

land. And the legislature in consideration that he hath not received any bounty lands from this State, being willing to comply therewith. Therefore

Land grant
to Donald
Campbell.

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 it shall and may be lawful, to and for the surveyor general of this State, to survey and lay off, in one entire tract, the quantity of five thousand acres of the unappropriated lands of this State, and as nearly in a square as local circumstances will permit, and in such place as Donald Campbell shall locate. *Provided* that such location shall not be made on any lands purchased of the Oneida Onondaga and Cayuga Indians by this State, or on any lands not subject to location, and having so surveyed the same, shall certify the bounds of such tract to the commissioners of the land office, who shall thereupon direct that letters patent be issued to the said Donald Campbell in fee simple and in the usual form, as a free and voluntary gift on the part of the people of this State. *Provided always,* that the said Donald Campbell shall, previous to the issuing of such letters patent, produce to the said commissioners, a receipt of the surveyor general, that he the said Donald Campbell hath paid all the expences of the survey of the said tract.

CHAP. 70.

AN ACT for the better support of the Oneida Onondaga and Cayuga Indians, and for other purposes therein mentioned.

PASSED the 9th of April, 1795.

Preamble. WHEREAS the Oneida Onondaga and Cayuga tribes of Indians, have sometimes collectively as tribes, and at other times individually leased part of the lands appropriated to their use, to the white inhabitants, and permitted others to settle and improve thereon without lease, which has occasioned controversy between themselves, and between them and such settlers. *And whereas* the said tribes respectively have intreated the legislature to make such arrangement relative to the premises as shall tend to prevent future controversy between themselves, and between them and the white inhabitants settled on and occupying the lands aforesaid, and as shall tend to render the same more productive to the tribes respectively. Therefore.

Agents to
treat with
certain
Indian
tribes rela-
tive to
lands.

I. *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 the person administering the government of this State for the time being, Philip Schuyler, John Cantine, John Richardson and David Brooks, or any three of them shall be and they are hereby appointed agents on the part of the people of this State, to make such arrangements with the Oneida, Onondaga and Cayuga tribes of Indians respectively relative to the lands appropriated to their use as may tend to promote the interest of the said Indians, and to preserve in them that confidence in the justice of this State, which they have so repeatedly evinced to entertain. *Provided always,* that every arrangement which may affect, either any of the said tribes collectively, or any individual thereof or the white inhabitants settled upon the lands so appropriated, shall be adjusted and arranged on the principles following, to wit; if any of the said tribes respectively shall incline, that a part of the lands appropriated to their use, shall be so disposed of, as that an annuity may for

ever hereafter be paid to them, then and in that case, a tract, such as the tribe so inclining shall designate, and such as the said agents shall deem sufficient extent to accommodate each family with a competent farm for their occupation and improvement, shall be surveyed and set apart for that purpose, and if the same tribe shall agree, that the tract so to be set apart for their occupancy, or any part thereof shall be laid into as many lots as the same tribe contain families, then the said agents shall cause the same to be surveyed and laid out into lots accordingly, but if the said Indians should not agree to have a lot assigned to each family, but should agree, that any and every family which chuses may have one lot assigned to its particular use, then the said agents shall cause only such lots to be laid out and surveyed, and shall cause a register of every such lot so appropriated to be made in a book to be provided for that purpose, descriptive of the bounds of each lot, together with the name of the head of the Indian family to whom any lot may be so appropriated, and the names of all the members of the same family, their age and sex; and every lot so appropriated as well as the entire tract so to be set apart (and of the bounds of which, a description shall also be entered in such book) shall for ever hereafter be to the use of the said Indians, either collectively by tribes as a body of people, or individually by families, as the case may be, and shall remain to them and their posterity as an estate or estates unalienable and without power to lease the same, and such register as aforesaid being first certified by the said agents shall be filed in the office of the secretary of this State, and one copy thereof in the clerks office of the county in which the lands are situate, to remain in the said offices respectively as part of the public records.

And whereas it is represented, that differences do exist between the said Onondaga Indians respecting the purchase of some of their lands heretofore made by the commissioners appointed for that purpose on the part of this State. Therefore

II. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said agents to take such measures as to them shall appear proper to reconcile the said Indians, and by an instrument in writing under their respective hands and seals, to obligate the people of this State to pay unto the said Indians instead of their annuity of four hundred and ten dollars, such annuity as the said agents in their discretion shall agree upon with the said Indians, not exceeding eight hundred dollars, to commence as on the day stipulated for the payment of the said last annuity, which annuity so to be granted, shall be annually distributed amongst the said Indians in such manner as they and the said agents shall determine upon, and in case of no such determination, the same shall be annually distributed amongst the said Indians by the person administering the government of this State for the time being in his discretion, after having appropriated a part thereof to the maintenance of the public school, in which the Indian children shall be taught.

III. *And be it further enacted by the authority aforesaid,* That for the residue of any of the lands beyond what may be appropriated in manner aforesaid, the said agents shall in their discretion stipulate perpetual annuities on the part of the people of this State, to be paid to the Oneida and Cayuga Indians, and to be annually distributed amongst those tribes respectively by the person administering the government of this State for the time being, in such manner, and at such time and place, as they and the said agents shall determine, and in case of no such determination, the same shall be annually distributed amongst the said Indians by the person administering the government of this State for

Annuity to
be allowed
to Indians.

the time being in his discretion after having appropriated a part thereof to the maintenance of the public school in each tribe, in which the Indian children shall be taught. *Provided* that such annuities severally shall not exceed an annual interest of six per cent on the principal sum which would arise from the sale of such residue, if the same was sold at four shillings per acre.

Survey of
lands to be
released by
Indians.

IV. *And be it further enacted by the authority aforesaid*, That the tract or tracts for which every such annuity shall be stipulated, shall immediately thereafter be surveyed and laid into lots not exceeding two hundred and fifty acres each by the surveyor general, or such deputy or deputies as he shall thereunto appoint, and being so surveyed and laid into lots, maps and field books thereof shall be filed in the office of the secretary of this State, and one copy of each in the offices of the clerks of the counties respectively in which the lands are situate; and one other copy in the surveyor general's office, to the end, that all persons may have recourse thereto, and on every such map shall be designated any lot or lots which on or before the first day of January last, were occupied by any person or persons, and which shall be certified by the said agents to have been so occupied, with the names of the occupants who hold either by lease where leases have been permitted by law to be granted, or by the free and voluntary consent of any of the said tribes, and such lots shall not be sold, but the remainder and reversion thereof shall enure to the benefit, and behoof of the occupants respectively in manner herein after mentioned. *Provided* that no occupant, who, on or before the said first day of January, possessed any of the lands by the voluntary consent only of any of the said tribes, shall be entitled to the remainder or reversion of any more than two hundred and fifty acres.

And whereas a tract of land has heretofore been appropriated to the common use of the Onondaga Indians and the people of this State. *And whereas* the same is unproductive of any income to the said Indians, and must continue so as long as the same is so held in common. Therefore

Annuity
for release
of all lands
held by
Onondaga
Indians.

V. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said agents, if the said Onondaga Indians should incline to transfer their common right in the whole, or their common right in any part thereof to the people of this State, to obligate the people of this State to the payment of a perpetual annuity, such as they in their discretion shall judge meet and proper. *Provided* that such annuity shall not exceed five hundred dollars for the whole of the common right of the said Indians and so in proportion for a less part thereof.

Notice of
sale of
lands sur-
veyed.

VI. *And be it further enacted by the authority aforesaid*, That the surveyor general shall without delay, after such maps and field books shall be filed in manner aforesaid, give notice thereof for sixty days successively, in at least two of the news papers printed in each of the great districts of this State, and immediately after the expiration of the term aforesaid, he shall assign a day certain, and place in the city of Albany, on which day, the several lots shall commence to be sold at public vendue, which day shall not be less than sixty nor more than eighty days, from the expiration of the said first mentioned sixty days, which notice shall be published in manner aforesaid.

Sale to
continue
until all
sold.

VII. *And be it further enacted by the authority aforesaid*, That the sale of all the said lots, shall continue from day to day until the whole shall be sold, and each lot shall be separately put up at vendue, and struck off to the highest bidder. *Provided* that none of the said lots shall be sold for less than sixteen shillings per acre.

VIII. *And be it further enacted by the authority aforesaid*, That the conditions on which the lots of land herein before mentioned shall be exposed to public sale shall be as follows, to wit; the purchaser of every lot, shall immediately after the purchase thereof, pay unto the surveyor general, as part of the purchase money, the sum of ten pounds, and it shall be optional with each and every purchaser, either to pay the residue of the purchase money within forty days after such purchase, and take a deed therefor in manner herein after prescribed, or to execute a mortgage therefor in manner herein after mentioned, subject to an annual interest of six per centum, to be annually paid into the treasury of this State within the time to be specified in such mortgage. *Provided always*, that each and every purchaser who shall neglect or refuse to pay the residue of the purchase money before the expiration of the forty days before mentioned, or shall refuse or neglect to take such deed and execute such mortgage shall forfeit to the use of the people of this State the first payment herein mentioned, and the lands on which such forfeiture shall arise, shall as soon as may be after the expiration of the said forty days be again exposed to public sale in manner and on the conditions herein before mentioned.

Conditions
of sale.

And whereas Peter Smith of the county of Herkemer hath obtained a lease from the Oneida Indians for the term of twenty one years, for which term the said Indians were by law authorized to lease part of the tract appropriated to their use. Therefore,

IX. *Be it further enacted by the authority aforesaid*, That every tenant holding of the said tract by sub-lease under the said Peter Smith, and for the term aforesaid, shall have the pre-emption of the remainder and reversion of the lands so leased to him, and the said Peter Smith shall also have the pre-emption of the remainder and reversion of such part of the tract so leased to him, and which shall not have been by him so leased to others. *Provided* that he or they, or such of them as shall be designated by the said agents as entitled shall pay into the treasury of this State before the expiration of sixty days next after the first day on which the sale of the lots herein before mentioned shall commence, a sum of money for each acre so held, equal to the mean price by the acre of the lands in the same tract which shall be sold by the surveyor general at such sale and in manner aforesaid, either by mortgage or by the actual payment of the money by the person entitled, at his or her option, and shall receive a deed therefor in manner herein after prescribed.

Pre-emp-
tion of
lands un-
der lease
to Peter
Smith.

X. *And be it further enacted by the authority aforesaid*, That every person who shall be designated by the said agents, and shall produce their certificate, stating that the person therein named is entitled as a settler occupying of the land of either of the said tribes, (other than of the common land aforesaid) by the free and voluntary consent of the same tribe on or before the said first day of January last shall be entitled to the preemption of the remainder and reversion thereof. *Provided* that the person so certified as entitled, shall within sixty days, to be computed from the commencement of such sale as aforesaid, pay unto the surveyor general of this State, a sum of money for each acre equal to the mean price by the acre of the lands in the same tract which shall have been sold by the surveyor general at such sale as aforesaid, and shall pay the purchase money, or execute a mortgage therefor at his or her option, and shall receive a deed therefor in manner herein after mentioned. *And provided also*, that such rights of pre-emption shall not extend to more than two hundred and fifty acres for each occupant as aforesaid.

Pre-emp-
tion by
settlers
under con-
sent of
tribes.

Grant to
Ephraim
Webster.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said agents to cause the tract heretofore stipulated by the Onondaga Indians to be granted to Ephraim Webster to be surveyed, and to lay out such additional tract adjoining thereto and of the lands now belonging to the people of this State, as that the aggregate may be equal to six hundred and forty acres, and to give him a deed therefor in the name of the people of this State as a free and voluntary gift on their part.

Mortgages
for unpaid
purchase-
money.

XII. *And be it further enacted by the authority aforesaid,* That as soon as may be after the sale of the said lots or any of them, and, after receiving such part of the purchase money as aforesaid, the surveyor general shall execute conveyances of the same lots to the purchasers thereof in the form herein after prescribed, and shall immediately thereupon take from each purchaser a mortgage on the lot or lots so conveyed to the same purchaser, to secure the payment of the residue of the purchase money in the form herein after prescribed, and cause the same mortgages to be registered in the office of the clerk of the county in which the lands so mortgaged shall be situated and then deliver the said mortgages to the treasurer of this State.

Form of
deeds.

XIII. *And be it further enacted, by the authority aforesaid,* That the conveyances so to be given by the said survey general shall be in the following form, that is to say; "This indenture made the _____ day of _____ in the year of our Lord one thousand seven hundred and ninety _____ between _____ surveyor general of the State of New York of the first part, and _____ of _____ of the second part; Witnesseth, that the said surveyor general for and in behalf of the people of the State of New York in pursuance of an act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned" passed the _____ day of _____ 1795. And for and in consideration of the sum of _____ to him in hand paid by the said _____ the receipt whereof is hereby acknowledged; and of the further sum of _____ secured to be paid according to the direction of the said act, hath granted, bargained, sold, released and confirmed, and by these presents, doth grant, bargain, sell, release and confirm unto the said _____ heirs and assigns, all that together with all manner of improvements, hereditaments and appurtenances to the same belonging or in any wise appertaining, and all the estate, right, title, interest, claim, and demand whatsoever of the people of the State of New York, of, in and to the said premises, and of, in and to, every part thereof; to have and to hold all and singular the said premises hereby intended to be conveyed, and every part thereof with the appurtenances unto, and to the only proper use and behoof of the said _____ heirs and assigns for ever. In witness whereof the said _____ the surveyor general of this State hath hereunto subscribed his name and affixed his seal the day and year first above written." And every such conveyance shall be sufficient and effectual to convey all the estate, right, title, interest, claim and demand of the people of this State, of, in, and to the land intended to be conveyed thereby to the purchaser or purchasers therein named, and to his her or their heirs forever.

Form of
mortgages.

XIV. *And be it further enacted, by the authority aforesaid,* That the mortgages to be taken by the said surveyor general, shall be in the following form; "This indenture made the _____ day of _____ in the year of our Lord one thousand seven hundred and ninety _____ between _____ of _____ of the first part; and the people of the State of New York of the second part witnesseth, that the said _____ for and in consideration of the sum of _____ to him in hand paid for

and in behalf of the people of this State, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the people of the State of New York, all that _____ together with all manner of improvements hereditaments and appurtenances whatsoever to the same belonging or in anywise appertaining, and all the estate, right, title, interest, claim and demand whatsoever of the said _____ of, in and to the said premises hereby intended to be conveyed, and of, in and to every part thereof with the appurtenances; to have and to hold the said premises hereby intended to be conveyed and every part thereof with the appurtenances unto the people of the State of New York for-
ever. *Provided always* that if the said _____ heirs executors admin-istrators or assigns, shall pay or cause to be paid unto the treasurer of this State for the time being, for the use of the people of this State, the interest of the said sum of _____ at the rate of six pounds per cent per annum on the first Tuesday of July yearly and every year, and the said principal sum of _____ with all the interest then due for the same, when the same shall be demanded by the treasurer of this State for the time being, for and in behalf of the people of this State, at any time after the first Tuesday in July which will be in the year of our Lord one thousand eight hundred and five, then the above grant bargain and sale, and every article and clause thereof shall be void; but if failure be made in any of the payments abovementioned, then the above bargain and sale is to remain in full force and virtue, and the said _____ for _____ heirs and assigns hereby agrees to be absolutely barred of and from all equity of redemption of the premises after the expiration of one year after such failure; and the said _____ and agrees to and with the people of the State of New York that he the said _____ heirs executors or administrators shall and will well and truly pay the interest of the said sum of _____ at the rate aforesaid annually on the first Tuesday of July in every year, and the said principal sum of _____ with all the interest then due thereon when demanded as aforesaid after the first Tuesday in July, which will be in the year of our Lord one thousand eight hundred and five according to the proviso or condition aforesaid. In witness whereof the said _____ hath hereunto set _____ hand and seal the day and year first above written." Which said mortgages shall be good and effectual in the law, and shall be preferred to all other charges and incumbrances whatsoever, on the said land so mortgaged, made or suffered, or to be made or suffered by such purchaser or mortgagor.

XV. *And be it further enacted by the authority aforesaid,* That the surveyor general shall from time to time account with the auditor of this State for the monies he shall receive and pay in the execution of this act, and pay the ballance to the treasurer of this State.

XVI. *And be it further enacted by the authority aforesaid,* That out of the monies herein after mentioned, it shall and may be lawful to and for the said agents, to pay unto such of the said Indians to whom they shall stipulate an annuity, the amount of such annuity for one year in advance, and shall also defray the expence of the surveys by them to be directed, and such other contingent charges as they may incur in the execution of this act, and shall be allowed their reasonable expences and such compensation as the legislature shall hereafter direct; and shall settle their accounts with the auditor of this State, and report their proceedings to the legislature at the first meeting thereof next after they shall have completed the arrangements enjoined by this act.

Account-
ing by sur-
veyor-gen-
eral.
Payments
to be made
by agents.

Appropriation.

XVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of this State, and he is hereby required to pay unto the said agents, or to the order of any two of them, a sum not exceeding five thousand pounds, to be by them accounted for in manner aforesaid.

Act recited repealed.

XVIII. *And be it further enacted by the authority aforesaid,* That the act entitled "An act relative to the Indians resident within this State" passed the twenty seventh day of March, one thousand seven hundred and ninety four, be and hereby is repealed.

Certified copies to be delivered to agents.

XIX. *And be it further enacted by the authority aforesaid,* That the secretary of this State, and the surveyor general thereof respectively shall deliver to the said agents or to their order, certified copies of all such contracts agreements and other papers and maps as they said agents shall from time to time require.

CHAP. 71.

AN ACT directing where the courts of common pleas and general sessions of the peace for the county of Saratoga shall be held and for authorizing the sheriff of the said county to remove his prisoners and confine them in the gaol erected in the said county.

PASSED the 9th of April, 1795.

Preamble.

WHEREAS a court house and gaol have been lately erected in and for the county of Saratoga. Therefore,

Adjournment of Saratoga courts to new court-house.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall be lawful for the judges and assistant justices of the court of common pleas of the county of Saratoga who shall hold the next court or a majority of them and for the justices of the peace in the said county or a majority of them on the first day of the next term or sessions of the said courts respectively or at any time thereafter to adjourn the said courts respectively to the said court-house in the same county and there to hold the said courts.

Jail, transfer of prisoners to.

And be it further enacted That whenever the commissioners appointed by law to superintend the building of the court-house and gaol in the county of Saratoga shall certify under their hands to the sheriff of the said county that the said gaol is completed so as to be sufficient for the reception of prisoners, that it shall and may be lawful for the said sheriff to remove all prisoners whether confined by process directed to the sheriff of Saratoga or by any court of justice in the same county from the gaol of the city and county of Albany to the said gaol erected in the county of Saratoga and there keep them and each of them in safe custody until they shall be respectively discharged by due course of law

Liability of sheriff for escape during removal

And be it further enacted That the sheriff of the county of Saratoga shall not be liable to any action or actions of escape or other action at law for the removal of said prisoners or either of them, and if any bill or plaint suit or information, shall be commenced or prosecuted against the said sheriff, for removing the said prisoners, or either of them in pursuance of this act it shall be lawful for such sheriff to plead the general issue and give this act and the special matter in evidence, and if the plaintiff or prosecutor in any such action bill plaint suit or information shall become non suit or discontinue or cease to prosecute the same

if a verdict or judgment be given against him or her the defendant shall recover double costs for which he shall have like remedy as in other cases where costs are given by law to the defendant.

And be it further enacted That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said county of Saratoga during the time of his or her removal and the sheriff shall not retake such prisoner or prisoners and him her or them confine in the gaol to which he she or they ought to be removed by virtue of this act within sixty days next after such escape made the said sheriff shall be liable to all actions for such escape or escapes.

And be it further enacted That the court house and gaol erected in the county of Saratoga shall after such removals of the courts of common pleas and general sessions of the peace and removal of such prisoners be deemed the court house and gaol of the said county.

And be it further enacted That from and after the removal of such prisoners as aforesaid the gaol in the city and county of Albany shall not be deemed the gaol of the county of Saratoga.

New court-house and jail declared to be those of the county Albany county jail

CHAP. 72.

AN ACT authorizing the justices of the peace residing in that part of the town of Schenectady therein mentioned to raise a sum annually by tax for the support of a night watch.

PASSED the 9th of April, 1795.

WHEREAS a number of inhabitants of the town of Schenectady by Preamble. their petition have represented that so much of the act entitled "An act to empower the justices of the peace residing in that part of the town of Schenectady therein mentioned, to establish and regulate a night watch and for other purposes therein mentioned as relates to the said night watch, is found by experience to be manifestly inadequate to the police and safety of the town. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful to and for the said justices of the peace in the town aforesaid as soon as conveniently may be after the passing of this act and annually thereafter to order the raising a sum not exceeding three hundred pounds by a tax on the estates real and personal of all and every the freeholders and inhabitants living or dwelling in that part of the town of Schenectady which lies to the southward of the Mohawk river and not more than three quarters of a mile distant from the Dutch church in said town to be applied to the payment of so many watchmen as the said justices of the peace shall think necessary to employ for guarding the said town which said sum shall be rated and assessed by the assessors of the said town, and levied and collected in the same manner as hath heretofore been accustomed within the said town for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said town and that the said monies shall be paid into the hands of any one of the justices of the peace aforesaid or to such other person as the major part of such justices shall agree upon to be applied and disposed of from time to time in such manner for the purpose herein before mentioned as the said justices of the peace of the said town or a major part of them shall direct and appoint.

Tax levy on part of town of Schenectady for night watch.