David Hosack, if consistent with the funds of the state; or otherwise to grant a lottery for his remuneration, and the establishment be so managed under the direction of the legislature, as may be most conducive to the diffusion of medical science throughout the state.

Done by order of the society, at their meeting in Albany, held this 7th day of February, 1810.

NICHS. ROMAYNE, M. D.

President of the Medical Society of the State.

JOHN STEARNS, Secretary.

The several memorials from the city of New-York, were presented to the senate on the 8th of February, 1810.

IN SENATE.

*February 8th, 1810.*

The memorial of the medical society of the city of New-York, praying that provision may be made for the purchase of the botanical garden of Dr. David Hosack, together with the recommendation of the mayor, aldermen and commonalty of the city of New-York; the governors of the New-York hospital, the medical society of the state of New York, and the certificate of Brockholst Livingston, Benjamin Moore, and others, inhabitants of the state; and the memorial and petition of Delos White, and others, students, attending the medical schools in the city of New-York to the same effect; were read and referred to a select committee, consisting of Mr. Livingston, Mr. Clinton, Mr. Stearns, Mr. Smith, and Mr. Platt.\*

\* Journal of the Senate, 33d session, p. 32.



## REPORT OF THE COMMITTEE.

*February 12th, 1819.*

Mr. Livingston, from the select committee, to whom was referred the several memorials of the medical society of the city and county of New-York, the common council of the said city; the governors of the New-York hospital; the medical society of the state, and sundry respectable citizens, reported as follows, to wit:

That about ten years ago, doctor David Hosack, being the professor of botany in Columbia college, purchased twenty acres of ground in the vicinity of the city of New-York. That he has cultivated the same as a botanic garden, and has at a great expense supplied it with a collection of the most valuable medicinal and other plants, procured from every quarter of the globe; has erected the necessary buildings for the preservation of those which require shelter from our climate; and has freely devoted it to the benefit of the students who annually resort to the medical schools of that city for their instruction in the healing art.

That this department of medical learning is considered, in every country where the arts and sciences are cultivated, as indispensably necessary to a complete system of medical education, and that in Europe there is no great medical school without an establishment of this sort. In this country, the vegetable productions of which are yet unexplored, an institution of this nature will probably be attended with the most beneficial consequences, and may lead to the discovery of many plants whose virtues are at present unknown, and which may prove an antidote to some of our most fatal diseases.

It may also be observed, that notwithstanding the researches of travellers and botanists, who have been sent to this country from the different governments of Europe to examine the vegetable productions of this continent, much yet remains to be discovered; and that until our physicians shall become generally instructed in this branch of medical learning, we shall never become fully acquainted with the productions of our soil.

Your committee state with pleasure, that this is the first establishment of this kind that has ever been attempted in the United States, and that this praise-worthy example has already been followed by several of our sister states, particularly Massachusetts, Maryland, and South-Carolina.

The importance of having at all times well educated physicians dispersed through every part of the state, who will not only maintain the respectability of the medical profession, but may also be essentially useful in preserving the health and lives of our citizens, cannot fail to arouse the attention of every individual, and to call for the support of every patriotic and liberal mind. The rank which the state of New-York holds in the union—its increasing wealth and population, render it peculiarly proper, that the legislature should at all times encourage the education of youth in the most liberal manner. This disposition has been manifested on many occasions; but at a time when the situation of the union so forcibly points out the necessity of cherishing at home the means of medical instruction, there can be no hesitation in pursuing that enlightened policy, which has ever characterised the proceedings of the legislature of this state, with respect to the promotion of science.

Many additional reasons might be pointed out to recommend to the legislature, the preservation of this valuable institution. Among others, it may be observed, that unless patronised by the state, we shall be deprived of its usefulness, and its benefits will probably be transferred to some rival medical school; in consequence of which, the students of medicine, instead of coming to New-York for their medical education, will resort to those places where it may be conducted on a more liberal plan, and even our own youth must seek in another state, or perhaps in a foreign country, for those branches of their professional studies which they cannot obtain at home.

These considerations induce your committee unanimously to recommend that the establishment be purchased by the state, with the proceeds of a lottery to be granted for that purpose—That the institution be placed under the direction of the regents of the university, for the benefit of the medical schools in New-York; and that the physicians and students throughout the state, at all times, have access to the establishment, and the botanical lectures there delivered, free from expense.

To carry this recommendation into effect, the committee have directed their chairman to ask for leave to bring in a bill for that purpose.

Thereupon, Ordered, that leave be given to bring in such bill.

Ordered, That the said report be forthwith printed for the use of the senate.\*

*February 13th, 1810.*

Mr. Livingston, according to leave heretofore given for that purpose, brought in a bill, entitled "An Act for promoting medical science in the state of New-York," which was read the first time, and by unanimous consent, was also read a second time, and committed to a committee of the whole.†

*February 17th, 1810.*

The proceedings of the medical society of the county of Saratoga, of the medical society of the county of Ulster, of the medical society of the county of Dutchess, and of the medical society of the county of Niagara, relative to the purchase of the botanic garden of Dr. Hosack, were referred to the committee of the whole, when on the bill, entitled "An act for promoting medical science in the state of New-York."‡

*February 20th, 1810.*

The senate then resolved itself into a committee of the whole, on the bill, entitled, "An act for promoting medical science in the state of New-York," and after some time spent thereon, Mr. President resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for, and obtained leave to sit again.§

Upon that occasion Mr. Clinton called the attention of the senate to this subject by an historical sketch of the progress of botanical science in Europe as well as in this country. He then pointed out its connection with medicine, and its relation to agriculture and the arts. He next noticed the advantages we had reason to expect from its cultivation in the United States, at the same time recounting the labours and discoveries of Colden, Cutler, Belknap, the Bartrams, Muhlenberg, the Michauxs, Barton, and others, who have been occupied in this extensive and still unexplored field of enquiry. He concluded by warmly advocating the proposed purchase as honourable to the state of New-York, and calculated to improve the advantages of its medical schools, as well as to exalt the literary reputation of our country. He was followed by General Platt, who took an extensive survey of the general state of society in the United States, and of the pro-

\* Journal of the Senate, 33d session, p. 37, 38.

† Journal of the Senate, 33d session, p. 41.

‡ Journal of the Senate, 33d session, p. 49.

§ Journal of the Senate, 33d session, p. 55.

gress that had been made in the cultivation of those sciences which are most essentially necessary ; and concluded by urging the expediency and propriety at this time of cultivating those which, though not of the same importance, are still highly useful and necessary in completing our medical schools, at the same time that they are calculated to subserve the general interests of learning, and to enrich our country by the discovery of many articles important in the arts and in medicine. Mr. Edward P. Livingston also, in a very able address, urged the advantages to be expected from this accession to the numerous means of medical instruction at present afforded by the schools of New-York, and illustrated at length many of the sentiments contained in the report which, as chairman of the committee, he had presented to the senate. He was succeeded by Mr. Paris, and some other members, who united in similar views of this subject.

A few gentlemen, however, distinguished for their liberality upon most subjects which come before them, in which the character and general interest of the state are concerned, opposed the passage of this bill. Among these was judge Taylor, a distinguished member of the senate, whose name I particularly introduce upon this occasion, lest it might be supposed that a gentleman of his weight of character and influence in our public counsels should be thought hostile to the principles of the bill itself. On the contrary, in that respect, it received his approbation, and which he expressed upon the floor of the senate in the course of the debate upon that subject, but opposed the bill altogether upon its inexpediency in the then posture of our public affairs.

*February 21st, 1810.*

The senate again resolved itself into a committee of the whole, on the bill, entled "an act for promoting medical science in the state of New-York," and after some time spent thereon, Mr. President resumed the chair, and Mr. Burt, from the said committee, reported, that in proceeding on the said bill, and after the same had been read in the committee, the first enacting clause thereof was again read, in the words following, to wit :

*BE it enacted by the people of the state of New-York, represented in senate and assembly,* That the commissioners of the land-office be and they are hereby directed, with all convenient speed, to treat in behalf of the people of this state, with the said David Hosack, for the purchase of the lands comprising the botanic garden, commonly called Elgin, with the appurtenance, near the said city of New-York, and owned by the said David Hosack, at a fair and equitable valuation thereof, to be made by such persons and in such manner as the said commissioners shall for that purpose direct and appoint; and if upon such treaty and valuation the said David Hosack shall consent to sell the said lands, with the apurtenances, to the said commissioners, for the use of the people of this state, for the price at which the same shall have been valued, then and in such case the said commissioners shall give notice thereof to the

attorney-general of the state, or to the attorney of the district in which the city and county of New-York is situate, and thereupon it shall be the duty of the attorney-general, or of the district-attorney, to examine the title of the said David Hosack to the said lands, when the state of the title shall be exhibited to him by the said David Hosack, and if upon such examination it shall be found that the said title is perfect, and free from all incumbrances, it shall be the further duty of the attorney-general, or of the district-attorney, to receive from the said David Hosack a good and sufficient deed of the said lands, with the appurtenances, to the people of this state; *Provided always*, That the said commissioners shall not be authorised to include in such vaulation the trees, plants and shrubs appertaining to the said botanic garden, but they shall nevertheless require, that the said trees, plants and shrubs shall be conveyed by the said deed.

That debates were had thereon, and the question having been put, whether the committee would agree thereto, it was carried in the affirmative.

The yeas and nays being called for by Mr. Buel, seconded by Mr. Barlow, were as follows, to wit:—Yeas 16—Nays 11.

Mr. Burt further reported, that the committee had gone through the said bill, made amendments, filled up the blanks, and agreed to the same, which he was directed to report to the senate; and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the senate.

Ordered, That the bill be engrossed.\*

*February 22d, 1810.*

The engrossed bill, entitled, “an act for promoting medical science in the state of New-York,” was read the third time.

Mr. President put the question, whether the said bill should pass, and it was carried in the affirmative.

The yeas and nays being called for by Mr. M’Lean, seconded by Mr. Coe, were as follows, to wit:—Yeas 15—Nays 12.

Thereupon, *Resolved*, That the bill do pass.

Ordered, That the clerk deliver the said bill to the honourable the assembly, and request their concurrence.†

IN ASSEMBLY.

*February 22d, 1810.*

A message from the honorable the senate, delivered by their clerk, with the bill therein mentioned, was read, informing, that the senate have passed the bill, entitled “an act for promoting medical science in the state of New-York,” in which they request the concurrence of this house.

The said bill was read the first time, and ordered a second reading.‡

*February 23d, 1810.*

The bill, entitled “an act for promoting medical science in the state of New-York,” was read the second time, and committed to a committee of the whole house.§

*March 3d, 1810.*

The petition of the medical society of the county of Clinton, praying that Doctor Hosack’s botanic garden may be carried into as great perfection as possible at the expense of this state, was read and committed to a committee

\* Journal of the Senate, 33d session, p. 58, 59.

† Journal of the Senate, 33d session, p. 59, 60.

‡ Journal of the Assembly, 33d session, p. 123, 4.

§ Journal of the Assembly, 33d session, p. 125.

of the whole house, when on the bill, entitled "an act for promoting medical science in the state of New-York."\*

March 7th, 1810.

The house resolved itself into a committee of the whole, on the bill, entitled "an act for promoting medical science in the state of New-York," and after some time spent thereon Mr. Speaker resumed the chair, and Mr. Bulkley, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Pratt made a motion, that the house should agree to a resolution, which was read in the words following, to wit :

*Resolved*, That the further consideration of the bill, entitled "an act for promoting medical science in the state of New-York," be postponed until the meeting of the next legislature ; and that the commissioners of the land office be, and they are hereby directed to treat, in behalf of the people of this State, with David Hosack, with regard to the purchase of the land comprising the botanic garden, commonly called Elgin, with the appurtenances including the trees, shrubs and plants, appertaining thereto ; and if the said David Hosack shall consent to sell the same, the commissioners are hereby required to obtain from him the best terms that he will dispose of the said garden to the people of this state, and report the same to the next legislature.

*Ordered*, That the consideration thereof, be postponed until to-morrow.†

It is proper, in this place, to observe, that in the house of assembly, as well as in the senate, this bill found many liberal and able advocates. Mr. Van Vechten, Judge Brooks, Mr. Cady, Dr. Comstock, Dr. Mitchill, Mr. Grosvenor, Mr. Morrell, Mr. Bulkley, Mr. French, Judge Ostrom, Judge Glen, Judge Bishop, Mr. Nealy, Mr. Stephen Van Rensselaer, Mr. Skinner, and the speaker General North, gave it their strenuous support. The meritorious exertions of these gentlemen, in behalf of our medical schools, demand, and will receive the grateful acknowledgments, not only of the profession, but of the friends of science in general.

March 8th, 1810.

The house proceeded to take into consideration the resolution proposed by the motion of Mr. Pratt, as entered on the journals of this house, of yesterday.

Thereupon, on motion of the mover of the said resolution,

*Ordered*, That he have leave to withdraw the same.‡

The house then resolved itself into a committee of the whole, on the engrossed bill, from the honourable the senate, entitled, "an act for promoting medical science in the state of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bulkley, from the said committee, reported, that in proceeding on the said bill, and after the same had been read in the committee, the first enacting clause thereof was again read, and is in the words following, to wit :

*Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the commissioners of the land office be, and they are hereby

\* Journal of the Assembly, 33d session, p. 178.

† Journal of the Assembly, 33d session, p. 218.

‡ Journal of the Assembly, 33d session, p. 220.

directed, with all convenient speed, to treat in behalf of the people of this state, with the said David Hosack, for the purchase of the lands comprising the botanic garden, commonly called Elgin, with the appurtenances, near the said city of New-York, and owned by the said David Hosack, at a fair and equitable valuation thereof, to be made by such persons and in such manner as the said commissioners shall for that purpose direct and appoint. And if upon such treaty and valuation the said David Hosack shall consent to sell the said lands, with the appurtenances, to the said commissioners, for the use of the people of this state, for the price at which the same shall have been valued, then and in such case the said commissioners shall give notice thereof to the attorney general of the state, or to the attorney of the district in which the city and county of New-York is situate, and thereupon it shall be the duty of the attorney general, or of the district attorney, to examine the title of the said David Hosack to the said lands, when the state of the title shall be exhibited to him by the said David Hosack : and if upon such examination it shall be found that the said title is perfect and free from all incumbrances, it shall be the further duty of the attorney general, or of the district attorney, to receive from the said David Hosack a good and sufficient deed of the said land, with the appurtenances, to the people of this state : *Provided always*, that the said commissioners shall not be authorised to include in such valuation the trees, plants and shrubs appertaining to the said botanic garden, but they shall, nevertheless, require that the said trees, plants and shrubs shall be conveyed by the said deed.

That debates were had thereon, and the question having been put, whether the committee would agree thereto, it was carried in the affirmative.

That the yeas and nays were called for by Mr. Van Antwerp, seconded by Mr. Gale, and were as follows, viz :—Yeas 57—Nays 38.

That in further proceeding in the said bill, Mr. Van Antwerp made a motion, that the committee should agree to rise, report progress, and ask for leave to sit again.

That debates were had thereon, and the question having been put, whether the committee would agree to the said motion, it passed in the negative.

That the yeas and nays were called for by Mr. Van Orden, seconded by Mr. Brouwer, and were as follows, to wit :—Nays 59—Yeas 32.

That in further proceeding in the said bill, the third enacting clause thereof was again read, and is in the words following, to wit :

*And be it further enacted*, that immediately after the said deed shall be received for record in the office of the secretary of this state, it shall be the secretary's duty to notify the same to the managers hereinafter named, together with the amount of the consideration money in the said deed expressed, whereupon the said managers, or a majority of them, and the survivors and survivor of them, shall have power to raise the said consideration money by a lottery, consisting of one or more classes, and to adopt such schemes as to them, or a majority of them, or the survivors or survivor of them, may appear proper, to sell the tickets, and to superintend the drawing of the lottery, and the payment of the prizes of the same : *Provided always*, That the said managers shall not proceed to sell any of the tickets of the said lottery until after the drawing of every other lottery heretofore authorised by law.

That debates were had thereon, and the question having been put, whether the committee would agree thereto, it was carried in the affirmative.

That the yeas and nays being called for by Mr. Van Antwerp, seconded by Mr. Bellinger, and were as follows, to wit :—Yeas 54—Nays 34.

Mr. Bulkley further reported, that the committee had gone through the bill, made an amendment, and added a proviso to the last enacting clause of the bill, and agreed to the same, which he was directed to report to the house ; and

he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the amendment be engrossed.\*

*March 9th, 1810.*

The engrossed bill, from the honourable the senate, entitled, "an act for promoting medical science in the state of New-York," with the engrossed amendment, was read the third time.

Mr. Speaker put the question whether the said bill with the amendment, should pass, and it was carried in the affirmative

The yeas and nays being called for by Mr. Strong, seconded by Mr. Zeilley, were as follows, viz:—Yeas 57—Nays 42.

Thereupon, resolved, That the bill and amendment do pass.

Ordered, That the clerk deliver the bill and amendment to the honourable the senate, and inform them that this house have passed the same with the amendment therewith delivered.†

IN SENATE

*March 10th, 1810.*

A message from the honourable the assembly, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing the senate, that they had passed the bill, entitled "an act for promoting medical science in the state of New-York," with the amendments therewith delivered.

The said bill with the amendments being read, and the amendments having been again read, were severally concurred in by the senate, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments, to the honorable the assembly, and inform them, that the senate have concurred in their amendments to the said bill, and have amended the same accordingly.‡

IN ASSEMBLY.

*March 10th, 1810.*

A message from the honourable the senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing, that the senate have concurred with this house in their amendments to the bill, entitled "an act for promoting medical science in the state of New-York," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the said bill to the honourable the senate.§

IN SENATE.

*March 10th, 1810.*

The honourable the assembly, by their clerk, returned the bill, entitled "an act for promoting medical science in the state of New-York."

Ordered, That the clerk deliver the said bill to the honorable the council of revision.||

*March 12th, 1810.*

A message from the honorable the council of revision, delivered by the secretary of this state, was read, informing, that it does not appear improper to the council, that the bill, entitled "an act for promoting medical science in the state of New-York," should become a law of this state.¶

\* Journal of the Assembly, 33d session, p. 220, 221, 222, 223.

† Journal of the Assembly, 33d session, p. 223, 224.

‡ Journal of the Senate, 33d session, p. 92, 93.

§ Journal of the Assembly, 33d session, p. 232.

|| Journal of the Senate, 33d session, p. 95.

¶ Journal of the Senate, 33d session, p. 97.

## THE ACT,

*Passed March 12, 1810.*

WHEREAS the medical society of the city and county of New-York, the common council of the said city, the governors of the New-York hospital, the medical society of the state of New-York, and divers respectable citizens, are deeply impressed with an opinion that the botanic garden established and owned by David Hosack, of the said city, physician, at a place called Elgin, near the said city, may become a great public benefit by being applied to promote medical science in this state; and under the influence of this opinion they have strongly recommended it to the legislature to purchase the said botanic garden, in behalf of the state. *And whereas* the legislature, as well from a respect to the said recommendation, as from a persuasion that the said botanic garden, in the hands of the state, will essentially conduce to the advancement of medical knowledge, are desirous that the said purchase may be made; wherefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the commissioners of the land-office be, and they are hereby directed, with all convenient speed, to treat in behalf of the people of this state with the said David Hosack, for the purchase of lands comprising the botanic garden, commonly called Elgin, with the appurtenances, near the said city of New-York, and owned by the said David Hosack, at a fair and equitable valuation thereof, to be made by such persons and in such manner as the said commissioners shall for that purpose direct and appoint; and if, upon such treaty and valuation, the said David Hosack shall consent to sell the said lands, with the appurtenances, to the said commissioners, for the use of the people of this state, for the price at which the same shall have been valued, then and in such case, the said commissioners shall give notice thereof to the attorney general of the state, or to the attorney of the district in which the city and county of New-York is situate, and thereupon it shall be the duty of the attorney general, or of the district attorney, to examine the title of the said David Hosack to the said lands, when the state of the title shall be exhibited to him by the said David Hosack, and if upon such examination it shall be found that the said title is perfect and free from all incumbrances, it shall be the further duty of the attorney general, or of the district attorney, to receive from the said David Hosack, a good and sufficient deed of the land, with the appurtenances, to the people of this state. *Provided always,* That the said commissioners shall not be authorised to include in such valuation the trees, plants and shrubs, appertaining to the said botanic garden, but they shall nevertheless require that the said trees, plants and shrubs shall be conveyed by the said deed: *Provided always,* That the valuation so made by the appraisers shall not be conclusive or binding on the commissioners of the land office.

II. *And be it further enacted,* That after the said deed has been duly executed and acknowledged, and delivered to the attorney general, or the district attorney, it shall be the further duty of the attorney general, or of the district attorney, to endorse and subscribe on the said deed a certificate, setting forth that he approves of the deed; that he has examined the title of the said David Hosack to the lands by the said deed conveyed, and that upon such examination, he found the said title to be perfect and free from all incumbrances; and thereupon it shall be the further duty of the attorney general, or of the district attorney, to transmit the said deed without delay to the office of the secretary of this state, to be there recorded.

III. *And be it further enacted,* That immediately after the said deed shall be received for record in the office of the secretary of this state, it shall be the secretary's duty to notify the same to the managers hereinafter named, to-



gether with the amount of the consideration money in the said deed expressed; whereupon the said managers, or a majority of them, and the survivors and survivor of them, shall have power to raise the said consideration money by a lottery, consisting of one or more classes, and to adopt such scheme or schemes as to them, or a majority of them, or the survivors or survivor of them, may appear proper, to sell the tickets, and to superintend the drawing of the lottery, and the payment of the prizes of the same: *Provided always*, That the said managers shall not proceed to sell any of the tickets of the said lottery until after the drawing of every other lottery heretofore authorised by law.

IV. *And be it further enacted*, That each of the said managers, before he takes upon himself the management of the said lottery or lotteries, shall enter into a bond to the people of this state, with such sureties as the comptroller of this state shall approve of, in the sum of twenty-five thousand dollars, conditioned for the honest and faithful discharge of the duties required of him by this act, and for rendering a just account of his proceedings at the next session of the legislature after the drawing of said lottery.

V. *And be it further enacted*, That the said managers, as often as they shall receive five thousand dollars from the sales of tickets, shall deposit the same for safe keeping in one of the banks established within this state.

VI. *And be it further enacted*, That the said managers, after drawing of each class of the said lottery, shall forthwith pay the net amount or avails of the class so drawn to the said David Hosack, towards satisfaction of the consideration money expressed in the deed above mentioned.

VII. *And be it further enacted*, That Samuel L. Mitchill, John L. Broome, Benjamin De Witt, Moss Kent and Jeremiah Johnson, shall be, and hereby are appointed managers of the said lottery.

VIII. *And be it further enacted*, That it shall also be the duty of the secretary of this state, immediately after the receipt of the said deed for record as aforesaid, to give notice thereof to his excellency the governor, and that thereupon it shall and may be lawful for the regents of the university, and they are hereby required, from time to time, to make such orders and regulations relative to the keeping, maintaining and preserving the said botanic garden, and the use and employment thereof for the benefit of the medical schools of this state, as they shall judge to be most conducive to the public good; and they are hereby directed to make such regulations and take such measures for the support of the said establishment, that it shall be attended with no future charge or expense to the state: *Provided always*, That the physicians and students of medicine throughout the state shall at all times have access to the said botanic garden free from any expense: *And provided further*, and it is the true intent and meaning of this act, that the people of this state shall have the right at all times to sell and dispose of said property in such way and for such purposes as they may deem expedient.

## PROCEEDINGS OF THE LAND-OFFICE.

## APPOINTMENT OF THE APPRAISERS.

At a meeting of the Commissioners of the Land Office, held at the Secretary's Office, on Wednesday, the 25th day of April, 1810,

PRESENT—DANIEL D. TOMPKINS, Governor.  
 DANIEL HALE, Secretary.  
 ARCHIBALD M'INTYRE, Comptroller.  
 ABRAHAM G. LANSING, Treasurer.  
 ABRAHAM VAN VECHTEN, Attorney General.

Resolved, That Mathew Clarkson, Richard Varick, Richard Harison, Marinus Willet and Arthur Smith, be, and they are hereby appointed appraisers to appraise the land comprising the botanic garden, commonly called Elgin, with the appurtenances situate in the city of New-York, pursuant to the act, entitled, "An Act for promoting medical science in the state of New-York," passed March 12th, 1810; and that the said appraisers shall, as soon as conveniently may be, make a return in writing of such appraisement under their hands, or under the hands of any three of them, sworn to before the mayor, recorder or one of the aldermen of the said city, into the office of the secretary of this state.

Ordered, that the secretary transmit a copy of the preceding resolution to each of the said appraisers.

A true copy of the minutes of the 25th of April, 1810.

DANIEL HALE, *Secretary.*

Believing that the annual quit rent reserved by the corporation upon the lands sold by them, in the vicinity of the city, might create some embarrassment with the appraisers in estimating the value of the botanic garden, and might become an impediment to the conveyance of the same to the people of the state, agreeably to the terms of the act requiring the property to be free from every incumbrance, I addressed the following letter to the mayor, aldermen and commonalty, soliciting a release of the rent reserved by them upon the botanic garden.

*New-York, May 7th, 1810.*

SIR,

Some time since I had the honour to address an application to the common council, respecting the quit rent on the ground I purchased from the corporation, and now occupied as a botanic garden.

Agreeably to the act of the legislature passed at the last session, that property is now to be appraised and will probably be conveyed to the state; but the act requiring that it should be conveyed free from all incumbrances, I beg leave to recal the attention of the board to the subject of my former application. If, in consideration of the nature of the establishment, being devoted to the benefit of the medical schools of this city, the additional value which it has given to public property in the neighbourhood, or the sacrifice I make in conveying to the state, without remuneration, the valuable collection of plants belonging to the institution, the corporation should be induced to remit to me the quit rent, I should feel it as an additional favour to those I have

already experienced from the board: should that, however, not meet their views, and that they consent to commute the rent, I should be greatly obliged by their determining, as early as possible, the commutation they may suppose it proper for me to pay, as it will facilitate the duties of the appraisers, and enable me, without delay, to comply with the requisitions of the act on that subject.

I am, Sir, respectfully,  
Your humble servant,  
DAVID HOSACK.

The Hon. the Mayor.

#### PROCEEDINGS OF THE CORPORATION.

*In Common Council, May 7th, 1810.*

A petition of David Hosack, respecting the quit rent, reserved on his lands at the botanic garden, was received and referred to a committee consisting of aldermen Mesier, Bingham, and Roosevelt.

*In Common Council, May 21st, 1810.*

The committee, to whom was referred the petition of David Hosack, reported, "that they find the quit rent reserved on the ground, occupied as a botanic garden, amounts to sixteen bushels of wheat per annum, and that at an average of one dollar and twenty-five cents per bushel, it will require a capital of two hundred and eighty-five dollars and seventy-one cents to yield an equal revenue.

Your committee, however, considering the smallness of the sum, and feeling disposed to co-operate with the legislature, in their laudable and generous views of devoting this institution to the benefit of the medical schools of this city, and also to remunerate, as far as practicable, the patriotic contributions of time, talents and labour, which Dr. Hosack has so unceasingly bestowed upon this object, recommend, that the quit rent, reserved in the botanic garden be remitted or released, so as to enable Dr. Hosack to comply with the act of the legislature, which requires a conveyance of the same should be made free from incumbrance. All which is submitted.

(Signed)

PETER MESIER,  
JOHN BINGHAM,  
JAMES ROOSEVELT.

Whereupon it was moved, that the quit rent be released to him on paying an equivalent therefor, which was agreed to. It was then moved, that the sum to be paid therefor be four hundred dollars. On the question to agree to the same, a division having been called thereon, it passed in the negative.—Nays 9.—Ayes 7.

It was then moved, that the sum to be paid be two hundred and eighty-five dollars and seventy-one cents, which was carried in the affirmative.—Ayes 10.—Nays 6.

Having paid the above sum to the corporation, the release of the quit rent was accordingly executed.

#### REPORT OF THE APPRAISERS.

*New-York, 5th June, 1810.*

We, the subscribers, having viewed the botanic garden belonging to David Hosack, commonly called Elgin, with the appurtenances, situate in the ninth ward of the city of New-York, containing, according to a survey thereof upon oath, nineteen acres, three roods and thirty-eight perches. And taking into

consideration the delay of payment resulting from the mode adopted by the legislature, (which we consider as equivalent, upon an average, to a delay of five years and a half,) do estimate and value the same garden, with the appurtenances, exclusive of the trees, shrubs, and plants in and upon the same, under the above circumstances, at one hundred and three thousand one hundred and thirty seven dollars.

(Signed)

M. CLARKSON,  
RICHD. VARICK,  
RICHD. HARISON,  
M. WILLETT,  
ARTHUR SMITH.

City of New-York, ss.

Be it remembered, that on the 5th day of June, in the year of our Lord one thousand eight hundred and ten, before me Josiah Ogden Hoffman, recorder of the city of New-York, personally appeared the within named Matthew Clarkson, Richard Varick, Richard Harison, Marinus Willett and Arthur Smith, who being duly sworn, deposed and said, that the within appraisement and valuation is just and true to the best of their knowledge, information and belief in every respect, as the same is within contained.

JOS. OGDEN HOFFMAN.

State of New-York, Secretary's Office.

I certify the preceding to be a true copy of an appraisement of the botanic garden, commonly called Elgin.

DANIEL HALE, *Secretary.*

*Albany, September 4th, 1810.*

As doubts have been expressed in some of the public prints of the correctness of the preceding valuation, I consider it not improper to state, that the appraisers were occupied nearly six weeks in obtaining information of the value of land in the vicinity of the garden, and in making up their estimates of the property itself. By the following account of actual sales made about the same time, and estimates which were received by the appraisers as well as by myself, from different gentlemen, who were supposed to be best acquainted with the value of land in the neighbourhood of the city of New-York, it will appear that the above valuation, presented to the land office, was less than any of those that are subjoined.

*New-York, January 30th, 1810.*

Dear Sir,

In reply to your note of the 26th inst. requesting my opinion of the value per acre of your ground or garden; was I in want of such a piece of ground, I should think it a good purchase at 2250 dollars, and not a bad one at 2500 dollars. In a few years, I have no doubt, it will be worth much more.

Respectfully your's,

Dr. Hosack.

A. HAMMOND.

*New-York, 4th May, 1810.*

Sir—When you asked me the other day what I deemed to be the real selling price of land about Bloomingdale, I presumed that you wished to have materials, by which the real value of your garden per acre might be estimated, or

rather, the value of those lands before they were improved as at present: Recollecting that Charles Smith sold some lands, two or three years ago, to Mr. Emmet the attorney, and Mr. William Adamson, I presumed that the cases were perfectly in point, because the sales were recent; because the lands he sold join your garden to the westward, and because neither of the purchasers are supposed to trifle with their cash; they both purchased in speculation. The chief difference between Smith's land, and the land on which your garden is founded is, that the land he sold is much lower, being surrounded by higher ground, and part of it is greatly incommoded by large rocks.

I saw one of the title deeds last evening, by which it appears, that Charles Smith received 3000 dollars, in cash, for one acre, two roods, five poles and eighty square links of land, that is to say, 2000 dollars per acre, except that five poles are added to the acre and a half. When we consider the different situations of the soil, your lands being in general higher than Smith's, and commanding a better prospect, and that your lands at present are highly cultivated, we are in some measure prepared for determining their value by late actual sales.

I am your obedient servant,

HUGH WILLIAMSON.

Doctor D. Hosack.

*New-York, May 3d, 1810.*

Dear Sir,

In reply to your request, I have to inform you that I purchased a square acre of land of Casper Simlar, lying on the Bloomingdale road, adjoining the United States Arsenal, some years since, and gave him 5000 dollars per acre. This lot, I believe, is about a mile south of your botanic garden.

I am, respectfully, your obedient servant,

Doctor David Hosack.

THEODORUS BAILEY.

Dear Sir,

*New-York, January 29th, 1810.*

I cannot better answer your query respecting the value of your ground at Elgin, than by referring you to the sales made by the corporation, while I was comptroller, of their lands at the five mile stone, called Hamilton square. In 1807, they sold about twelve acres, in half acre lots; some of the lots sold from 1200 to 1650 dollars per lot. There was a quit rent reserved upon each lot, of twenty bushels of wheat; and the average price, including the quit reserved, was 2750 dollars per acre.

I will add, that I have frequently heard the value of your grounds spoken of, and it has been generally allowed that they were, improved as the ground is, worth 2500 dollars per acre.

I am, Sir, with esteem, your's,

Doctor D. Hosack.

J. MORTON.

*New-York, May 3d, 1810.*

Dear Sir,

At your request, I have examined the corporation sales of the lots at Inkleburgh, and find that Mr. Patrick M'Kay gave for lot No. 2, 1850 dollars. As this was a half acre lot, and as there was a reservation on it of twenty bushels of wheat per annum, it brings that lot (estimating wheat at 12s. per bushel) at the rate of 4700 dollars per acre. Mr. M'Kay also bought, at same sales, lots No. 52 and 53, each half acre lots, and having the same quit rent reserved, for which he gave 1720, and 1620 dollars. The average price of those three lots per acre, was (including the value of the quit rent) 4460 dollars.

I am, with regard, your's,

Doctor David Hosack.

J. MORTON.

*Kip's Bay, May 4th, 1810.*

Sir,

Agreeable to your request, I have spoken to my brother, and we have judged that your property, known by the botanic garden, is worth 3000 dollars per acre. Much of our (on Kip's Bay) property is worth more, as it has brought more both at auction and at private sale.

We are Sir, your most obedient servants,

Doctor David Hosack.

SAML. KIP.  
CORNS. KIP.

*New-York, June 4th, 1810.*

Sir,

Agreeable to your request, we have taken into consideration the value of your land near the four mile stone, and are of opinion that it is worth 3000 dollars per acre, independent of the buildings.

Doctor David Hosack.

JOHN R. MURRAY.  
WILLIAM OGDEN.

*New-York, May 24th, 1810.*

Dear Sir,

In conversation with you relative to the value of the botanic garden of Dr. Hosack, I expressed the opinion, that the land, exclusive of any improvements, was worth twenty-five hundred dollars per acre. Since that conversation I have visited the property, and found it in a high state of cultivation; I am therefore satisfied that the land, independent of the improvements, is worth at least twenty-five hundred dollars per acre, if not more.

I am, Sir, respectfully your's,

Richard Varick, Esq.

FRANCIS B. WINTHROP.

Two other estimates were also submitted to the appraisers, viz. one by Mr. William Bridges, a city surveyor, valuing the land at 2500 dollars per acre; and another by Mr. Charles Loss, another city surveyor, estimating it, under oath, at 3000 dollars per acre; but as their estimates accompanied the surveys of the property, which were deposited with the conveyances in the office of the secretary of state, copies of them could not be procured in time for this publication.

*Estimate of the Buildings at the Botanic Garden.*

We, the subscribers, builders, and residents of the city of New-York, at the request of doctor David Hosack, have valued the improvements on his land, near the four mile stone, called the botanic garden, to wit: the hot bed frames, the conservatory or green house, and its appendages, the dwelling house, the hot houses and their back buildings, the lodges, the gates and the fences around the land, including the wells, at the sum of twenty-nine thousand three hundred dollars. \$29,300.

JOSEPH NEWTON.  
ARTHUR SMITH.  
JOHN E. WEST.  
TIMOTHY B. CRANE.

*New-York, January 16th, 1810.*

City of New-York, ss.

Appeared before me in January, 1810, the above named Joseph Newton, Arthur Smith, John E. West, and Timothy B. Crane, and being severally

sworn, did depose and say, that the contents of the above appraisement, signed by them, are just and true.

DE WITT CLINTON.

SUBSEQUENT PROCEEDINGS OF THE LAND OFFICE.

*Secretary's Office of the State of New-York, Albany,  
September 4th, 1810.*

GENTLEMEN,

The commissioners of the land office have enjoined it upon me to transmit to you a certified copy of your appraisement of Dr. Hosack's botanic garden, with a request that you will be so obliging as to indorse thereon, a designation of the value at which you appraised the garden, exclusive of any allowance for the delay of payment.

With much respect,

Your very humble servant.

DANIEL HALE, *Secretary.*

MATTHEW CLARKSON,  
RICHARD VARICK,  
RICHARD HARISON,  
MARINUS WILLETT, and  
ARTHUR SMITH, Esquires.

*Reply of the appraisers.*

Exclusive of any allowance for the delay of payment, we estimated the garden, (including stone fence,) at 2,500 dollars per acre, making	
in all	\$49,968 75
And we estimated the buildings, without the stone fence, (included as above,)	24,300 00
	<hr/>
	\$74,268 75

The whole at seventy four thousand two hundred and sixty-eight dollars and seventy-five cents.

M. CLARKSON,  
RICHD. VARICK,  
RICHD. HARISON,  
M. WILLETT,  
ARTHUR SMITH.

24th September, 1810.

Upon the receipt of the foregoing reply from the appraisers, designating the value of the property, exclusive of any allowance being made for the delay of payment, considered by them as equivalent upon an average to five and a half years, (see the appraisement, p. 42,) the following resolutions were adopted by the land office, and communicated to me by the secretary of state.

*Secretary's Office, State of New-York,  
October 9th, 1810.*

Sir,

Agreeably to the directions of the commissioners of the land office, have the honour to transmit to you a copy of their proceedings, on the subject of the botanic garden.

I am respectfully, sir,

Your humble servant,

Doctor David Hosack.

DANIEL HALE, *Secretary.*

At a Meeting of the Commissioners of the Land Office, held at the Secretary's Office, the 8th day of October, 1810,

PRESENT—DANIEL D. TOMPKINS, Governor  
 DANIEL HALE, Secretary.  
 ABRAHAM G. LANSING, Treasurer.  
 ARCHIBALD M'INTYRE, Comptroller.  
 SIMEON DE WITT, Surveyor General.  
 ABRAHAM VAN VECHTEN, Attorney General.

The secretary laid before the board a communication in writing, received from the appraisers of the botanic garden, near the city of New-York, called Elgin, made pursuant to a resolution of this board, of the 1st September last, in the words and figures following, to wit:

Exclusive of any allowance for the delay of payment, we estimate the garden, (including stone fence,) at 2,500 dollars per acre, making in all	\$49,968 75
And we estimate the buildings, without the stone fence, (included as above)	\$24,800 00
	\$74,268 75

The whole at seventy four thousand two hundred and sixty-eight dollars and seventy-five cents.

M. CLARKSON,  
 RICHARD VARICK,  
 RICHARD HARISON.  
 M. WILLETT,  
 ARTHUR SMITH.

24th September, 1810.

Resolved, That the commissioners of the land office, in pursuance of the directions of the act, entitled, "An act for promoting medical science in the state of New-York," hereby offer to doctor David Hosack, for the purchase of the lands comprising the botanic garden, commonly called Elgin, with the appurtenances, near the city of New-York, the sum of seventy-four thousand two hundred and sixty-eight dollars and seventy-five cents, (being the appraised value of the said garden,) payable in the manner provided for by the said act.

And in case the said offer shall be accepted by the said David Hosack, and his acceptance signified to the district attorney, mentioned in the said act,

Resolved, That the said district attorney be, and is hereby requested to examine the title of the said David Hosack to the said lands, and ascertain whether the said lands are subject to any and what incumbrances, or reservations, and that he report thereon to the commissioners of the land office, according to the directions of the act aforesaid, with all convenient speed.

Resolved, That the secretary transmit copies of the foregoing resolutions to Doctor Hosack, and the district attorney of the district which includes the city and county of New-York.

*State of New-York, Secretary's Office.*

I certify the preceding to be a true extract from the minutes of the proceedings of the commissioners of the land office.

DANIEL HALE, Secretary.

Albany, October 9th, 1810.

I do not hesitate here to acknowledge, with all due deference to the honourable the members of the land office, that the above deduction made by that board, from the appraisement pre-



sented to them by the commissioners, was to me unexpected. When I recollected, too, that the appraisement had been made by gentlemen of the highest respectability, distinguished for their correct judgment, information and integrity, exclusively selected and appointed by the land office, and that their valuation had been made upon the most mature inquiry and deliberation, and sanctioned by the solemnity of an oath, I confess, although the act only enjoins a "fair and equitable valuation," and makes no provision on account of the delay of payment, I was surprised that the board should have so construed the act as to have considered it necessary to make any deduction from the appraisement of the commissioners. But confident that the legislature would consider the time and manner of payment as constituting an essential ingredient in every valuation of property, I did not hesitate to signify my acceptance of the terms proposed by the land office. The engagements, too, into which I had been led by the expenses of that establishment, did not leave me at liberty to decline their offer. I accordingly addressed the following acceptance to the district attorney :

*New-York, October 12th, 1810.*

To Cadwallader D. Colden, Esq. District Attorney, of the District including the city and county of New-York.

Sir,

I hereby signify to you my acceptance of the offer conveyed in the foregoing resolution of the land office.

DAVID HOSACK.

On the 21st of the same month, I received the following communication from Mr. Colden relative to my title to the property.

*October 21st, 1810.*

Dear Sir,

The law under which the commissioners of the land office have referred to me, the affair of the botanic garden, makes it my duty to examine your title to the "lands comprising the botanic garden, commonly called Elgin," and if I shall find the title perfect, and the lands free from all incumbrance, I am to receive a deed from you to the people of the state. I have no hesitation in saying, that the title you have exhibited to me, is perfect as to all the lands conveyed to you by the corporation. But I find that in the garden, and making part of it, are certain portions of land which are described in your deed from the corporation, and on the map therein referred to as laid out for streets. To these streets your deed does not give you a title, whatever may have been the view of the gentlemen who appraised this property, whether they took into consideration this circumstance or not, and although I believe that the lands are more valuable with streets running through them than they would otherwise be; yet the act in question does not leave me at liberty to make any other inquiry, than whether you can convey a good title to all the lands within the lines of the garden. And this, I think, you cannot do, until you have obtained a grant of the streets.

Probably the corporation, considering the public advantage that the garden would be when in the hands of the state, how long it will be before it can be

necessary to open streets in that quarter, and that when opened they would enhance the value of the lands to the state, might be induced to make you a grant of the reserved lands to enable you to make to the state a complete title to the whole garden.

The moment this is done, it will give me great pleasure to execute the duty which the law requires of me.

I am, dear sir, with great respect and esteem,

Your obedient humble servant.

CADWALLADER D. COLDEN.

Upon the receipt of this letter, I immediately preferred the succeeding memorial to the corporation.

*To the Honourable the Mayor, Aldermen, and Members of the Common Council.*

Gentlemen,

Agreeably to the act passed at the last session of the legislature, for the purchase of the botanic garden, the commissioners of the land office have caused an appraisement of that property to be made by five of our most respectable citizens. I have also signified my acceptance of the offer which has been subsequently made to me by that board. It now becomes the duty of the district attorney to examine my title to the lands comprising the garden, and if the title be found perfect, and the property free from all incumbrances, to receive from me a deed of the same to the people of the state. Mr. Colden has accordingly made the necessary inquiries, but finding, as he observes in the inclosed letter, some portions of the land reserved for the purpose of streets, he informs me, that in that particular, my conveyance would be incomplete, and that, unless I am enabled to convey to the state, the whole of the land comprised in the garden, he cannot comply with the requisitions of the act, by accepting my deed; in which case, the objects of the act will at last be wholly defeated and lost.

I therefore beg leave to call the attention of your honourable body, to the embarrassment under which I labour, at the same time soliciting from you, a grant of the reserved lands, to enable me to make to the state a complete title to the garden.

As this property is to be conveyed to the state, for the purpose of perpetuating it as a public institution, and which, I trust, will advance the interests of learning in our country, and particularly in this city, I cannot but indulge the hope, that you will be again induced to extend your liberal patronage to this institution, by enabling me to comply with the conditions which are made necessary by the act passed for the purchase of the same.

I am, gentleman, very respectfully,

Your obliged, &c.

DAVID HOSACK.

*New-York, October 22d, 1810.*

#### PROCEEDINGS OF THE CORPORATION.

*In Common Council, October 22d, 1810.*

A memorial of Dr. David Hosack was received, stating, that an appraisement having been made agreeably to a late act of the legislature of the botanic garden, for the purchase of the same, for and on account of the state, and having exhibited his title to the district-attorney, he had represented, that in the deed from the corporation for those grounds, certain reservations had been made for the purpose of streets, by which reservation, in the opinion of the said attorney, the memorialist could not make out a perfect title for those

grounds to the state. As, therefore, this purchase, on the part of the state, was made for valuable public purposes, the memorialist solicited the board to make a grant to him of these reservations, to enable him to make a perfect title to the state. Ordered, That the same be referred to Mr. Hawes, Alderman Carpenter and Mr. Hogland.

*In Common Council, December 10th, 1810.*

The committee, to whom was referred the memorial of Doctor Hosack, on the subject of the botanic garden, and the streets reserved therein, reported,

That they have given the subject that consideration, which its high importance seems to require.

That after the opinion so fully expressed of the importance of Dr. Hosack's botanic garden, not only to the students and professors of medicine; but also of its great public utility, in the memorial of the medical society of the city and county of New-York, to the legislature of the state; after the resolution of the common council of the 15th of January last; the resolution of the governors of the hospital; the recommendation contained in a certificate signed by a large number of gentleman, eminent in their respective professions, for liberality of sentiment and literary acquirement; the memorial of the students attending the medical schools in the city of New-York, all concurring in opinion with the medical society, of the important benefits resulting to the medical profession in particular, and to the cause of science in general, from the said establishment; and all uniting in their prayer to the legislature, that the said botanic garden should be purchased by the state; and after the report of a committee of the senate to whom the before mentioned memorials were referred, fully recognising the extensive benefits of a botanic garden, and unanimously recommending, that the one established by Dr. Hosack should be purchased by the state; but, above all, after the act of the legislature, making provision by law for the purchase of the same, your committee conceive it would be arrogance in them for a moment to doubt of the extensive importance of a botanic establishment, or of the propriety of its being purchased and owned by the state. The committee beg leave further to report, that the grounds now inclosed and improved as a botanic garden, consist of four lots, which were sold by the corporation to Dr. Hosack, with a reservation for four streets, to be opened at such future time as the corporation shall think proper; three of which streets, when opened, will intersect the said garden in a south easterly, and north westerly direction, and one of the said streets is on the south westerly side of the said garden.

By the act of the legislature, passed at the last session, for the purchase of the botanic garden, Dr. Hosack was required, as a condition of the purchase, to execute a perfect title for the same to the state, free of all incumbrances.

The district attorney, who was directed by the commissioners of the land office to examine into the title, considering the reservation of the said streets as an incumbrance, declined accepting a deed from Dr. Hosack, unless he obtained a grant of the said streets from the corporation. Under these circumstances Dr. Hosack petitions the corporation to relieve him from this embarrassing situation, by releasing to him their title to the grounds reserved for streets, and thereby enabling him to perfect the title to the state of the whole botanic garden.

From this brief statement it seems, and the committee are truly apprehensive, that unless the corporation should release to Dr. Hosack the grounds reserved for streets, as above mentioned, the whole object of the legislature, in the purchase of the botanic garden, will be defeated, and as the establishment is too weighty for any individual to bear, Dr. Hosack will be driven to the necessity of exposing the same to sale at public auction, and his valuable collection of plants will be purchased by some rival establishment, and transferred to some of our sister states. The committee are not sensible, that a dif-

ference of opinion exists as to the course which the corporation ought to pursue upon this occasion; and that many objections, more plausible than solid, are urged against releasing their title to the ground reserved for streets: but the committee are of opinion, that so long as the said grounds are continued as a botanic garden, or as an open square for any other public use, the streets intersecting the same will not be required to be opened; and that so far from diminishing the value of the adjacent lots, their value will be increased thereby. And that should the legislature hereafter think proper, which is not very probable, to dispose of the same to private individuals, for building lots, it would be for their interest first to lay open the said streets.

To meet the possibility of such an event, Dr. Hosack has procured from sundry persons, owning lots adjacent to, and in the vicinity of the botanic garden, a certificate expressing "their assent to a cession by the corporation, of the grounds reserved for streets, as far as they may be concerned, believing that the institution would prove a benefit to the city and the community at large," which certificate\* accompanies this report, and is signed, as the committee are informed, by all the persons, except one, owning property adjoining the garden on the east and west sides.

The only remaining objection to the ground reserved for streets, relates to the street on the south westerly side of the garden, and is inclosed within the same.

Your committee understand, that the lot of land, adjoining the botanic garden on the south westerly side is owned by the corporation; but is subject to a lease, now belonging to the heirs or executors of Caspar Samler. In process of time it may be necessary to open a street on that side of the garden, and should the corporation release their right to the street reserved on that side of the garden, it would be necessary in such case, for the corporation either to purchase the same of the state, or to lay out a street upon their own lands, adjacent to the garden. To provide for such an event, and to indemnify the corporation against any loss that might arrive therefrom, your committee suggest the following propositions for their consideration, viz:

1st. That Dr. Hosack purchase from the corporation, the ground reserved for a street, on the south westerly side of the garden, at the price per acre, or lesser quantity, at which the same was valued and estimated to him by the appraisers, appointed under the act of the legislature, payable out of the proceeds of the lottery granted for the purchase of the botanic garden, at the time when the same shall be drawn; or 2d. That Dr. Hosack convey to the corporation the same quantity of land in the vicinity of the garden, of equal value, in exchange for the said street.

In either of these ways your committee are of opinion, that neither the public, nor any individual, would be injured by a cession of said street.

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\* CERTIFICATE.

We, the subscribers, proprietors of land adjacent to, and in the vicinity of the Botanic garden, being informed that the corporation have expressed some hesitation to cede to the state the land which has been reserved in the said garden for the purpose of streets, lest it might injure the rights of individuals in the neighbourhood, hereby signify our assent to such cession, as far as we may be concerned, believing that the institution in question will prove a benefit to the city, and to the community at large.

CHARLES MEEVERS.	THOMAS BUCHANAN.
ROBERT LYLURN.	WILLIAM ADAMSON.
ANDREW MORRIS.	GEORGE DEPEYSTER.
THOMAS ADDIS EMMETT.	CHARLES SMITH.

November 3, 1810.

On the whole, your committee have been a little embarrassed, in coming to a decision on the subject, and they have taken the liberty to exhibit to the corporation, at some length, the lights in which they have viewed it. The immense importance of a botanic garden; the liberal sum granted by the state, for the purchase of one within this city; and the strong probability, that if this fails, many years will elapse before another will be attempted, are considerations, which the corporation ought well to weigh, before they come to such a resolution on the subject, as may result in the entire destruction of the establishment.

(Signed)

PETER HAWES,  
THOMAS CARPENTER,  
WILLIAM HIGHLAND.

Whereupon ordered, That the consideration of said report be postponed.

*In Common Council, December 24th, 1811.*

The board proceeded to take into consideration the report of the committee, and the papers respecting doctor Hosack's botanic garden.

The following resolution was moved by his honour the recorder :

Resolved, That the memorial of doctor David Hosack be agreed to, and that a grant and release be made to him accordingly, in trust, that he convey the said lots so to be granted, to the state; *Provided*, That in exchange for the land so to be granted, he convey to the mayor, aldermen, and commonalty of the city of New-York, lot No. 84. containing five acres more or less, as designated on the map of the common lands, represented now to be held by the said doctor Hosack thereto, and to report proper conveyances to this board.

The question being taken, was carried in the affirmative, and his honour the recorder, and the committee on laws and ordinances, were appointed the committee to carry the same into effect.

*In Common Council, December 31st, 1810.*

The recorder, from the committee appointed at the last meeting of the board, on the subject of doctor David Hosack's botanic garden, reported a conveyance from him for lot No. 84. to the corporation, which was accepted, and ordered to be delivered to the comptroller.

The committee also presented an engrossed deed from the mayor, aldermen and commonalty, to David Hosack, which was accepted, and directed to be executed accordingly.

I certify, that the above is a true copy from the minutes,

For J. Morton, Clerk.

JAMES HARDIE.

Having conveyed to the corporation the above mentioned lot No. 84, consisting of five acres of land, which I possessed, about four hundred yards north of the garden, and having received from that board a deed conveying to me the streets that had been reserved in the botanic garden, I, in conformity with the conditions of the act, executed a deed of the whole property to the people of the state, which was accepted by the district attorney. Whereupon he made the following report to the land office :

*Report of the District Attorney.*

I, the subscriber, district attorney for the district in which the city and county of New-York is situate, to whom has been referred certain resolutions, passed at a meeting of the commissioners of the land office, held at the secretary's office, on the 8th day of October, 1810; pursuant to the said resolutions, do report, that David Hosack, named in the said resolutions, has accepted the offer thereby made, and that he has signified to me his said acceptance, by a declaration to that effect, written on the copy of the said resolutions, which was transmitted to me by the secretary of state; which said copy, with the said acceptance of the said David Hosack thereon written, is hereunto annexed.

I further report, that I have examined the title of the said David Hosack to the lands referred to in the said resolutions, and that, upon such examination, I have found the title of the said David Hosack to the said lands to be perfect, and without any incumbrances or reservations which can prevent his conveying the same to the people of this state, free and clear of all incumbrances and reservations whatsoever. And that I have, therefore, pursuant to the act of the legislature of the state of New-York, referred to in the said resolutions, accepted a deed for the said lands, from the said David Hosack, to the people of the state of New-York, by which deed, all the trees, plants and shrubs on the said land are also conveyed,\* upon which deed, I have indorsed such a certificate as the said act requires, which said deed, with the said certificate indorsed thereon, I now, pursuant to the said act, transmit to the secretary of state.

All which is respectfully submitted.

CADWALLADER D. COLDEN.

## \* VALUE OF THE PLANTS.

*Valuation made by John Hastings, Frederick Pursh, and John Brown.*

*New-York, January 24th, 1810.*

We, the subscribers, in committee assembled, for the valuation of the plants, trees, and shrubs, including garden tools and utensils, necessary for the cultivation of the same, as appertaining to the green house, hot houses, and grounds of the botanic garden, at Elgin, after a very particular inventory and examination of the improvements, are unanimously agreed, that, to the best of our knowledge and ability, we consider them to be worth the sum of *twelve thousand six hundred and thirty-five dollars and seventy-four and a half cents.*

JOHN HASTINGS, Nursery-man, Brooklyn, L. I.

FREDERICK PURSH, Botanist.

JOHN BROWN, Nursery-man.

City of New-York, ss.

The above named persons appeared before me this 24th January, 1810, and severally made oath, that the contents of the above paper signed by them, are just and true.

DE WITT CLINTON.

*Valuation by Andrew Gentle, Botanist and Seedsman.*

*New-York, January 22d, 1810.*

Dr. Hosack,

Sir—The sum of *fourteen thousand three hundred and eighty dollars and*

The above report having been accepted by the land office, at their meeting held January 11th, 1811, and the deed of the botanic garden, having been received at the office of the secretary of state to be recorded, copies of the following notice were issued to the managers of the lottery named in the act.

*Secretary's Office, Albany, January 14th, 1811.*

Gentlemen,

In pursuance of the act, entitled, "An act for promoting medical science in the state of New-York," passed March 12th, 1810; I do hereby notify you, that I have received in the office of the secretary of this state, from Cadwallader D. Colden, Esq. attorney of the district, in which the city and county of New-York is situated, a deed for the lands, comprising the botanic garden, commonly called Elgin, with the appurtenances, near the said city of New-York, to the people of the state of New-York, executed and acknowledged by David Hosack, and his wife, bearing date the third day of January, in the year one thousand eight hundred and eleven, with a certificate of the said attorney, indorsed and subscribed on the said deed, in the words following, to wit: "State of New-York, ss. I certify, that I approve of the within deed; that I have examined the title of the within named David Hosack to the land, by the said deed conveyed, and, upon such examination, I have found the said title to be such, that the said David Hosack conveys, by the said deed, to the people of this state, a perfect title to the said lands, free from all incumbrances whatsoever. Dated this fourth day of January, one thousand eight hundred and eleven. Cadwallader D. Colden." And I do further notify you, in pursuance of the said act, that the amount of the consideration expressed in the said deed, is seventy-four thousand two hundred and sixty-eight dollars, and seventy-five cents.

DANIEL HALE, Secretary.

To Samuel L. Mitchill, John L. Broome,  
Benjamin De Witt, Moss Kent, and  
Jeremiah Johnson, Esqrs Managers  
of the Lottery mentioned in the above  
recited act. }

From the preceding documents, the reader will be enabled to form some opinion of the many difficulties I have had to encounter in the establishment of the botanic garden. It will also be perceived, that as an useful and necessary institution, it has been sanctioned by the approbation, not only of the medical

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*fifty-nine cents*, is, I believe, to the best of my judgment, the value of your indigenous and exotic plants, tools, &c. at Elgin.

I am, Sir, yours, &c.

A. GENTLE.

City of New-York, ss.

Andrew Gentle, within named, deposes, that the above valuation is just and true.

A. GENTLE.

Sworn in January, 1810, before me,

DE WITT CLINTON.

profession throughout the state, but by the learned of every profession, and by many others of our most respectable citizens; that in every instance, when introduced to the notice of the legislature, it has met with a favourable reception, and has always been considered as deserving of legislative provision; that during the discussion which took place, in the last and the preceding years, relative to the purchase of the establishment by the state, the most influential members, both of the senate and assembly, however divided in their political sentiments, united in giving it their decided and liberal support. It will also appear from an examination of the act which was passed, that the purchase of the garden was to be made upon a fair and equitable valuation; that such valuation has accordingly been made by five of our most respectable citizens, chosen by the commissioners of the land office—that the appraisers formed their opinion of the value of the property, not only from their own personal knowledge, but also from the estimates which they received from many other reputable and disinterested individuals; and that, after a due examination of the conditions of the act, they considered the delay of payment as constituting a necessary part of the valuation—that they accordingly formed their estimate of the property, amounting, exclusive of the plants, to the sum of *one hundred and three thousand one hundred and thirty-seven dollars*, which estimate was presented to the commissioners of the land office in June, 1810. It has also been stated, that at a meeting of the commissioners of the land office in September following, the appraisers were called upon to designate the value of the garden, exclusive of any allowance for the delay of payment; and that the appraisers, in reply, stated the value, exclusive of any allowance for the distant period of payment, in other words, the price if paid for in cash at the time of the purchase, at *seventy-four thousand two hundred and eighty-eight dollars and seventy-five cents*—that at a subsequent meeting of the commissioners of the land office, held in the month of October following, they made me an offer of the last mentioned amount—that I acceded to the terms proposed, and immediately contracted with the corporation of the city for a release of the quit rent, and of the streets that had been reserved upon the property; and that, having thus obtained a perfect title, the contract with the state was thereupon completed.

I have already observed, that I was influenced, in my acceptance of the terms proposed, by two considerations: first, that the legislature, in their construction of the terms and spirit of the act that had been passed, would agree with the appraisers in the propriety of including the interest of the purchase money in their valuation, for the period of time to which the payment might be deferred:



secondly, that I accepted the same as a duty to my friends, to whose kindness I had been indebted, and by whose aid I had been enabled to support the establishment. But when the legislature are informed, that independent of the time and attention which I have bestowed on that institution, for nearly ten years, exclusive of the enhanced value of the property since its first purchase, and the additional expenses I have since incurred in obtaining a release of the streets that had been reserved by the corporation, that my disbursements, with the addition of simple interest for five years, have exceeded the sum I am to receive at the time provided by the act, *upwards of twenty-eight thousand dollars*, I feel the fullest confidence that the same liberal views which induced the legislature to make so large and honourable an appropriation for the promotion of science, will also incline them to sanction the appraisement as at first presented to the land office.—To their decision I respectfully submit.

FINIS.



