

New York,
1777.

Be it ordained, That no purchases or contracts for the sale of lands made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with any of the said Indians, within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent, of the Legislature of this State.

1783.

An Act for Indian affairs.

1785.

Whereas, it is necessary that commissioners should be appointed to manage Indian affairs within this State:

Be it therefore enacted by the people of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to appoint three commissioners for Indian affairs within this State, with power and authority to superintend the conduct and affairs of the Indians, and to perform such acts and things respecting them, as from time to time shall be ordered and directed by the Legislature.

And whereas, the Oneida and Tuscarora tribes inhabiting within this State, have been distinguished for their attachment to the cause of America, and have thereby entitled themselves to protection; and the said tribes, by their humble petition, having prayed that their lands may be secured to them by the authority of the Legislature; and it being just that such a settlement should be made of the territorial claims of the said tribes, as will give them reasonable satisfaction and secure their future tranquillity:

Sec. 2. Be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, and they are hereby authorized and required, to examine into and ascertain the claims of the said Oneida and Tuscarora tribes, and to devise such measures, and make and enter into such propositions and agreements, to secure their contentment and tranquillity, as to the said commissioners shall appear just and proper: *Provided, always*, That no proposition or agreement for the purposes aforesaid, shall be deemed to be conclusive, until the same shall be reported to, and ratified by, the Legislature.

1788.

An Act to punish infractions of that article of the Constitution of this State, prohibiting purchases of lands from the Indians, without the authority and consent of the Legislature, and more effectually to provide against intrusions on the unappropriated lands of this State.

Whereas, by the thirty-seventh section of the Constitution of this State, reciting that it is of great importance to the safety of this State, that peace and amity with the Indians within the same be at all times supported and maintained; and that the frauds too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities; it is ordained, that no purchases or contracts for the sale of lands, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which might thereafter be made with, or of the said Indians within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the Legislature of this State. In order, therefore, more effectually to provide against infractions of the Constitution in this respect,

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That if any person shall hereafter, unless under the authority, and with the consent of the Legislature of this State, in any manner or form, or any terms whatsoever, purchase any lands within the limits of this State, or make contracts for the sale of lands within the limits of this State, with any Indian or Indians residing within the limits of this State, every person so purchasing, or so making a contract, shall be deemed to have offended against the people of this State, and shall, on conviction, forfeit one hundred pounds to the people of this State, and shall be further punished by fine and imprisonment, in the discretion of the court.

2. *And be it further enacted by the authority aforesaid*, That every person who shall hereafter give, convey, sell, demise, or otherwise dispose of, or offer to give, convey, sell, demise, or otherwise dispose of any lands within the limits of this State, or any right, interest, part, or share, of or in any lands within the limits of this State, or intrude, or enter on, or take possession of, or settle on any lands within the limits of this State, pretending or claiming any right, title, or interest in such lands, by virtue, under colour, or in consequence of any purchase from, or contract for the sale of lands made with any such Indian or Indians as aforesaid, at any time since the fourteenth day of October, one thousand seven hundred and

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seventy-five, and not under the authority, and with the consent of the Legislature of this State, every such person shall be deemed to have offended against the people of this State, and shall, on conviction, forfeit the sum of one hundred pounds to the people of this State, and be further punished by fine and imprisonment, in the discretion of the court.

3. *And be it further enacted by the authority aforesaid,* That if any persons other than Indians, shall, after the passing of this act, take possession of, or intrude or settle on any of the waste or ungranted lands of this State, lying eastward of the lands ceded by this State to the Commonwealth of Massachusetts, and westward of the line or lines commonly called the Line of Property, agreed on between the Indians and the superintendent of Indian affairs, in the year one thousand seven hundred and sixty-eight, every person so taking possession of, or intruding or settling on any such waste or ungranted lands, within the limits aforesaid, shall be deemed as holding such lands by a foreign title, against the right and sovereignty of the people of this State; and it shall and may be lawful for the person administering the government of this State for the time being, and it is hereby declared to be his duty to remove, or cause to be removed, from time to time, by such means, and in such manner as he shall judge proper, all persons other than Indians, who shall so take possession of, or settle or intrude on any of the waste or ungranted lands of this State, within the limits aforesaid, and to cause the buildings or other improvements of such intruders on such lands, to be destroyed; and for that purpose, in his discretion, to order out any proportion of the militia from any part of this State, and such an occasion to be deemed an emergency, intended in the second section of the act, entitled "An act to regulate the militia," passed the fourth day of April, 1786. And the detachments so from time to time to be ordered out, shall receive the same pay and rations, and be subject to the same rules and regulations, as is provided in the said section of the said act.

4. And for defraying the expenses of paying and subsisting the militia, so from time to time to be ordered out, and of the contingencies to arise in such services, *Be it further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government of this State for the time being, from time to time, by warrant under his hand, to draw from the treasury of this State, such sum and sums of money as he shall deem necessary, not exceeding two thousand pounds: And the treasurer is hereby required, out of any monies he may have in the treasury, forthwith to answer every

such warrant, any other appropriation of the monies in the New York, treasury, except appropriations to private persons in discharge^{1788.} of contracts, notwithstanding. And every person to be appointed or intrusted by the person administering the government, with the expenditure of any of the said monies, shall be responsible to the people of this State for the respective expenditures, and shall account with the auditor of this State accordingly.

1790.

An Act more effectually to protect certain tribes of Indians residing within this State from frauds.

Be it enacted by the people of the State of New York, 1790. represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That no person shall sue, prosecute, or maintain an action arising on a bond, bill, note, promise, or other contract whatsoever, hereafter to be executed or made against any Indian residing on lands reserved to the Oneidas, Onondagas, or Cayugas; and every person who shall sue or prosecute any such Indian contrary to this act, shall be subject to pay treble costs to the party aggrieved: And this act is hereby declared to be a public act: *Provided,* That this act shall not affect any contracts to be made before the first day of July next.

1791.

An Act for the relief of the Indians residing in Brother-town and New Stockbridge.

Be it enacted by the people of the State of New York, re-1791. presented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians residing in Brother-town and New Stockbridge, above the age of twenty-one years, on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, to meet together, and by plurality of votes to choose a clerk, whose business it shall be to preside and keep order at the said meetings, and to enter in a book such of the proceedings of the said meetings as are by this act directed.

2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Indians so assembled, to choose annually a person to be called a marshal, whose

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often as they shall judge necessary, to call a meeting of the said inhabitants, at such time and place as they shall direct, for the purpose of determining on the laying out of the lands for separate improvements, or any other business which they may judge necessary, in pursuance of this act.

8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said inhabitants, at any of their said public meetings, by a majority of votes, to admit any Indian or Indians of any other tribe or nation to become an inhabitant or inhabitants of the said town, to enjoy equal privileges with the other Indians of the same town, the votes respecting the admission of such person or persons, to be first entered in the clerk's book.

9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any inhabitant having lands allotted to him or her as aforesaid, to sell the improvement thereof to any other Indian or Indians, and his or her assigns, being Indians of the said town, which sales shall be entered in the clerk's book of the said town.

10. *And be it further enacted by the authority aforesaid,* That the said peace-makers shall lay out such roads or highways in the said town as a majority of the inhabitants at any of their public meetings shall direct; and to order such of the inhabitants of the said town, and so many of them, from time to time, to work on the roads or highways, and for so many days as shall be directed by a majority as aforesaid at a public meeting.

11. *And be it further enacted by the authority aforesaid,* That any two of the said peace-makers shall be a quorum to transact any business enjoined on them by this act.

12. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said inhabitants of Brother-town, by a majority of votes, to adjourn their annual meetings, from time to time, as they may judge proper.

13. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such justice of the peace of the county of Herkimer, as the inhabitants of New-Stockbridge shall invite, to preside at their first meeting to be held in pursuance of this act.

14. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act for the relief of the Indians residing in Brother-town and New-Stockbridge," so far as the same relates to the said Indians residing in New-Stockbridge, excepting the last clause, be, and the same is repealed.

15. *And be it further enacted by the authority aforesaid,* New York, 1792. That it shall be, and it is hereby made the duty of his excellency the Governor, by such ways and means as he shall judge proper, to remove all such white persons from Brother-town who reside and hold lands there by any lease or leases, or other title from any Indian or Indians, other than such leases as have been or hereafter shall be made in pursuance of the several laws of this State.

16. *And be it further enacted by the authority aforesaid,* That the commissioners of the land office shall give the necessary directions for running out the bounds of Brother-town at the expense of this State.

1801.

An Act relative to Indians.

1. *Be it enacted by the people of the State of New York,* 1801. *represented in Senate and Assembly,* That if any person, without the authority and consent of the Legislature of this State, shall, in any manner or form, or on any terms whatsoever, purchase any lands within this State, of any Indian or Indians residing therein, or make any contract with any Indian or Indians for the sale of any lands within this State, or shall in any manner give, sell, demise, convey, or otherwise dispose of any such lands, or any interest therein, or offer so to do, or shall enter on or take possession of or settle on any such lands, by pretext or colour of any right or interest in the same, in consequence of any such purchase or contract made since the fourteenth day of October, one thousand seven hundred and seventy-five, and not with the authority and consent of the Legislature of this State, every such person shall, in every such case, be deemed guilty of a public offence, and shall, on conviction thereof before any court having cognizance of the same, forfeit and pay to the people of this State two hundred and fifty dollars, and be further punished by fine and imprisonment, at the discretion of the court.

2. *And be it further enacted,* That no person shall sue or maintain any action on any bond, bill, note, promise, or other contract hereafter to be made against any of the Indians called the Stockbridge Indians, nor against any Indian residing in Brother-town, or on any lands reserved to the Oneida, Onondaga, or Cayuga Indians; and every person who shall sue or prosecute any such action against any of the said Indians, shall be liable to pay treble costs to the party grieved: *Provided,*

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That this section shall not extend to any action or suit on any contract made before the first day of July, in the year one thousand seven hundred and ninety.

3. *And be it further enacted*, That if any person shall sell to any Indian belonging to the Oneida, Stockbridge, or Brother-town tribe, any rum, brandy, gin, or other ardent spirits within the counties of Oneida or Chenango, he shall be deemed guilty of a public offence, and on conviction thereof, be fined at the discretion of the court, not exceeding twenty dollars for one offence, and shall also forfeit the sum of five dollars for every such offence, to be recovered in an action of debt with costs in any court having cognizance thereof, by any one who will sue for the same, the one half of which forfeiture to be paid to the prosecutor and the residue to the overseers of the poor for the town in which such recovery shall be had for the use of the said poor; *Provided*, That on the recovery of such forfeiture the offender shall not be liable to any other or further prosecution for the said offence.

4. *And be it further enacted*, That if any person shall sell any rum, brandy, gin or other ardent spirits within the limits of the tract of land owned by the Muhceconnuck or Stockbridge Indians, or within the reservation lands of Oneida or Brothertown Indians, he shall forfeit twenty dollars for every such offence, to be recovered with costs in manner aforesaid, one half thereof to be paid to the prosecutor and the residue to the district attorney of the district within which the said tribes of Indians reside, to be by him paid into the treasury of this state for the use of the tribe of Indians where such offence shall happen.

5. *And be it further enacted*, That no pawn taken of any Indian within this state for any spirituous liquor shall be retained by the person to whom such pawn shall be delivered, but the thing so pawned may be sued for and recovered with costs of suit by the Indian who may have deposited the same, before any court having cognizance thereof.

6. *And be it further enacted*, That it shall be lawful for the comptroller, on the order of the person administering the government of this State, to draw his warrant on the treasurer for the payment of such sums of money as shall from time to time be necessary for incidental charges attending Indian affairs, not exceeding five hundred dollars in any one year; and it shall also be lawful for the person administering the government of this State, to appoint such persons as he shall see fit to provide for and entertain all Indians who may visit the seat of government on any business, and to

order the comptroller to draw his warrant on the treasurer for New York, such sum or sums of money to defray the expense of entertain- 1801.
ing such Indians in favor of such persons as he shall direct, not exceeding in any one year the sum of one thousand dollars.

7. *And be it further enacted*, That all the agreements and stipulations heretofore made by agents appointed on the behalf of this state with the Oneida, Onondaga and Cayuga tribes of Indians, and the Indians called the St. Regis Indians respectively, as contained in certain articles of agreements bearing date respectively on the twenty-seventh and twenty-eighth days of July and the fifteenth day of September, in the year of one thousand seven hundred and ninety-five, and in a treaty made with the said Oneida Indians on the first day of June, in the year one thousand seven hundred and ninety-eight, and in a treaty made with the said St. Regis Indians on the twenty-third day of May, in the year one thousand seven hundred and ninety-six, and which are filed in the office of the secretary of this state, shall be and hereby are ratified and confirmed.

8. *And be it further enacted*, That the treasurer of this state shall annually on the warrant of the comptroller pay to the order of the person administering the government of this state, out of any monies in the treasury, the following sums, to wit: The sum of four thousand eight hundred and sixty-nine dollars and twenty-eight cents for the use of the Oneida tribe of Indians, the further sum of two thousand dollars for the use of the Onondaga tribe of Indians, the further sum of two thousand three hundred dollars for the use of the Cayuga tribe of Indians, and the further sum of fifty dollars for the use of the posterity of the Cayuga chief Fish Carrier, being the annuities to be paid to the said tribes and the posterity of the said Fish Carrier respectively, and in lieu of all former annuities in conformity to the said articles and the said treaty with the Oneida Indians, which said annuities shall be paid on the first day of June in every year at the several places specified in the said articles and treaty for that purpose at the expense of this state, and the person administering the government of this state is hereby authorized to cause the said annuities to be paid in such manner and by such persons as he shall think proper, and as may be most agreeable to the said Indians and the least expensive to this state, and for that purpose he may direct the surveyor-general to perform the service, or make such arrangements or contracts with any other persons relative thereto as he may judge proper; *Provided however*, That such part of each of the said annuities as the person administering the government of this state shall in his discretion

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for that purpose direct, shall be first appropriated to the support of the public school, if any, instituted within the limits assigned to the same tribes respectively, in which Indian children shall be taught, and that the monies so appropriated for the support of public schools within the said Oneida tribe, shall be distributed in such manner as that the several villages of the said Oneida tribe may as near as may be equally enjoy the benefit thereof.

9. *And be it further enacted*, That the tract of land of six miles square confirmed by the Oneida Indians to the Stockbridge Indians by the treaty held at Fort Stanwix, in the year one thousand seven hundred and eighty-eight, shall be called New-Stockbridge, and be and remain to the said Stockbridge Indians and their posterity for ever, but without any power of alienation or right of leasing or disposing of the same or any part thereof.

10. *And be it further enacted*, That it shall be lawful for the male Indians residing in New Stockbridge, and above the age of twenty-one years, on the first Tuesday of May in every year, to meet together in New Stockbridge aforesaid, and by a plurality of votes to elect one clerk, and one person to be called a marshal, and three persons to be called peace-makers; and it shall be the duty of the said clerk to preside at such meetings, and to enter in a book to be by him provided for that purpose, the proceedings of the said meetings, and of the said peace-makers, as by this act directed; and it shall be the duty of the said marshal to execute the orders of the said peace-makers made in pursuance of this act.

11. *And be it further enacted*, That it shall be lawful for the said peace-makers, as often as they shall judge it necessary, to call a special meeting of the said Indians being of the age aforesaid, and residing in New Stockbridge, at such times and places as they shall direct, for any of the purposes directed by this act.

12. *And be it further enacted*, That it shall be lawful for the Indians in New Stockbridge, entitled to vote at such meetings, by a plurality of votes at any of the said meetings, to determine on the laying out of their said lands for separate improvements, and also to make such bye-laws as they shall judge necessary for the improvement of their common lands, laying out and working on highways, regulating fences, and the trespassing of cattle, under such penalties as they shall direct, and not exceeding three dollars for one offence, to be recovered by any of the said Indians who will sue for the same in the manner hereinafter prescribed; and also to admit any Indian of any other tribe or nation to become an inhabitant of New Stockbridge, and to enjoy with them equal privileges therein; but

all the votes respecting the admission of any such Indian, shall be entered in the clerk's book aforesaid. New York,
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13. *And be it further enacted*, That it shall be the duty of the said peace-makers to lay out such parcel or parcels of the said lands in New Stockbridge, as shall be agreed on at any such meeting as aforesaid, for the separate improvement of each person or family of the said Indians, which shall be marked out and described by the said peace-makers, and a description thereof in writing delivered by them to the said clerk, who shall enter the same in the said book; and every parcel of land so allotted to any person, shall be and remain to such person and his legal representatives, but without the power of alienation, except that such person or his representatives may sell the improvement thereof to any other of the Indians residing in New Stockbridge, his or their assigns, which sales shall be entered by the said clerk in the book aforesaid, and every person entitled to and possessed of any such parcel of land, may bring and maintain an action for any trespass committed thereon by any white person, Indian, or any other person.

14. *And be it further enacted*, That all contracts made, or hereafter to be made, by one Indian with another, relative to any undivided land in New Stockbridge, are hereby declared to be void; and it shall be lawful for the said peace-makers to bring actions in their own names, for trespasses committed by any white person, Indian, or any other person, on any of the said undivided lands, in any court having cognizance thereof; and if any white person shall enter upon any of the said lands, whether the same be allotted to any individuals as aforesaid, or remain undivided, and shall cut down any timber, or occupy or improve the same without the consent of the said peace-makers, every such person shall forfeit and pay the sum of twenty-five dollars for every such offence, to be recovered by the said peace-makers in their own names, with costs, in any court having cognizance thereof, and to be paid by them as they shall deem most beneficial to the use of the said Indians.

15. *And be it further enacted*, That it shall be the duty of the said peace-makers to lay out such roads and highways in New Stockbridge, and from time to time to order the inhabitants to work the same, and for so many days as shall be directed by a majority of them at their said meetings.

16. *And be it further enacted*, That it shall be lawful for the said peace-makers, on the complaint of any Indian being an inhabitant of New Stockbridge, against any other inhabitant thereof, for any trespass, debt, or demand, or for any offence whereby any penalty mentioned in the twelfth section of

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this act shall be incurred, to direct the said marshal to cause the parties to be brought before them with their witnesses, and to hear their allegations and proofs, and to determine the matters in controversy as shall appear to them to be just, and thereupon to advise the parties to comply with such determination; and in case the parties, or either of them, shall refuse so to do, the said peace-makers shall commit their determination to writing, and cause the same to be entered in the said book to be kept by the said clerk; and the party in whose favor such determination shall be given, may recover the amount of the sum awarded thereby, as upon a judgment of record in any court having cognizance thereof; *Provided*, That the sum so awarded, shall not exceed twelve dollars and fifty cents.

17. *And be it further enacted*, That the reverend John Serjeant, a missionary to the said Indians, shall have the like remedy for the recovery of any debt or demand against any of the said Indians in New Stockbridge, as such Indians are entitled to have against each other by the preceding section of this act.

18. *And be it further enacted*, That any two of the said peace-makers shall be competent to do and perform every matter and thing which the said peace-makers are authorized to do by this act.

19. *And be it further enacted*, That the tract of land heretofore set apart for the Indians called the New England Indians, consisting of the tribes called the *Mohegan*, *Montock*, *Stonington*, and *Narragansett* Indians, and the *Pequots*, of Groton, and *Nehanticks*, of Farmington, shall be and remain to the said Indians and their posterity, but without any power of alienation by the said Indians, or of leasing or disposing of the same, or any part thereof; and the said tract shall be called *Brothertown*, and shall be deemed part of the town of Paris, in the county of Oneida, for all purposes in the general execution of the laws and the administration of justice in any of the courts of this State, and any proceeding incident thereto, except in cases provided for by this act.

20. *And be it further enacted*, That the lots or parcels of land heretofore set apart in Brothertown, in pursuance of any former law of this State for the separate use of any of the said Indians residing therein, shall continue to be separately held and enjoyed by such Indians, respectively; and it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, as often as may be necessary, to appoint and commission three or more superintendents of the affairs of the Brothertown In-

dians, who shall hold their office during the pleasure of the New York, said council: *Provided*, That the superintendents already appointed, shall continue to hold their respective offices during the pleasure of the said council; and the said superintendents, or the major part of them, on application to them made by or on behalf of any particular Indian, shall have power to determine whether such Indian be entitled to settle on the said lands, and if so, to assign to such Indian, at their discretion, a particular lot or parcel of land for that purpose; and it shall not be lawful for any Indian or Indian family, or other person, to take possession of any part of the said lands, unless the same be assigned as aforesaid; and if any Indian to whom any part of the said lands hath been or shall be assigned as aforesaid, hath neglected or shall neglect to take possession of the same within one year after becoming entitled thereto, or hath left, or shall leave, Brothertown for the space of one year, such Indian shall be deemed to have forfeited all right to the said land, and the said superintendents shall thereupon, at their discretion, assign the same to any other Indian then residing in, and entitled to, land in Brothertown.

21. *And be it further enacted*, That upon the death of any Indian residing in Brothertown, to whom any land hath been or shall be assigned as aforesaid, or who shall be entitled thereto, if such Indian shall die possessed thereof leaving issue, the same shall go to and be equally divided among such issue, if they are all in equal degree of kindred to the deceased; but if such Indian shall leave a child or children, and the issue of a deceased child or children, then such issue shall stand in the place of the parent, and take only such share as the parent would have taken if living, and the like division *per stirpes* shall be made among the descendants of such deceased Indian in the remotest degree; and if such Indian leave no issue, then the said land shall revert to the Brothertown Indians, and the said superintendents shall thereupon assign the same to some other Indian or Indians entitled thereto, as aforesaid: *Provided however*, That the widow of the deceased shall, in all cases, have a right to continue in the house her husband died possessed of, during her widowhood, and the superintendents shall also assign to her so much of the said land of her husband, as they may think necessary.

22. *And be it further enacted*, That the treasurer of this state shall annually, on the first Monday of August in every year, pay out of any monies not otherwise appropriated, on the warrant of the comptroller, and to the order of the person administering the government of this State, the sum of two

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thousand one hundred and sixty dollars and seventy-nine cents, being the amount of the interest of the monies arising from the sales of land of the said Indians in Brothertown, at the rate of six per cent., who shall cause so much thereof as he shall deem necessary for that purpose to be applied to the maintaining a school in Brothertown, for the education of Indian children, and the remainder, after payment of the salary of the attorney hereinafter mentioned, to the use of the Indians resident in Brothertown, as he shall judge most beneficial to them.

23. *And be it further enacted*, That it shall and may be lawful for any of the Indians entitled to, and residing on, lands in Brothertown, and to whom land adjoining the public school has been granted, to sell and convey to the peace-makers of Brothertown so much of their said land adjoining the said public school, as in the judgment of the said peace-makers may be sufficient for the use and accommodation of the master of the said school, for the time being, not exceeding twenty-five acres, for which such Indian or Indians shall be paid by the superintendents out of the annuity of the Brothertown Indians, such sum per acre as shall be agreed on by such Indian or Indians and the said peace-makers, and approved of by the said superintendents; and the said land so to be purchased as aforesaid, shall be held by the said peace-makers and their successors in trust for the sole use and accommodation of such schoolmaster as shall from time to time be employed in keeping the said public school.

Sec. 24. *And be it further enacted*, That it shall be lawful for the person administering the government of this state as often as may be necessary, by and with the advice and consent of the council of appointment, to appoint and commission some proper person, learned in the law, to be the attorney of the said Indians, during the pleasure of the said council, but the person already appointed attorney as aforesaid shall continue in office during the pleasure of the said council, and the said attorney shall, from time to time, advise and direct the said Indians residing in Brothertown, in the controversies among themselves and with any other person, and defend all actions brought against any of them by any white person, and commence and prosecute all such actions for them, or any of them, as he may find necessary or proper; and in the prosecution and defence of any such actions, he shall observe and pursue such advice and directions as shall be given him, if any, by the said superintendents, and shall receive as a compensation for his services and expenses in the premises, the yearly salary

of one hundred and twenty-five dollars, to be paid out of the New York, said interest money. 1801.

25. *And be it further enacted*, That it shall be lawful for any Indian, whether male or female, to whom any of the said lands in Brothertown has been or shall be assigned as aforesaid, or who shall become entitled to the same, to sue and maintain actions of trespass, and to recover damages to his or her own use, for any trespass which shall be committed upon such land.

26. *And be it further enacted*, That it shall be lawful for the said attorney of the Brothertown Indians, to sue and maintain actions of trespass in the name of the Brothertown Indians, for any trespass committed since the first day of October, in the year one thousand seven hundred and ninety-five, or which shall hereafter be committed upon any part of the said land set off for the said Indians, and not assigned to any particular Indian or family; and the damages to be recovered in every such action, after deducting all expenses attending the recovery, shall be paid by the said attorney to the said superintendents, to be by them applied to and for the relief and benefit of the Indians then residing in Brothertown.

27. *And be it further enacted*, That it shall be lawful for the said Indians residing in Brothertown, to cut timber on any part of the said tract set apart for their use, whether the same be assigned to any particular Indian or family, or not, for the purpose of making or repairing highways and bridges within the same tract, and also to cut timber on any part of the said tract not assigned to any particular Indian or family, for the purpose of repairing their buildings and erecting others, but for no other purpose; and if any other person shall, at any time, cut or carry away any timber being upon any part of the said tract set apart for the said Indians, every such person shall be liable to an action of trespass for the same, notwithstanding any sale, lease or license from the said Indians, or any of them; and if any such trespass be committed upon the land assigned to any particular Indian or family, and the person or persons entitled to the same, do not within thirty days thereafter require the said attorney for the Brothertown Indians to commence and prosecute a suit for the same, then the said attorney shall bring an action for the same in the same manner as if the trespass was done on some part of the said tract not assigned to any particular Indian or family; and the declaration in such case, shall charge that the defendant broke and entered the close of the Brothertown Indians, and cut or carried away the trees or timber there growing or being; and no plea or evidence that the place where such trespass was committed, had

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been assigned to any particular Indian or family, nor any license, or release, or agreement of any Indian or Indians, shall be any bar to any such action; and the damages recovered in every such action, shall be applied in the same manner as the damages recovered for trespasses on the parts of the said tract not assigned to any particular Indian or family.

28. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, as often as may be necessary, by and with the advice and consent of the council of appointment, to appoint and commission five of the Indians residing in Brothertown, to be keepers of the peace there, who shall hold their office during the pleasure of the said council: *Provided*, That the keepers of the peace already appointed therein, shall continue to hold their offices during the pleasure of the said council; and the said keepers of the peace shall severally have power to keep the peace in Brothertown, and any three or more of them shall also have power to hold a court at the school-house, or at such other place in Brothertown as they shall appoint, on the first Monday in every month, and in such court to hear and determine all disputes and controversies between any persons residing in Brothertown aforesaid, concerning any debt, demand, or trespass where the sum due or damages sustained, shall not exceed the sum of twelve dollars and fifty cents, and all actions for the recovery of the penalty of any bye-law to be made at any town meeting in Brothertown as hereinafter mentioned; and it shall be lawful for either of the said keepers of the peace, upon complaint made to him, to cause the person complained of to be summoned to appear at the next court to be held at the school-house or other place appointed as aforesaid in Brothertown, to answer the complaint; and the said keepers of the peace, or the major part of them, shall, at such next court or other court to which the cause may be adjourned, hear and examine the allegations and proofs of the parties, and make such order and decree between them as shall appear to them to be just; and if such order and decree be not performed in one month thereafter, shall then cause the sum adjudged or decreed to either party to be levied by distress and sale of the goods and chattels of the party who shall be adjudged or decreed to pay the same, together with such fees as are hereinafter allowed to the marshal for executing the process; but the said keepers of the peace shall not take any fees for their services; and it shall be lawful for the said keepers of the peace to adjourn any cause depending before them to the next court, whenever they shall find it necessary; and if the defendant shall not be

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personally summoned upon the process against him, and shall not appear at the return thereof, a new summons shall be issued; but if he shall have been personally summoned, then the court may, at the return of the summons, proceed to hear and determine the cause whether the defendant appears or not, unless a reasonable excuse shall be offered, in which case they shall adjourn the cause to the next court; and the judgment of the said keepers of the peace, or of the major part of them, who shall attend upon the hearing of any cause, shall be conclusive between the parties.

29. *And be it further enacted*, That if any person shall be convicted of any trespass or offence against any by-law to be made as hereinafter mentioned, before the said keepers of the peace, or any three or more of them, and shall not have sufficient goods or chattels to pay the damages or penalty, the keepers of the peace before whom such conviction shall be had, shall give a certificate thereof, setting forth that the defendant, naming him, is convicted of a trespass or breach of a by-law in Brothertown, and is adjudged to pay a certain sum of money for the same to the plaintiff, mentioning the sum and the plaintiff's name, and that the defendant hath not sufficient goods and chattels in Brothertown to pay the same, and upon producing such certificate to the attorney for the Brothertown Indians, and proving before him that the same was made or given by any three or more of the said keepers of the peace, the said attorney shall issue a warrant, directed to the sheriff of the county and to some or one of the constables of the said county residing near Brothertown, commanding the said constable or constables to take such defendant and convey him to the gaol of the said county, and there deliver him to the said sheriff, and commanding the said sheriff to receive him into the gaol and safely keep him there for the space of thirty days, unless he shall sooner pay the said sum of money, together with the fees for issuing and executing the said warrant, which thirty days shall be computed from the time the defendant shall be delivered to the sheriff or gaoler; and the said sheriff and his deputies, and every constable to whom such warrant shall be directed, are hereby required to execute the same; and all expenses of executing any such warrant, and of supporting any such prisoner in gaol, shall be paid by the said attorney of the Brothertown Indians, and the same shall be repaid to him by the said superintendents, out of the money belonging to the Brothertown Indians.

30. *And be it further enacted*, That it shall be lawful for the male inhabitants of Brothertown, of the age of twenty-one

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years and upwards, and they are hereby required to assemble together and hold town-meetings at the said school-house, on the first Tuesday of April in every year, at which meeting the senior keeper of the peace then present, shall preside, and then and there to elect one town clerk, two overseers of the poor, two marshals, and so many overseers of the highways as the majority of the inhabitants so met, shall think necessary, who shall hold their respective offices for one year, and until others shall be chosen in their places; and if any of the officers so chosen, shall refuse to serve, or shall die or remove out of the town, or become incapable of serving before the next annual town meeting, then, and in every such case another or others shall be elected in his or their places, in the manner aforesaid, at a town meeting to be held for that purpose; and the said inhabitants of Brothertown are hereby authorized, at their annual town meeting, or at any other town meeting to be held for that purpose from time to time, to make and establish such regulations and by-laws as the majority of them so met may think necessary and convenient for the better relief of the poor, and for binding out children whose parents are dead or absent, and for ascertaining what bridges and what part of any highway each of the overseers of the highways shall have the care of, and which of the inhabitants shall be obliged to work on the highway, and how many days each of them shall work thereon, and for ascertaining the sufficiency of fences, and the times, places, and manner of preventing or permitting cattle, horses, sheep, and swine, or any of them to go at large, and for ascertaining damages done by trespasses, and for maintaining good order among themselves, and concerning any other matters relating to their own affairs, and to impose such penalties on the offenders against such regulations and by-laws, or any of them, as the majority of the inhabitants so met shall deem proper, not exceeding five dollars for any one offence, to be recovered with costs by any inhabitant of Brothertown, who shall sue for the same, by action of debt before the said keepers of the peace, or any three of them, the one half of which penalty, when recovered, shall be for the use of the person who shall sue for the same, and he shall pay the other half to the overseers of the poor of Brothertown, to be by them applied to the relief of the poor; and that all such regulations and by-laws shall be entered by the town clerk in a book to be provided for that purpose, and shall continue in force until revoked or altered by some subsequent town meeting; but no special town meeting shall be held for any purpose, unless notice thereof, signed by two or more of

the said keepers of the peace, to be fixed upon the door of the New-York, school-house in Brothertown aforesaid, at least six days before 1801. the day of holding such town meeting.

31. *And be it further enacted*, That the said keepers of the peace shall be commissioners of the highways in Brothertown, and they or the major part of them, shall have power from time to time to alter any highway in Brothertown, and to lay out others as there may be occasion, and to direct how and when the same or any of them or any part thereof shall be made, mended or repaired: *Provided always*, That all highways by them laid out shall be at least four rods wide, and they shall cause a record thereof to be entered by the town clerk of Brothertown, and the said overseers of the highways shall cause the highways and bridges of which they shall be respectively chosen overseers to be repaired and made according to the directions of the said commissioners, and shall warn the inhabitants to work thereon whenever it shall be necessary, and shall superintend and direct the same.

32. *And be it further enacted*, That the marshals to be chosen in Brothertown as aforesaid shall have the like powers and authority there as constables of other towns in this state have by law in their towns, and shall be entitled to twelve and an half cents for serving every summons, and twenty-five cents for serving an execution for any sum not exceeding two dollars and fifty cents, and at the rate of ten cents in the dollar for serving every execution for any sum above two dollars and fifty cents.

33. *And be it further enacted*, That the said superintendents or the major part of them, or the said attorney of the Brothertown Indians if empowered by them for that purpose, shall from time to time settle all disputes and controversies between the Brothertown Indians concerning their said lands, and determine all claims to any of the said lands, and all disputes that may arise concerning the same upon the death of any Indian entitled to any land in Brothertown, and their determination shall be conclusive; and all determinations made by them or the major part of them relating to the said land, shall be entered by the town clerk of Brothertown in a book to be provided for that purpose.

Sec. 34. *And be it further enacted*, That the overseers of the poor of Brothertown, shall be guardians of the persons and property of all infants in the said town who shall not have any parents there to take care of them.

Sec. 35. *And be it further enacted*, That it shall not be lawful for any Indian in Brothertown to sell any spirituous

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liquor without a license from the said superintendents, under the penalty of seven dollars and fifty cents for every such offence, to be recovered before the said keepers of the peace or any three of them, the one half of such penalty shall be to the use of the Indian who shall sue for the same and the other half to the use of the poor of Brothertown.

Sec. 36. *And be it further enacted*, That the said town clerk in Brothertown shall from time to time be supplied by the said superintendents with such books and paper as may be necessary for the execution of the duties enjoined on him by this act, and shall be paid by the said superintendents annually such sum for his services as they shall deem adequate.

Sec. 37. *And be it further enacted*, That it shall be lawful for the male Indians above the age of twenty-one years belonging to the Shinnecock tribe in Suffolk county, to meet together on the first Tuesday of April in every year, at the place for holding town meetings in the town of Southampton, and by plurality of voices annually to elect three persons belonging to the said tribe as trustees, who by and with the consent of three justices of the peace residing next to the lands of the said tribe, are hereby authorized and empowered from time to time, to lease out so much of the said lands as they shall judge proper for the benefit of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said lands to each individual or family of the said tribe as they shall judge proper and necessary for his or their improvement, and also to order and direct on what part of the said lands fire wood and timber may be cut by the said tribe for their use; and it shall be the duty of the clerk of the said town annually to attend and preside at such meeting of the said Indians, and to enter in a book by him to be kept for that purpose the names of the trustees to be chosen as aforesaid, and the proceedings of such trustees and justices; and if any person shall occupy or use any of the said lands without the consent of a majority of the said trustees, and of a majority of such justices first, obtained and entered in the said book, such person shall forfeit the sum of five dollars for every acre so used or occupied, and if any person belonging to the said tribe, shall cut any wood or timber on the said lands, without such order and consent of the said trustees and justices first entered in the said book, such person shall forfeit the sum of ten dollars for each offence, which penalties shall be sued for, and recovered by such justices, in their own names, in any court having cognizance thereof with costs of suit, for the use of the said tribe.

Sec. 38. *And be it further enacted*, That the lands situate New York, in the county of Oneida, and heretofore granted to the secretary, the treasurer and the attorney-general of this state, and their successors in office, in trust for Peter Otsequette and his posterity, shall continue to be held by them in trust as aforesaid, and they shall permit the issue of the said Peter Otsequette who is now deceased, during their natural lives, and as long as any issue shall remain, to occupy and improve for their benefit so much of the said lands, not already let out or leased by them to any other person, as the said trustees shall from time to time think necessary for that purpose; and it shall be lawful for the said trustees from time to time, to let out or lease any part of the said lands which shall be unoccupied or unimproved as aforesaid, to any other persons upon such terms and conditions, and for such time, not exceeding twenty-one years or three lives, as the said trustees may think proper: *Provided however*, That it shall not be lawful for the said trustees to make any lease in reversion of any part of the said lands, and the rent due or to become due upon any such lease already made or hereafter to be made, shall be paid into the treasury of this state, and upon the warrant of the comptroller, shall by the treasurer be paid to the district attorney, for the district in which the children or issue of the said Peter Otsequette reside, to be by him from time to time applied to the support and education of the said children or issue in such manner as shall appear to be most for their benefit; and the said district attorney shall once in every year account to the comptroller for the expenditure of all monies paid to him as aforesaid.

1812.

AN ACT to prevent trespasses on Indian lands within this state.

Sec. 1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That if any person hereafter shall trespass on any land belonging to any Indian tribe within this state, by cutting timber thereon, such person shall forfeit and pay the sum of twenty-five dollars for every tree they shall cut, to be recovered with costs of suit in any court having cognizance thereof.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Indian agent to prosecute all persons offending against this act, and to pay over all monies to be recovered for trespasses committed in violation thereof, to the Indian tribe on whose

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land such trespasses shall be committed: *Provided however*, That nothing contained in this act shall be construed to prohibit the cutting of timber to improve or erect bridges on any road leading through such Indian lands.

An Act authorizing the Governor to hold treaties with the Indian nations and tribes within this State, and for other purposes.

1813.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state for the time being, or his agent or agents, to hold a treaty or treaties on the part of the people of this state, with the Oneida nation of Indians, or the Christian and Pagan party thereof, or any other of the Indian nations or tribes within this state, for the purpose of extinguishing their claim to such part of their lands lying within this state as he may deem proper, for such sums and annuities as may be mutually agreed upon by the parties.

2. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state for the time being, to draw from the treasury such sum or sums of money as may be necessary to defray the expense of such treaty or treaties, and for paying such part of the purchase money for the said lands as may be necessary, not exceeding three thousand dollars.

3. *And be it further enacted*, That that portion of the Oneida Indians known or distinguished by the name or appellation of the Pagan party, shall be entitled to retain for their own exclusive use and occupation, all that certain lot of land belonging to the state, situated on the southwest side of Oneida creek, and extending from the mouth of Mud creek to the division line between the Pagan and Christian parties so called, containing about four hundred and twenty-eight acres, until other disposition of said lot shall be made by law.

4. *And be it further enacted*, That it shall be the duty of the justices who may hereafter hold any court of oyer and terminer, or of the general sessions of the peace, in and for the county of Oneida, to charge the grand jury to prevent any person or persons, other than Indians belonging to the said Pagan party, who shall intrude, occupy, or settle on, or who are now in possession of any part of said lot; and it is hereby made the duty of the attorney of the Oneida Indians to prosecute all and every offender against the provisions of this act,

who shall on conviction be subject to the like penalties mentioned in the sixty-fourth section of the act, entitled "An act 1813. for the payment of certain officers of government," passed the nineteenth day of June, eighteen hundred and twelve.

1815.

An Act concerning the lands lately purchased from the Christian party of the Oneida Indians.

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That the surveyor-general shall cause the lands purchased at a late treaty with the Christian party of the Oneida Indians, to be surveyed into lots not exceeding one hundred and sixty acres each, and sell the same, excepting what is otherwise directed to be disposed of, in the manner and on the conditions mentioned in the act, entitled "An act concerning the commissioners of the land office, and the sale of unappropriated lands:" *Provided*, That no occupant or settler on said lands, other than Indians, shall be entitled to a remuneration for improvements; and that no improved land occupied by any Indian, shall be sold till he shall have relinquished or released his improvement to the people of this state, if such improvement shall be of the value of twenty dollars.

2. *And be it further enacted*, That the commissioners of the land office shall grant letters patent to Joshua Sherwin, for ten acres of land; to Angel Ferriere, for fifty acres of land; and to George Helmer, for one hundred acres of land, out of said lands, according to a certain stipulation in said treaty; and that no location shall be permitted to be laid on any part of the said lands, besides that which is authorized by the act, entitled "An act granting the pre-emption right to certain lands to William Sternbergh," passed 14th March, 1815.

3. *And be it further enacted*, That the monies arising from the sales of said lands shall be paid into the treasury, and be subject to the ordinary appropriations of the legislature.

An Act relative to the village of Oneida Castleton, and for other purposes.

Whereas the surveyor-general has, pursuant to the directions 1815. of the legislature, reported a plan of a village, located on the east side of the Oneida creek, called the Oneida Castle, and it is requisite that the future disposition thereof be directed by law: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That the said

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village shall be called and known by the name of Oneida Castleton, and that the commissioners of the land office shall, from time to time, direct the surveyor-general to sell so many of the lots laid out, or to be laid out in said village, as they shall deem best for the interest of the state, according to the plan reported as aforesaid, or with such alterations as they may judge proper to direct without essentially varying the same, that such sales shall be at public auction, after notice thereof for eight weeks successively given in the newspaper published by the printer to this state, in one newspaper published in the city of New York, and in the newspapers published in the city of Albany and the county of Oneida, that the commissioners of the land office shall affix the minimum prices to the said lots at which the same may be sold, and if any of them shall have been put up for sale at auction, and no bid at or above the minimum price shall be received, the said commissioners may either direct such lots to be sold at such minimum prices, to the first applicants, or reserve them to be afterwards again exposed to sale at auction; that the conditions of sale shall be that at least one-eighth part of the purchase money be paid within twenty-four hours after sale, and the remainder in six equal annual instalments, with interest at the rate of six per cent. per annum, to be secured by the bonds of the purchaser, and that letters patent shall not be granted for any lot until the whole of the consideration be paid; that so many of said lots as the said commissioners shall judge proper, shall be sold on the further condition that within three years thereafter there shall be erected on them respectively, buildings to the value of two hundred and fifty dollars, under the penalty of a forfeiture of all right to the lots concerning which there shall be a failure in this condition, and also of the monies paid for the same.

2. *And be it further enacted*, That the commissioners of the land office shall cause appraisements to be made of the value of the improvements made and occupied by Indians on the tract on which said village is located, and ascertain the several Indians who are the owners or occupants of such improvements respectively, and thereof make a report to the person administering the government of this state, whose duty it shall be at the time of payment next thereafter of the Indian annuities, to cause payments to be made to the several Indians mentioned in said report, of the sums respectively at which their improvements shall have been appraised as aforesaid, in consideration of their surrendering such improvements to the people of this state.

3. *And be it further enacted*, That the eighteenth section of the act, entitled "An act concerning the commissioners of the land office, and the sale of unappropriated lands," shall be construed to apply to all cases arising under the operations of this act.

4. *And be it further enacted*, That the person administering the government of this state shall be, and he is hereby authorized to purchase from the Stockbridge and Brothertown Indians in behalf of this state, such part of their reservation and lands as they may be desirous of selling, and that the treasurer be, and he is hereby authorized, on the warrant of the comptroller, to pay to the order of the governor, the sum of two thousand dollars to defray the expenses of completing the said purchase.

1816.

An Act for the relief of the settlers on the lands belonging to the Stockbridge Indians.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That the first section of the act, entitled "An act relative to the different tribes and nations of Indians within this state," passed the tenth day of April, in the year of our Lord one thousand eight hundred and thirteen; and also the act, entitled "An act to prevent trespasses on Indian lands within this state," passed the second day of April, one thousand eight hundred and thirteen, be, and the same are hereby suspended in their effect and operation, so far as it regards those persons only, who, on or before the first day of February, in the year of our Lord one thousand eight hundred and fifteen, had settled on any of the lands mentioned in the said recited act and section, by virtue of leases from the Indians of said tribes: *Provided nevertheless*, That no person who is now indicted, shall be entitled to the benefits of this act, until he shall pay or tender to the district attorney of the counties of Oneida and Madison, the legal costs of such indictments.

2. *And be it further enacted*, That on the payment of such costs, it shall be the duty of said district attorney to enter a noli prosequi on said indictments.

3. *And be it further enacted*, That if in the opinion of the superintendents of said Indians, and the attorney of the same, any of said inhabitants are likely to prove injurious to said Indians, by corrupting their morals, it shall be lawful for said

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attorney, and a majority of said superintendents, by warrant under their hands and seals, to remove such inhabitants from off said lands.

An Act regulating the payment of the compensation of the attorney of the Brothertown, Oneida, and Stockbridge tribes of Indians.

1816.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That the sum of fifty dollars be paid to William Hotchkiss, attorney for the Brothertown, Oneida, and Stockbridge Indians, by the treasurer of this state, on the warrant of the comptroller, being the balance due to him for two years' salary, ending December last, by virtue of the act, entitled "An act relative to the different tribes and nations of Indians," passed April ten, eighteen hundred and thirteen.

2. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall hereafter, annually, pay to the attorney of the said Indians the sum of seventy-five dollars, in part of the salary allowed him by the act above mentioned; and that the remainder of his salary shall be paid in the manner in said act mentioned.

An Act relating to the Shinecock tribe of Indians.

1816.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall be lawful for the male Indians above the age of twenty-one years, belonging to the Shinecock tribe in Suffolk county, to meet together on the first Tuesday in April, in every year, at the place for holding town meetings in the town of Southampton, and by plurality of voices, annually to elect three persons belonging to the said tribe, as trustees: And it shall be the duty of the clerk of the said town to attend and preside at such meetings of the said Indians, and to enter in a book to be kept by him for that purpose, the names of the trustees to be chosen as aforesaid, and the proceedings of such trustees, and of the said trustees and the justices hereafter mentioned.

2. *And be it further enacted,* That the said trustees are hereby authorized and empowered, from time to time, to lay out and appropriate such quantity of the lands of the said tribe, to each individual or family of the said tribe, as they shall judge proper and necessary for his or their improvement: *Provided,* That the whole quantity so laid out and appropriated in any one year, shall not exceed one hundred and twenty-

five acres: And the said trustees, by and with the consent of New York, three justices of the peace, residing in or near the town of Southampton, are hereby authorized and empowered, from time to time, to lease out so much of the said lands as they shall think proper, for the benefit of the said tribe, and for any term not exceeding three years: And also to order and direct on what part of the said lands fire-wood and timber may be cut by the said tribe for their use.

3. *And be it further enacted,* That if any person not of the said tribe, shall in any manner hire, use, or occupy any of the said lands, which shall be so laid out and appropriated as aforesaid, such person shall forfeit the sum of twenty-five dollars for every acre so hired, used, or occupied; and if any person shall occupy or use any of the said lands, without the consent of a majority of the said trustees, and of at least two of the said justices first obtained and entered in the said book, such person shall forfeit the sum of twenty-five dollars for every acre so used or occupied: And if any person belonging to the said tribe shall cut any wood or timber on the said lands without such order and consent of the said trustees and justices first entered in the said book, such person shall forfeit the sum of ten dollars for each offence, the one half of which penalties shall be to the use of the overseers of the poor of the town of Southampton, and the other half to the use of the party who will sue for the same, by action of debt, in any court having cognizance thereof.

An Act to authorize the extinguishment of the claims of the St. Regis Indians to lands in this State.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That in case the St. Regis Indians may be desirous of selling the mile square of land reserved by them, at or near the village of French Mills, in the town of Constable, in the county of Franklin, or any other lands lying within this state, to which the St. Regis Indians have any title or claim, the person administering the government of this state shall be, and he is hereby authorized, to purchase the said land from the said Indians, in behalf of this state; and that the treasurer be, and he is hereby authorized, on the warrant of the comptroller, to pay to the order of the Governor such sum of money to defray the expenses of completing the said purchase, as the Governor may think reasonable to give for the said land.

1817.

An Act for the relief of the St. Regis, Oneida, Onondaga, and Seneca Indians.

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Whereas, the Governor of this state has represented to the Legislature thereof, that the St. Regis, Oneida, Onondaga, and Seneca Indians are in great distress on account of the destruction of their corn the last season, and of the general scarcity of other usual means of support: And whereas also, the said tribes of Indians respectively receive from the people of this state a yearly annuity: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the treasurer shall pay, on the warrant of the comptroller, to the person administering the government of this state, for the time being, when thereunto required by him, by way of advance, so much of the said annuities which is payable in the month of August next, as the person administering the government as aforesaid shall, from time to time, think proper to be expended in providing the necessities of life for such of the said tribes of Indians as shall request the same by their chiefs or agents thereunto lawfully authorized.

An Act concerning the lands lately purchased from the Onondaga Indians, and for other purposes.

1817.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That the surveyor general shall cause the lands purchased at a late treaty with the Onondaga Indians, to be surveyed into lots not exceeding one hundred and sixty acres each, and sell the same, with the improvements thereon, in the manner and on the conditions mentioned in the fifteenth and sixteenth sections of the act, entitled "an act concerning the commissioners of the land office, and the sale of unappropriated lands," passed April 6th, 1813.

2. *And be it further enacted,* That the monies arising from the sales of said lands shall be paid into the Treasury, and be subject to the ordinary appropriations of the legislature.

3. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, to appoint a special agent or attorney, residing near the premises, to prosecute on behalf of the people of this state, for all trespasses on said lands until they shall be sold as aforesaid, and to allow him such compensation for his services as shall be just and reasonable.

4. *And be it further enacted,* That in every case in which New York, any improvements, made on lands belonging to the people of this state, are by law directed to be appraised in favor of any occupant, it shall be the duty of the appraisers, in making out their appraisement, to deduct from the appraised value of such improvements a reasonable allowance for the use of the lands by the occupant, and also for the deterioration of the value thereof by his cutting and carrying away timber therefrom, during such occupancy, or causing it to be done.

An Act concerning certain Indians residing within this state.

Be it enacted by the people of the state of New York, represented in Senate and Assembly, That it shall not be lawful for any white person, under any pretence, or on any account whatever, to receive from any Indian residing on a tract of land belonging to or occupied by the Mohekonnie or Stockbridge Indians, or on the reservation lands of the Oneida or Brothertown Indians, any article or articles whatsoever, by way of pawn or pledge; and that every person who shall receive such pawn or pledge, shall forfeit the sum of twenty dollars, to be recovered in an action of debt, in the name of the Indian from whom he shall have received such pawn or pledge, in any court having cognizance thereof, with costs: and that every such pledge or pawn, or the value thereof, shall also be recoverable, with costs, by the Indian from whom the same shall have been received, in an action of replevin or trover, at his election.

An Act to amend the act, entitled "An act for the relief of the settlers on lands belonging to the Stockbridge Indians."

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall be the duty of the attorney of the Stockbridge Indians, if he considers any person who now resides or shall hereafter come to reside on the lands of the said Indians, who is not entitled by law to settle on said lands, is likely to be injurious to the said Indians, by corrupting their morals, or by injuring their lands or property, to notify such person in writing to remove from said lands; and in case such person shall neglect to remove for the space of ten days after receiving such notice, it shall and may be lawful for any one of the superintendents of the said Indians, on complaint of their attorney, to issue a summons