



New York State Archives

New York State Secretary of State Record of Commissions, Dedimus Potestatem, Supersedeas, Pardons, and Other Executive Actions A1854

New York State Archives
222 Madison Avenue
Albany, NY 12230
archref@nysed.gov
URL: <http://www.archives.nysed.gov/>

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Overview of the Records

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| Repository: | New York State Archives |
| Summary: | The series consists of commissions and discharges issued for all appointive positions as well as pardons issued by the governor. The series was generated by the colonial governor, and after the organization of the state, the council of appointment. The bulk of the series records commissions and appointments; pardons and discharges appear sporadically. |
| Creator: | New York (State). Secretary of State |
| Title: | Record of commissions, dedimus potestatem, supersedeas, pardons, and other executive actions |
| Quantity: | 14.6 cubic feet |
| Quantity: | 33 volumes, 1 parchment document |
| Inclusive Date: | 1769-1827 |
| Series: | A1854 |

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Arrangement

Chronological.

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Administrative History

Early commissions were recorded by the secretary of the Colony of New York. Chapter 12 of the Laws of 1778 appointed the secretary of state the clerk of the Council of Appointment. The 1821 state constitution abolished the council, and its powers were transferred to the governor.

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Scope and Content Note

The series consists of commissions and discharges issued for all appointive positions as well as pardons issued by the governor. Supersedeas is the official discharge of a civil officer from his office. Dedimus potestatem (translated from the Latin as "we give power") is the executive's grant of authority to another author to administer oaths of office. The series was generated by the colonial governor and, after the organization of the state, the council of appointment. The bulk of the series records commissions and appointments; pardons and discharges appear sporadically.

A1854-22: This single document is an original governor's commission to the Supreme Court justices and to county justices of the peace to hold a regular criminal court in a county ("court of oyer and terminer," i.e. "hear and determine"), where all manner of offenses would be inquired into and tried, and persons detained in the county jail would be produced in court for trial ("delivery of the gaol"). One or more of the Supreme Court justices would have sat with a few of the local justices to comprise the bench for trials of felonies and misdemeanors committed in the county. A Supreme Court justices would have presided.

Commission of oyer and terminer and general gaol delivery, signed by New York Governor Henry Moore ("Moore"), attested by the Secretary, George Clarke, Jr. ("Clarke"), dated June 10, 1769. Commission is directed to Daniel Horsmanden, the chief justice, and the four assistant justices (named) of the Supreme Court of Judicature; and to the ten justices of the peace in Dutchess County (named). The commission grants to the named justices legal authority to hold a court of oyer and terminer and general gaol delivery in Dutchess County. Document is endorsed "Dutchess County 1769."

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Related Information

Related Material

B0047Series B0047, Records of supersedeas, contains records of supersedeas dating 1813-1881.

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Other Finding Aids

Available at Repository

Indexes are available for original volume numbers (on spine) 6-17, 20, 22, 24, 25, and 28.

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Use of Records

Access Restrictions

A1854-22: Restricted due to the fragile condition of the material.

Administrative Information

Custodial History

The series originally consisted of 38 volumes dating from 1680 to 1822, but volumes 1, 2, 4, and 5 were destroyed in the 1911 New York State Capitol fire and only fragments of volume 3 (1702-1750) were salvaged. The surviving records were transferred to the State Library in 1925. The series was transferred to the State Archives and accessioned in 1978.

A1854-22: This document was gifted to the New York State Archives by a private individual. All the retained copies of such commissions retained by the provincial secretary were destroyed in the New York capitol fire of 1911. Only pre-fire manuscript and typescript abstracts of such commissions remain as evidence of governors' commissions and appointments in New York's colonial period. The wording of such commissions and appointments was not preserved. This document is generally important because it contains the complete legal wording of a late colonial commission of oyer and terminer. This particular commission has special interest because in the later 1760s Dutchess County was the scene of considerable strife between landlords and tenants, which resulted in numerous criminal trials.

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Access Terms

- Appointing
- Recording commissions
- Public officers
- New York (State)
- New York (State)--Politics and government
- Courts