

Belmont Elder Richard

Ansonia Hotel Albany 2:28. 1849. 10. p.m.

Peter will have informed of progress until he left. Frederick & I waited for Prager until near 4 o'clock, he was dining out. He presented our Remonstrance, but did not treat the subject with the gravity it demanded for which he was justly reproved by the Speaker. The debate is fairly reported in the Albany Evening Journal, I refer to it. George Cornell and others disclaimed an attack on us. The case of John Black and his Wife, the latter having abandoned her family, & lived separate some 12 or 13 years, and will not take care of her husband & family, nor sign needful papers relative to property - pleads conscientious objections, and is living with a company of friends in N. Jersey of like professions. Black is represented as a respectable man by Taylor, who is living in the Bowery, N. Y. of large property with some grown up & in wholesale business in N. Y. - a case of peculiar hardship - The debate was renewed this afternoon & Taylor read a lecture to those who had been quoting Scriptures & claimed that marriage was made in heaven &c - ^{giving} quoting his examples, and pointing upward after each - questioned the members - "Was that marriage made in heaven?"

I asked George to introduce me to the Speaker, which he said he would do with pleasure; but he (Speaker) was absent this forenoon. George gave him my letter after the debate began - he appeared to read it with attention and, for some time - had a long whispering with George; but has ~~not~~ had an opportunity to get the floor again on the subject. I purpose to see & ask him if he will defend us. The general impression seems to be so far as I can gather it - so with Justice who has been in to day is, that there is no danger of the Bill passing without an amendment to save our case. - Intend to go to Waterhole tomorrow & stay over Sabbath. A letter from John says all well & speaks of Mr. Jope's visit to them as being "very acceptable & were sorry he could not stay longer - In love farewell Robt. White-Sunt

Mr. Frederick's Name to sent to Office of Delaware some time since

Amman Hotel, Albany Dec 2^d. 1849.

Respected Speaker

The serious and ~~candid~~ candid manner in which those debated the Divorce Bill yesterday made me wish that there hadst more full information as to the grounds of the objections which the Shakers have to this Bill.

I respectfully submit to thy consideration the following views, asking for them thy advocacy on the floor only so far as they commend themselves to thy sense of the right, and the justice due to the Shakers.

It is objected Not that the neglect of cohabitation or any other cause which the wisdom of the legislature shall declare to be sufficient for divorce is unjust; but, because ~~the~~ such cause shall be inoperative and lawful if taught & practiced without limitation, unless the individual has joined a sect holding & practicing a similar course - Thus making the fact of uniting with a religious sect a test of criminality and a "discrimination" inconsistent with the rights guaranteed to all and every religious profession by the constitution.

Both general opinion and the public press have designated "Shakers" as the "religious sect" which the Report and Bill were intended to reach, and it is upon such a supposition that it is

Objected - That by this Bill peaceable citizens are subjected to the same penalties as attach to adultery, burglary and horse stealing, and this depending upon their joining a professedly "religious sect" Although they may exercise therein a conscientious impulse in uniting with sects of similar faith with themselves.

Section 43. If a Wife be plaintiff and obtain a divorce, it virtually takes from the husband (Shaker or home thief) the control of his children and property, and places them and his property in the hands of the Court, with power to deprive him of the whole, if it think proper.

Section 46. The Husband being plaintiff, the Wife defendant (Shaker or States prison convict) and a divorce is obtained she is entitled to no dowry

or share in her husband's estate either real or personal. Although she may have brought the whole of it to her husband.

Section 47. Subdivision 7. By making the same requirements of the officers of such societies, as of the Wardens and keepers of the State's prisons, again virtually stigmatizes the institution by putting its members on a par with State prison convicts. And in relation to personal service the Bill carries the idea that the members stand in the same position to the Officers of the Society as convicts do to their keepers; notwithstanding that some members of the Shaker Society reside in their own private families 150 and 200 miles from such officers.

We could extend our objections, but wishing to avoid being tedious I will only remark in personal apology for the present freedom, that I had no acquaintance with any member of the Legislature except my friend Geo. Howell and happening to have a letter to him with me I send it in explanation of my individual sentiments, adding that altho' I have been a member of such "religious sect" more than the five years as provided in the bill, and without any intention of leaving it, I am not influenced by any fear that my Wife will avail herself of this or of any other law to ask for a dissolution of our marriage contract: and if our friend George will repeal the message sent from her and our minor children to him by me, I think none bearing it will charge me with being personally affected in the proposed law.

As a friend to religious freedom in its most extended sense (which is incompatible with licentiousness) I am glad to claim a degree of fellowship with thee, and am with esteem thy Obedient Friend. Robt. White

to Amos K. Hadley

Objections to Bill 120.

- Section 43. If the Wife be plaintiff and obtain a divorce, it virtually takes from the husband (Shaker or horse thief) the control of his children and property, and places them and his property in the hands of the court, with power to ~~dispose~~ deprive him of the whole if it think proper.
- Section 46. The Husband being plaintiff, the Wife defendant (Shaker or States prison criminal) she is entitled to no dower or any share in her husbands estate either real or personal, although she might have brought the whole of it to her husband.
- Section 47. Subdivision 7. - By making the same requirements of the officers of such Society, as of the Wardens and keepers of the States prisons, again virtually stigmatizes the institution by putting its members on a par with penitentiary and States prison convicts.

Which if done in good faith, does it not show such consummate ignorance of the faith, principles and regulations of the Society against which it is intended, as renders the framers of the Act totally unfit to legislate upon the subject? For relating to personal service, the act carries the idea that the members stand in the same relation to the officers of the Society, as convicts do to their keepers, notwithstanding that some of their members reside in their own private families 150 and 200 miles from such officers.

Joining "a religious sect, the teachings of which are to the effect &c" meaning Shakers, by this bill subjects a peaceable citizen to the same penalties that attend adultery and States prison offences, and that merely for exercising his conscientious faith by uniting with such as are of his own belief. Is it possible, that in this enlightened age, the Legislature of the State of New York is about enacting laws discriminating the religious tenets and doctrines of any one sect as "religious fanaticism and frenzy" and attacking such

summits to its professors as may deprive them not only of their parental and marital rights; but also of their property — thus establishing such principles of legislative power as may in future disfranchise them of every privilege, even life itself. Did the most intolerant age do more?

Robt. White Junr.

Ms. B. 1. 1. 1. 1.
Concerning Petition
to the Legislature
of the
State of New York

REMONSTRANCE OF THE UNITED SOCIETY CALLED SHAKERS, AGAINST THE PASSAGE OF A CERTAIN LAW.

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK :

The memorial of the undersigned, Committee of the United Society, called Shakers,

RESPECTFULLY SHOWETH,

That a Report of the Judiciary Committee of the Assembly, to whom was referred several petitions for divorce, and a Bill accompanying it, to amend article third of title first, of chapter eighth, of part second : Which Report and Bill takes cognizance of the fact of a husband or wife becoming a member of any religious sect holding and teaching certain doctrines and tenets, and imposing a penalty not applicable to others not members of such "religious sect." And whereas such a law would be in contravention of the Article 1, section 3, of the Constitution of this State, wherein it is declared that "The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be allowed in this State to all mankind."

Therefore they *protest* against the passing of this or any other law which shall make an individual accountable for any religious tenets or doctrines, or make him answerable in any court for matters of faith and opinion, until so manifested by such *conduct* as shall interfere with the well defined rights of others; and because *acts* of licentiousness and *practices* inconsistent with the peace or safety of the State are very properly excluded in the section of the Constitution above named, and which is the only restriction contemplated in the full liberty secured to every person in the enjoyment of his religious sentiments.

Your remonstrants fully recognise the validity of the marriage contract, and the Society whom they represent have ever so done; and as it (marriage) is a civil institution, the right of the Legislature is conceded to provide for releasing such cases of hardship as demand judicial interference; but they do deny any ecclesiastical authority that may examine and decide matters of conscience, and visit civil disabilities and penalties upon members of one "religious sect;" (no matter what their "teachings" may be,) to which members of other religious societies are not subject, whether such penalties shall place such designated members in the category of State Prison convicts as is done by this bill, or that of minor offenders. And further, with all due respect to the Committee who made the said Report, your memorialists submit to the Legislature to whose care is entrusted their rights and privileges, if it be consistent with the liberal institutions and spirit of the age, and the courtesy due to their constituents; to stigmatise in a public document the presumed "teachings" of any body of peaceable citizens as "religious fanaticism or frenzy."

We will close in the language of those eminent jurists who composed the Council of Revision more than thirty years ago, viz : Gov. DeWitt Clinton, Chancellor Kent, Chief Justice Smith Thompson, Judges Ambrose Spencer, W. W. Van Ness, Joseph C. Yates and Jonas Platt, and Attorney-General Martin Van Buren.

"This special regulation is in the nature of a penalty ; it is practically making a '*discrimination*' and giving a '*preference*' whereby the equality of civil rights, (as between persons of different religious professions,) is *essentially impaired*. If the Legislature can constitutionally deprive a man of his parental [or marital] rights, merely because he belongs to a particular sect ; for the same cause it may disfranchise him of every other privilege, or banish him, or even put him to death. If the principle be admitted, it must rest in discretion alone how far it shall be carried in the measure of punishment. Feb. 27, 1818."

All which is respectfully submitted.
NEW-LEBANON, February 26th, 1849.

RICHARD BUSHNELL, }
FREDERICK W. EVANS, } *New-Lebanon.*
ISSACHAR BATES, }
RICHARD DEAN, } *Waterriet.*

MEMORANDUM FOR THE RECORD

DATE: 10/10/54

TO: THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

[Illegible typed text]

[Illegible typed text]

RECEIVED
OCT 10 1954
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

To be reserved.

39. Vandewater Street

New York June 13. 1850.

Beloved Elder Richard

Yesterday I was quite busy. My sister from Ohio reached here the evening before, and in a few hours after I got back.

I made out to send G. J. Cornell a rather more legible letter than the draft that I directed to thee. My intention in going to Albany is, to take no part in the matters connected with the legislative unless it shall be the expressed wish of my brethren. G. J. C.'s opinion I will endeavour to get for the brethren, and for their use if they deem it worth anything.

That the Trust Act will not always remain as now, I believe; but whether now is the time, or if Believers have any thing to do further in relation to it, I am content to leave to the judgement of others. I think to take the Albany boat Sabbath evening, and meet the brethren when they come in and be at their disposal - After getting George's opinion and advice for them I will be glad to get away.

I inclose a few lines for Bro George O'Donnell and also for Anne, be so kind as to forward them.

This with my Gospel Love to the beloved Ministry, Elders, Brethren & Sisters as far as thou may deem best to mention it.

Robt. Whitehead

P.S. As to the "bondage" apprehended, which a general law will bring Believers under - My opinion is that the Trust Act is one of bondage and must pass away sooner or later as being founded on erroneous principles

Geo. J. Cornell (Albany) ^{Copy}
My dear Friend

39. Vandewater Street
New York Jan 12. 1850.

One object in my return yesterday from New Lebanon was, to consult with thee as my legal adviser on a subject in which I am concerned, and on learning at thy office thy present address, this communication is made on my own individual account and responsibility, solely.

As to the "stringent" not-to-say inquisitorial Resolution of the Senate ^{directed} ~~addressed~~ to the Societies of Shakers; the returns from New Lebanon are prepared for the 20th instant, and I trust they will be satisfactory to every reasonable member. By them it will appear, that according to the Apepers books, the Real Estate held is less than 28 acres for every five persons belonging to the Society; thus if fears have been entertained that we are exceeding a reasonable land limitation, I hope they will be dispelled. And including ^{all} ~~the~~ the contributions of ~~the~~ the members to the consecrated or united interest of the Society, the gains of the whole 550 members, other than the improvements of their premises and conveniences by their own labor and economy, is short of 25,000 for the last 11 years, being a sum of only about £4 = per annum for each individual - Does this look like the accumulation of a money power in hands of Shakers dangerous to the well good people of the State?

The Shaker Trust Act, and the law attaching penalties to Shakers as such, have ever been objectionable to my mind as ^{is} every recognition by Civil authority of religious professions - Still if in the pursuit of ~~the~~ happiness (which all should be allowed to follow,) individuals choose to hold property in a community of interests, it appears to me consistent with the proper objects of

of State government to protect them therein.

Now as our enemies have again agitated the subject of the Trust Act and brought us before the Legislature, I have told our people, that now may be a favorable opportunity for the friends of liberty of conscience, to obtain a General Law under which all needful rights may be secured to us for the peaceable enjoyment of the fruits of our industry and economy.

Having promised thus - May I ask thy attention to the subject of a general law relating to Communities, and thy opinion by the 18th instant - viz -

Is it expedient for Friends of Shakers to move in the matter at this time? Can a general law relating to Communities be passed at this Session that will secure to us the peaceable enjoyment of our property, and which may be held by Trustees in succession according to our own rules & regulations, subject only to such restrictions and accountabilities to public officers and bodies as may be proper and necessary?

Further, if a general law that will answer our purpose be passed, will the Legislature repeal the law against Shakers as well as the Trust Act, and thus expunge this remains of bigotry and persecution for opinion's sake from our Statute?

If I do not greatly mistake, thou art sufficiently progressed in thy sentiments to meet my views in this business, with enough of conservatism to prevent apprehension or suspicion of inconsiderate action among anti-Shakers.

I hope thy engagements are such as will allow thee to comply with my wishes herein, and would say to thee further that I am not disposed or authorized in the least to

Commit the Society to any course - nor would I embarrass
the united action of it, therefore rely on thy discretion.

In hopes of seeing thee in Albany on the 18th.

I remain thy sincere friend
R. G. P.

P. P.

I venture to suggest the following, as embracing my
own ideas as to a General Law—

It shall be lawful for any five or more persons to form a Society
and hold property on the principle of a community of interests, and
to make such rules & regulations for its government as shall not be
contrary to the Constitution and laws of the State.

A copy of the articles of Association, Compact, or Covenant
shall be lodged with the Secretary of State.

Trustees may be appointed according to the rules & regulations
of such Society, with powers of succession, to receive and convey ^{and} title,
to real estate and personal property.

No such Society to hold at one time more than 160 acres
of land for every five persons belonging to it. Nor be in the receipt
of rents for the use of real estate exceeding $\$ \frac{250}{250}$ per annum
for every five persons belonging to the Society.

Trustees to make returns on or before the 10th of January
every year, under oath or affirmation to the Legislature, of the
number of acres then owned by the Society, the amount received
for rent of real estate, and the number of persons belonging to
the Society on that day.

Beloved (Dear Richard)

U. S. PATENT
OFFICE
WASHINGTON

Time does not permit me to make
another copy of this hastily written draft of letter to G. I should
to send to thee - please accept it with all its imperfections
with my unfeigned love -

R. P.

Will thou not also go out to Albany on
Monday?

Thurs 12/50

Remonstrance

To the Honorable, The Legislature of the State of New York.

Whereas a few interested individuals among the inhabitants of the town of New Lebanon, county of Columbia, who live in immediate proximity to the Shakers of said town, and who, as it seems, feel very jealous of the exceedingly moderate prosperity of their peaceable Shaker neighbors have offered to your Honorable Body a Petition asking Legislative enactment upon professed charges against the society of Shakers calculated to infringe upon our just rights, and legal privileges, and to subject us to repeated annoyance and trouble, setting forth certain professed grievances in regard to what they deem a noncompliance with the requisitions of a certain act passed by the Legislature of this state in the year 1839, together with Senatorial Resolutions appended to the same in the years 1849 and 50. (but of which grievances your Honorable Body, have not, as yet, been disposed to comply,) and praying for an amendment of said act, in a manner peculiarly calculated to undermine our society by depriving it of those general benefits so wisely and justly conferred upon every citizen of a free country, by the sovereign power thereof, we would respectfully call your attention to the following considerations & facts, and offer to your Honorable Body, the following

Remonstrance

In the year 1849, upon the Petition to the Legislature of certain interested individuals, and designing persons

21

a select committee was appointed by the Legislature to inquire into the cause, or causes, if any, of the various complaints of the Petitioners. And, after a long, and faithful investigation of said committee, who visited the society for the purpose, and made enquiries respecting their faith, principles, practices and internal regulations, all facilities being afforded them by the society in their power to do, the said committee reported to the House, that in consideration of all the facts and circumstances presented to them, they were clearly of opinion that the matter presented no cause, for Legislative interference.

Notwithstanding the trouble and perplexity this investigation caused the society, and the expense to the State, it was no longer than the next year, before the society was called upon by a resolution from the Senate, agitated and originating, as we have good reason to believe, from the same source, to report to that body, a full, and complete inventory of all the property both real and personal, possessed, or owned, by the society, of every name and description, on, or before, a certain appointed time,

This Resolution, however stringent, under the circumstances, it might have appeared, to many liberal and unprejudiced minds, was fully complied with, according to the best of our ability, knowledge and understanding, and was accepted by the Senate; a copy of the Report of which is here annexed, in order to show your honorable body the fallacy contained in some of the statements, made by your Petitioners.

And, the society have not learned, by any act of your Honorable Body, that the Senate was dissatisfied with the items of said Report, and, in all probability will remain ignorant of such dissatisfaction, even if it do exist, until they see it endorsed, by the acceptance of,

and a compliance with, the terms of the Petition aforesaid; to which, in the absence of such indorsement, we respectfully remonstrate.

Your Petitioners complain, that the amount of the expenditures of our society was reported to the Senate in gross, thus giving no opportunity to your Honorable Body, of knowing what articles the money was paid for; meaning, as we will suppose, whether in provisions for the mouth, or in the purchase of vessels to dishonor, which are equally as necessary for certain apartments, as provisions for the mouth are for the kitchen. And, when the Legislature shall require a report of the same, the undersigned are equally ready to make it.

As to expenditures in the purchase of lands, which your Petitioners say are annually large, and by which they would insinuate that the income of our society is enormous, we would first, respectfully beg leave, in all truth, to deny the statement, and subsequently, to affirm, that what small lots of land we have purchased, we deem necessary expenditures for the present support of the society, agreeable to what was stated on this subject in our Report to the Senate, of March 19th 1850, from which, we quote the following.

"As yet, the lands owned by the society are not of sufficient quantity and quality to enable us to obtain from them sufficient grain, and maintain animals competent to our support; and considerable sums are annually expended for flour, and grain of different kinds, for our domestic wants. Consequently, the money paid for such lands, we consider, as recognized by the Trust Act, as necessary expenditures;

We think there need be no great fears entertained by our neighbors of our institution becoming a dangerous monopolizing body, since the most Radical Advocates of the day for land limitation, would only

restrict an individual to 100 Acres of land, which is a sum about 30 times larger than is now possessed by the individuals of our community in the State of New York. While some of your individual Petitioners are known to possess more than fifty times the amount claimed by each individual shaker.

All of which, we are ready to show, to any committee your Honorable Body may appoint, whenever you shall deem it necessary to employ legislative aid, in regard to the purchase of fifty or sixty acres of land, by an afflicted and oppressed people, the property of whom, were it all appraised by any committee your Honorable Body might please to select, and divided equally to the several inhabitants of our society, would leave in the possession of each individual, a sum not equal to but a small fraction of even the weekly income of some of the owners of real estate under your protection.

This is a truth, which a candid, and thorough investigation will justify, and which we are perfectly willing should be made when our Legislature deem it necessary, and will appoint and support, a committee adequate to the task.

And, further, if, as your Petitioners represent, the main source of the accession of numbers to our society, be the County and Poorhouse, and that the children thus obtained are bred up in such gross ignorance as totally unfit and disqualifies them for procuring a livelihood in the world, how very base and inconsistent must be their fears of a dangerous accumulation of property by the society, since it is a fact, that over seven eighths of its business men and officers, have been bred up, and received all the education that they possess therein. We should rather suppose that the anxiety, the humane and charitable fears of your Petitioners would be awakened

more, lest a body of five or six hundred people, laboring under the direction of such ignorant blind leaders, would fall with them, into the ditch of poverty and shame together, and thus become a burden, to the taxpayers of the town.

The request of your Petitioners for legislative provision and support for the families of such persons as may join our society leaving families unprovided for, implies, at least, a gross misrepresentation, if not a malicious slander upon our institution. As the established principles of the institution utterly debar all candidates for admission who do not, according to their best ability, fulfill all moral and civil requirements of this kind; and no case of the kind suggested ever existed in this society. But numerous cases occur, where families not belonging to the society, are in part, if not wholly, supported by the charitable donations of the community,

Therefore, we would respectfully remonstrate, against the argued necessity or propriety of annually harassing the Legislature in regard to the subject of the forementioned petition as being both needless, and incurring a useless expense to the state, which would not result in the benefit of the community at large, or any respectable portion of the same, were all the points granted, that your Petitioners ask.

And, as your Petitioners would further make appear that the custom of binding children to our society, is an injury to community at large, in consequence of such children being brot up in utter seclusion from the world, together with an almost total neglect of their education on this subject your Remonstrances would respectfully solicit a committee of investigation as soon as your Honorable Body shall cease to place a reliance upon the results of those investigations already made, by the committee appointed for that purpose, in the

Session of 1849 and 50, from whose Report we extract the following.

"On examining the schools at Watervliet, N. Y. a model worthy the imitation of the best society, was presented; a full, and excellent library of the most approved books was found, and a thorough education for the business man is there imparted, by teachers competent to the task. The scholars, both male and female, seemed highly pleased with their situation, and were in the apparent enjoyment of all the pleasures of youthful life."

The society at New Lebanon, at the present time, subscribe for and take, in all thirty eight Newspapers and Periodicals, — To Wit — The Sun. 1 copy, Tribune of New York. 2 cops. Albany Evening Journal 3 cops. Scientific American 3 cops. Water Cure Journal 2 cops. Phrenological Journal 1 cop. Philadelphia Journal of Pharmacy 1 copy. Young America 1 cop. Boston Journal 1 cop. Democratic Freeman of Hudson 1. Merchants Ledger 1. New England Farmer 1. Cultivator 1. Berkshire Agriculturist 1. Spirit Messenger 1. Propogandist 1. Union Artist 2. Youths Cabinet 1. Genessee Farmer 1. The Student 2. The Spirit World 2. The Pleasure Boat 2. Moral and religious Instructor 2, — Further, our Dist Library contains 323 volumes, of the most approved Books, selected; besides some hundreds of volumes adapted to particular departments, not reported.

In addition to this, our school is constantly furnished plentifully, with the very best, and most approved school books our country affords, and, we have the concurring testimony of both the town and county Superintendants of common schools, that our school is the best common school in the town or county; and they have even stated before

numerous witnesses unasked; that it was at least three years in advance of other common schools, containing children of the same ages, in our town, for reasons which they gratuitously gave us, and whose certificates accompanying this remonstrance, you will please see. And, further, the Honorable S. S. Randall, (higher authority than whom on this subject we need not ask, is well acquainted with our schools in the town of Watervliet, and has given them his decided approbation.

We observe that your Petitioners object to the binding of any children "to a strictly religious community" We will presume they mean, to any community strictly religious, and whether it is Christian and worthy, or whether it is heathenish and base, for a society to be strictly religious, we will leave it to your Honorable Body, in this instance, to decide,

But, to the prayer of your Petitioners for an act forbidding to bind children ^{or} to a strictly religious community," we demur not, as no children have ever been bound to our society, But we do protest, against any law prohibiting individual members of our society from becoming guardians of youth and children, any more, than members of other religious societies, which, in either case, we remonstrate against, as incompatible with the constitution, and subversive of our civil and religious rights.

It is further stated by your Petitioners that there are, in our society about 100 children bound to the society by the Overseers of the Poor, County Superintendants, Commissioners of Almshouses, and lastly, by Parents. Now your Remonstrancers would reply, as before said, There never was an individual in our community, bound to the society, and, at present, we do not know of but

one individual mind in our society in the town of New Lebanon, that is bound to any member of the society, by any other authority, than those who claim to be their Parents,

It is true, the society has always supported its own poor, and annually make large contributions to the neighboring poor, to the amount of over 2,000 dollars, and do, sometimes, take orphan children, but such are seldom bound to us, and, at present, we have but one such, further, it is not ordinarily our resource for obtaining children. But, even tho' it was, the main resource, ^{in their senses} who would complain of a society of people who was charitable enough to take in, educate, comfortably feed, clothe, and provide for poor destitute orphan children, who are prowling around our cold charities country doors, but to be taught afresh the chill rigidity of a cold hearted, selfish generation, who leave them thus to suffer, not a solitary example of which suffering was ever found in our society.

In addition to this, such of these children as are brot, sometimes, among the Shakers, are, for the first time in their lives, furnished with a good school, and all the book knowledge, their little minds can grasp. What man in his senses we say, shall complain of this?

But, it is true, selfish and aristocratic principles scorn rivalship in any thing, even the necessaries and comforts of life. Of this we have a witness in many nations, and among many people. Poor down trodden France bears evidence of this, most sorrowfully since the establishment of the new claims of a Louis Napoleon the Little. And, alas, it is even thus in the aristocracy of our own dear country, ay, and in our own poor town too, New Lebanon also has its Little Napoleons, who, like the French Usurper,

would down with all communities and associations calculated to benefit the poorer classes, and reform the race.

Wherefore, your Memorialists humbly remonstrate, against those false insinuations and charges which are proffered against them, and calculated to stir up the sovereign power of the state, to act upon subjects wholly unworthy the interference of your Honorable body, and concerning which, both houses have already been miserably harrassed, for years, evidently feeling that they had spent their time, and the funds of the state for nought, because of the pecurility of the subject under consideration; the faithful, in the discharge of those duties imposed on them by the people.

As a people, the Shakers are boldly open to inspection, both as respects their exoteric and esoteric life, together with their habits and professions, and are determined to be, as they always have been, a law abiding people.

And we humbly pray your Honorable Body would grant us a tithe of that protection allowed to our neighbors, in regard to the necessary requisites for the support of life, liberty and enjoyment.

And, altho it is a privilege granted to every citizen of our republic, aside from the Shakers, to acquire as much as he can of this worlds goods, and enjoy the protection of the same by our government, while the Shakers are restricted to a net annual income of five thousand dollars for five hundred people, being only an annual income of ten dollars apiece, while thousands of individuals of our state can boast of their thousands net income, still we are not disposed to complain, if we can be allowed, in peace, the enjoyment of our present legal rights,

Ten dollars apiece being a sum altogether larger than we actually do realize.

A sum so insignificant would hardly be deemed extravagant in providing against the wants of old age, bodily infirmity &c, much less a monopoly, sufficient to excite the jealousy and envy, of our rich and opulent neighbors.

But, when the voice of neighbors by location, and who ought to be such in Christianity, roars out against this meagre privilege we call on humanity to wipe the blush from even envious face, and come up to the help of its fellows in distress for the want of the peaceable enjoyment of those privileges, under a professedly free government, which are granted to the meanest serfs of modern monarchies.

Humbly trusting in the justice of your Honorable Body, your Remonstrances will ever be resigned.

Remuneration to the Legislature

To the Hon. the Legislature of the State of
New York in Senate and assembly convened.

The memorial of the subscribers inhabitants of New
Lebanon, County of Columbia. Respectfully sheweth that
the laws which have been made relative to the Society of Shakers
are very defective, and the case calls loudly for further Legislation
and provision. True it is that our Constitution wisely provides
that every person may worship his Creator according to the
 dictates of his own conscience and in his own manner, if he
chooses to sing and dance upon the Sabbath day, in a manner
not to disturb the peace of others, and call it religious worship
we are bound to respect it as such. However much our feelings
revolt at such scenes, this is not the ground of our objection.

These people are in the habitual practice of breaking up,
severing and destroying families & indeed striking at the
very foundation of civil society. They flatter and decoy
persons among them under the specious garb of religion, who when
under the excitement of religious feelings, fear, or wild fanaticism
are prevailed upon to consecrate their property, ~~to the~~
they are pleased to call it, or in other words to sign or deed away their
property, and by covenant which they seldom read or understand,
executed under great excitement, bind themselves never to ask for
their property, or for compensation for services. We have good reason
to believe, that very many of them when they come to the exercise of
their natural reason, become sensible of their error and misfortune
and of the delusion under which they have acted; but must remain
there under all ^{the} horrors of a condemning conscience, or, after having
divested themselves of their property, spent their best days in hard
service, depart, perhaps with a broken constitution and ~~feeble~~

We are not master of language adequate, to point out the distress
and desolation, with which great numbers of interesting families
have been overwhelmed in consequence of their connection with this
society of people. The head perhaps will unite and carry to them
all his property - the wife & children must go also, and suffer all the
afflictions of worse than barbarian slavery, or be dependant for subsistence
upon an unfeeling world, These cases are not of rare occurrence, they are
frequent, very frequent, & it is believed, that some of your honorable

body have had some knowledge of these things, in cases which have come before former Legislatures, and were active & instrumental in the passage of an act for the relief of Eunice Chapman, which enabled her to recover her children. This act is salutary as far as it goes, and it is to be hoped that another victim, will find relief under its provisions.

We mean Mrs Knight of Philadelphia, who is this moment struggling before the Chancellor for the recovery of her children; the husband having attached himself to this people, leaving her to shift for herself.

Experience has shown that the control, ascendancy, & influence which the Elders & Ministry obtain and exercise over the common members of the Society, together with the common interest, which they possess, renders it dangerous for one of the members to testify for another. Not long since one who had joined them with a family was required to send away a mischievous boy into the world, or bind him out to a master of a vessel, he objected to this, said he had been a sailor himself; another man who had recently joined them, remonstrated with him for offering any resistance & remarked that if a cult or order should come from the Ministry or Elders, requiring him to send away his children, he should consider himself bound to obey.

Memorialists therefore pray that an act may be passed preventing these people from testifying, or in any way giving evidence, where one of the members have an interest, and that such provision may be made as will give relief from the aforesaid covenant and prevent those who have been members from being turned of without compensation, & enable those who choose to leave them to recover a just compensation for services & the property carried there. In addition to the provisions already made in relation to children, where one parent should attach him or herself to the Society of Shakers, your memorialist would suggest, that when a man shall so attach himself, he shall, as regards his family be considered to be civilly dead the marriage contract dissolved, & his property administered accordingly or such other provision as your Honorable shall deem necessary and proper.

Feb. 1830 - William Spier, Samuel Jones, David Lear, Cleaver Cady, Daniel T. Curtis, Henry Gay, Washington Hitchcock, Jonas Wheeler, Elijah Warner, Amos Roberts, John Babcock, Harvey Gay, Frederick Cooper,

William Spiers & Samuel Jones, aged men, & the latter
a bitter persecutor in Walter Don's day and the Grand
Father of Samuel Jones Fildon. The most of the others
Signers were of the lower order of Society and some of them
were under many obligations to Bedwin for temporal
assistance & help -



*Petition to the Legislature
against Relievers -
February. 1830.*

10,302-L

To the Honorable, the Legislature of
the State of New York.

We the undersigned having learned that a petition is again before your honorable body, asking legislative interference with the Society of people, called Shakers, - would hereby respectfully represent;

That we have viewed with deep regret the repeated annoyance, perplexity and trouble, this small Society has been subject to, for many years past, arising as we are led to believe, more from the cupidity of certain individuals, than from motives for the public good; - consequently that any further action of your honorable body on the subjects complained of, is unnecessary and cannot result in the general good, or honor of the State.

From our acquaintance with the members of this Society, - their peaceable, moral and industrious habits of life, - and their practical deeds of benevolence and charity, - we believe them to be worthy citizens of the State, and fully entitled to its protection against the insidious attacks of others.

We would therefore most respectfully ask of your honorable body, that they may be left in the peaceable enjoyment of their rights, without further molestation or trouble, arising from such unprecedented and stringent measures, as by said petition, is called for.

The legislative act, which your petitioners ask to have amended, was passed a few years since, allowing this Society in their united capacity, a yearly income of five thousand dollars; a sum when divided among five hundred

persons, would leave only the small sum of ten dollars to each individual;— an amount so insignificant can hardly be deemed an extravagant fund to supply the wants of old age, bodily infirmities &c, much less to excite the jealous cupidity of rich and opulent neighbors.

Their religious faith and worship may differ essentially from ours; and appear highly fanatical and delusive,— but the enjoyment of this is a matter all must grant, is secured to them by the constitution of the State; and for which they are accountable only to their God, so long as it does not interfere with, or abridge the rights of others.

And it must be admitted by all who are acquainted with their order, that their deeds of charity to the poor and destitute, in their vicinity and elsewhere, while supporting at the same time their own poor; and paying their equal share of the poor rates of the county, are evidence at least, that their religion however heretical in some points, is entitled to some respect for its christian virtues.

Confiding therefore in your honorable body, to dispense justice, and to protect all in the peaceable enjoyment of their civil and legitimate rights, we as in duty bound will ever pray.

IN SENATE,

FEBRUARY 8, 1850.



Resolved, That the Trustees of every Society of Shakers in the several counties of this State entrusted with the care and management of the property of such society, pursuant to the act entitled "An act in relation to certain trusts," passed April 15, 1839, be required upon oath or affirmation, on or before the 20th day of March next, to report to the Legislature a just, full and true inventory and account,

1. Of all the real estate belonging to such society on the 15th day of April, one thousand eight hundred and thirty-nine, with a particular description of each separate tract or parcel, the number of acres, and value of each of said separate tracts, and the number, size and description of the buildings upon each of such separate tracts or parcels.

2. Of all the real estate belonging to such Society and acquired since the said fifteenth of April, one thousand eight hundred and thirty-nine, together with the quantity and particular description of each separate tract or parcel, the times when and the names of persons from whom the same was purchased or procured, the consideration paid or agreed to be paid for the same, and the number and value of the buildings upon the same at the times of such purchase, and the number and value of the buildings and out-houses put or erected upon the same since such purchase.

3. Of all real estate sold by such Society since the said fifteenth day of April, one thousand eight hundred and thirty-nine, to whom sold or conveyed, and the price and consideration for which each separate tract or parcel was so sold or conveyed.

4. The aggregate value of all personal property of every description now owned and possessed by or for said Society, and including such as may be in the hands and possession of their agents and others, for disposition or otherwise.

5. Of all monies on hand or upon deposit with incorporated companies, banks or individuals, all government stocks and stocks of banks or other incorporated companies, all notes, bonds, mortgages, accounts, demands, evidences of indebtedness, or other securities owned by or held in trust for the use and benefit of such society.

6. The aggregate amount of all monies or property received by or in trust for such society since the first day of February, one thousand eight hundred and forty-nine, for the sale and disposition of manufactured articles, seeds and property of every description, and the aggregate amount of all the monies and property paid out during the year, and of all sums of money remaining unpaid and owing to such society upon or for such sales and disposition.

7. Of all sums of money and other property expended by such society since the first day of February, one thousand eight hundred and thirty-nine, in buildings and permanent erections upon the real estate of such society.

Resolved, That the Clerk cause a copy of the foregoing resolution to be served on the Elders and Trustees of each Society of Shakers within this State, by mailing the same, directed to such Elders and Trustees, and by causing a copy of said resolution to be published for two successive weeks in the State paper.

SENATE CHAMBER,
February 8th, 1850. }

SIR :

I am directed by the Senate to transmit to you a copy of the above resolutions, respectfully calling your attention to the fact that the answer to them is required to be made by the 20th day of March next.

Respectfully, yours,

Clerk of the Senate.

Senate
Document

To the Honorable the Legislature of the State of New York :

At a meeting of the freeholders held at the Presbyterian Church, NEW LEBANON, N. Y., on the 2d day of April, 1852, to take into consideration the application before the Legislature of the Society of Shakers of the town, for further extension of their special privileges—JOHN KENDALL was called to the Chair, and ANDREW R. CLARK appointed Secretary.

On motion, Doctor Joseph Bates, Silas Churchill, Jr., Henry A. Tilden and A. F. Mooney were appointed a committee to draft resolutions expressive of the sense of this meeting.

On motion, Aaron D. P. Sackett, Ira Hand, David Campbell, M. Y. Tilden, Nelson Tanner, Frederick W. Everest and Joseph Adams were appointed delegates to proceed to Albany to present the proceedings of this meeting to the Legislature, and to urge upon the members the injustice which would be done us by hasty legislation.

Whereas, we have been informed that there is before the Legislature of this State, a bill which allows the Shaker Society near this place to accumulate \$25,000 instead of \$5000 dollars each year :

And, whereas, we do not believe that the members of the Legislature are acquainted with the principles of the community, and the operation of the privileges they ask, upon other religious societies, or upon the neighborhood around them :

And, whereas, this community, since its settlement in the place, have built a large village upon the side of the hill immediately overlooking our valley, and have extended their possessions among us as fast as their accumulations would allow :

And, whereas, there existed at the time of their settlement here a religious society as flourishing and as large as is usually found in country places :

And, whereas, by their purchasing the farm of one resident after another, these societies have become small in number and limited in means, and as their encroachments continue, must become weaker and weaker. And whereas, individuals foreseeing their ultimate decay, and with them our public schools, and all that makes it desirable as a place of residence, have sold their farms and left the place :

And, whereas, having resisted these encroachments as far as our abilities would allow, the restriction imposed by the act of 1839, which was thought to give us protection, having had little or no effect because they have invested as fast as property suiting their wishes has appeared in market, it having been sufficient to remove some of our best inhabitants:

And, whereas, they have made advances in every direction in our valley, it seeming to be their policy to consolidate their territory by the purchase of intermediate lands : And, whereas, they have purchased upon the main street between the villages of this place, so that the intermediate space will remain in all human probability as it is, to the preventing of the enterprise and extension of both villages, since territory once in their possession never passes out :

And, whereas, every movement made by them seems to be directed to the crippling of our energies, the discouraging of all enterprise, and the destruction of all that makes the place desirable as a residence or as a place of business.

Therefore, *Resolved*, That our action is based upon the principles of self-preservation; that our attachments for our native soil and our homes is strong. Here we desire to spend our days in the peaceful enjoyment of those institutions bequeathed us by our fathers.

Resolved, That we cannot submit to the encroachments of this community without a struggle. In opposing their progress we are governed by no feelings of illiberality or unkindness. That we recognize among them many personal friends—that it is with the institution and its principles that we contend; with an association of persons professing principles at war with all social society, and indeed destructive of society itself; that we are not disposed to question their sincerity or distrust them in their peculiar form of worship or belief; yet it is natural that we being deeply impressed with their destructive influence upon our community should deprecate the granting them further power to work us harm.

Resolved, That they now possess over 8000 acres of land, portions of which are intermingled with us, and that the Society are worth between one-half million and one million of dollars; that if the privilege they ask of accumulating 25,000 dollars each year is granted and the amount is invested in real estate, (and we have reason to expect it will be) it will enable them to consolidate their lands, in our valley with one or two exceptions, (see map) and possess it for four miles in length, causing the destruction of no less than four school districts and two religious societies.

Resolved, That the pretence that they are "poor and helpless" is only for effect. We believe that the average number of acres of land in the State to an inhabitant is less than ten.

To the County,..... $8\frac{1}{2}$
To the Town,..... $9\frac{1}{2}$

The number of acres possessed by this Society divided among its members will give each individual over fifteen acres, fifty per cent. more than that of the inhabitants of the town; and this is independent of their large personal estates and valuable buildings in the village.

Resolved, That the reason given for wishing more land for the purpose of raising grain is but a pretence; that they own more land than they are able to cultivate by their own members; that they are now obliged to hire largely each year; that they devote large portions of their most valuable land to other purposes, and are actuated by the same motives as other individuals in devoting it to such purposes, as will yield the greatest revenue, and that if the land in their possession, now diverted from common agricultural purposes was devoted to the production of grain, they would not experience the deficiency of which they now complain, but would have grain to sell. We except wheat, since none of us can raise it to advantage upon our soil.

Resolved, That the property is vested in the hands of Trustees, subject only to an irresponsible ministry of four persons. That every individual is required to consecrate his all to the Society, and is not allowed personally to hold property in fee, and is unable to take any away from the Society if he leaves; therefore the real value belonging to each member has no comparison to the nominal value, since the moment he leaves he is worth nothing. Hence from the nature of their organization, their possessions appear to be virtually in the hands of a few individuals, and as their numbers have been declining for years, this vast property may at some future time be appropriated by some six or eight individuals.

Resolved, That we are told that our State need not feel any concern lest they become a wealthy monopoly, dangerous to the monied and landed interests of the country; that they are associated for temporal and spiritual purposes, the latter always predominating. If this be so, why seek the accumulation of wealth? Why invest it in landed estate? Why are they not satisfied with their present limitation? Why seek to increase it five fold? Is it necessary for their spiritual comfort that they possess an entire town or destroy neighboring religious societies? In former years their estates were much less than now and their number much greater. Why require more land with a decline in numbers?

Resolved, They say that their annual nett earnings amount to only $595\frac{2}{3}$ dollars, yet they are proverbially frugal and industrious; why with diminishing numbers do they ask an extension of their present limitation of five thousand dollars to twenty-five thousand dollars unless it be that they have grossly concealed their true prosperity in their Report answering to a late call of the Legislature.

Resolved, That we do not wish to impose any restraint upon their labor; that we are willing they should in their various avocations make all the money they please, but ask, that inasmuch as their real estate is held in a manner inconsistent with the general laws which regulate the descent of property involving the odious and dangerous system of entailment, and as all land purchased by them will be held until the dissolution of the society, which is not likely to occur until reduced to a very small membership, we ask protection from their incroachments upon our community in the purchase of its real estate; that vast accumulation of property by successive entailments are hostile to the spirit of our institutions and productive of untold mischief, as may be seen, on a large scale in all anti-rent difficulties. Yet this is the inevitable tendency of the bill now before the legislature and against which we protest.

Resolved, That it has been the policy of the Legislature to guard the interests of the people against the pernicious influence of the law of entail, also against the overshadowing influence of wealthy corporations under special privileges, without intending to connect some supposed public benefit with them. It is difficult to see what possible public benefit is to arise from this community, or what claims they have to protection as a religious society, in holding such vast tracts of land, or should have power to enlarge it indefinitely, when the same power and privileges are denied all other Societies and individuals. The influence of the encroachments which such a combination of wealth makes upon the ordinary location of a place, by the withdrawal of property from the aid of local and religious societies or public schools, which on the contrary individual interests would assist in building up, is a public injury, and we believe is too apparent to need further illustration.

Resolved, That while large portions of our State are agitated by the aggregation of vast amounts of real estate in one man, we are the more surprised to find our legislature listening to the solicitation of an interested few, to establish a monopoly which may in a few years absorb our community.

Resolved, That this society is an anomaly in the history of our country and probably in that of all others; that they claim to be a religious society, and under the pretence of asking a privilege which shall secure them their own mode of religious faith and worship, obtain a power which enables them to hold in perpetuity under trustees and their successors in office, property to any amount.

Resolved, That we do not believe there ever existed any practical grievance of this society calling for legislative interference, much less for an allowance of this character. They can hold property necessary to maintain religious worship by the law of religious incorporations, and can associate their private property under the same laws and with the same conditions of other individuals.

Resolved, That if the general laws of the State are salutary and proper for all other religious denominations, how can it be that this society is an exception, unless there is something radically wrong in its constitution and principles? If so is it wise, is it just, is it right to depart from general principles to confer favors upon it by special legislation?

Resolved, That we regard the act of 1839 as a wide departure from the fundamental principles of our institutions, and stands upon the statute book as the first instance of an important demonstration by law in favor of one religious sect over others. It grants to them far more extensive powers than general laws bestow upon religious corporations without the same definite limitations, and with none of the securities against abuses; and we cannot but regard it as an inexcusable violation of the equal rights of all other religious denominations and the community at large.

Resolved, That the brief time allowed us by the near adjournment of the legislature does not permit such attention and consideration of the subject as its importance demands, therefore we request the postponement of any further action; that inasmuch as they claim that our efforts in self defence are for the purpose of annoying them, and that we misrepresent them, we ask that a committee be appointed by the legislature to visit the place and thoroughly investigate the whole matter.

On motion,

Resolved, That this meeting be adjourned to Friday, the 9th of April, for the purpose of hearing the report of the delegation to Albany, and to consider what further action shall be necessary for our protection.

JOHN KENDALL, *Chairman*.

ANDREW R. CLARK, *Sec'y*.

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JOHN KENDALL, *Chairman*.

ANDREW R. CLARK, *Sec'y*.

SUPPLEMENT TO THE ALBANY LAW JOURNAL.

CHAP. 69.]

NINETY-NINTH SESSION, 1876.

17

herein provided, and they shall respectively have the custody and control of the proceeds of the sale of the said railway bonds until the proceeds of the same shall be applied as provided in section four of this act.

§ 4. All the proceeds and avails of said bonds shall be applied to the payment of the interest and principal of the bonds heretofore issued by said corporations respectively, in aid of said railway company, and not otherwise.

§ 5. This act shall take effect immediately.

CHAP. 69.

AN ACT to amend section forty-eight of article three, title four, chapter seven, part three of the Revised Statutes.

PASSED March 17, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-eight of article three, title four, chapter seven, part three of the Revised Statutes is hereby amended so as to read as follows:

Amending
2 R. S. 418,
of special
juries.

§ 48. At the time appointed, the clerk of the county shall attend at his office, with the original lists of the jurors returned to him by the officers of the several towns, who are then liable to serve, or in case such lists cannot be found, with lists made by the clerk from ballots remaining in the box and from the names which have already been drawn as jurors from the box since such original lists were so returned, and in the presence of the parties, or their counsel, shall proceed to strike a jury as follows:

Mode of
proceed-
ing to
strike
jury.

1. The clerk shall select from such lists the names of forty-eight persons, whom he shall deem most indifferent between the parties, and best qualified to try such cause.

2. The party on whose application such struck jury was ordered, or his attorneys, shall then first strike out one of the said names, and the opposite party or his agent shall strike out another of such names, and so alternately until each party shall have stricken out twelve names.

3. If either party shall fail to attend at the time and place of striking such jurors, or shall neglect to strike out any names according to the foregoing provisions, the clerk shall strike for such party.

4. The clerk shall thereupon make out a list of the names of the twenty-four persons not stricken out, and certify the same to be the persons drawn to serve as jurors pursuant to the order of the court, and shall deliver such list so certified to the sheriff of the county.

§ 2. This act shall take effect immediately.

CHAP. 77.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

PASSED March 29, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

A mending
ch. 146,
Laws 1850.

SECTION 1. Section twenty-third of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Directors
may
change
route.

§ 23. The directors of every company formed under this act may, by a vote of two-thirds of their whole number, at any time alter or change the route or any part of the route of their road, or its termini, or locate the said route or any part thereof or its termini in a county adjoining any county named in the articles of association, if it shall appear to them that the line can be improved thereby; and they shall

Survey.
May ac-
quire land.

make and file in the clerk's office of the proper county a survey, map and certificate of such alteration or change, and shall have the same right and power to acquire title to any lands required for the purposes of the company in such altered or changed route as if the road had

Alteration
in city or
village.

been located there in the first instance; and no such alteration shall be made in any city or village after the road shall have been constructed, unless the same is sanctioned by a vote of two-thirds of the

Compensa-
tion.

common council of said city, or trustees of said village; and in case of any alteration made in the route of any railroad after the company has commenced grading, compensation shall be made to all persons for injury so done to any lands that may have been donated to the company.

Proviso.

Nothing herein shall be construed to authorize the change of either terminus to any other county than one adjoining that in which it was previously located, nor the reduction of the amount of capital stock per mile below that now required by law. All the provisions of

Alteration
where
bonds
have been
issued.

this act relating to the first location, and to acquire title to land, shall apply to every such new or altered portion of the route. Nor shall the provision of this section authorize the alteration of the route or terminus of any railroad in any town, county or municipal corporation which has issued bonds, or any town which may be bonded, but whose bonds have not yet been issued or subscribed for, and taken any stock or bonds in aid of the construction of such railroad without the consent in writing of, and subscribed by a majority of the tax payers appearing upon the last assessment roll of said town, county or municipal corporation.

CHAP. 92.

AN ACT to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office.

PASSED April 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No election of trustees held in the year eighteen hundred and seventy-six, pursuant to an act entitled "An act to provide for the incorporation of villages," passed April twenty, eighteen hundred and seventy, and the act amendatory of said act, passed June ninth, eighteen hundred and seventy-four, shall be invalid on account of the failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for for trustees, but the persons for whom a majority of such votes shall have been cast shall be deemed duly elected trustees of such village, and such trustees shall, on or before the first day of May, eighteen hundred and seventy-six, meet together with the president of the village, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year and who of them for two years. If the number of trustees is three, or any other odd number, the smallest majority shall serve for two years, and the largest majority for one year. The president shall make and file in the office of the clerk a certificate stating the names of the said trustees and the term of office of each, as so determined.

§ 2. This act shall take effect immediately.

CHAP. 95.

AN ACT to amend the sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases.

PASSED April 6, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes is hereby amended so as to read as follows:

§ 16. But no such writ of error shall stay or delay the execution of such judgment or of sentence thereon, unless the same shall be allowed by a justice of the Supreme Court, in other than capital cases, residing in the judicial department where the conviction was had, upon two days' notice, in writing, to the district attorney of the county where the conviction shall have been had, and unless such writ of error shall contain an express direction that the same is to operate as a stay of proceedings on the judgment upon which such writ shall be brought.

Amending
2 R. S. 740.

When not
to stay pro-
ceedings.

§ 2. This act shall take effect immediately.

CHAP. 96.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts.

PASSED April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 180,
Laws 1845.

Notice by
collector
of receipt
of tax
warrant.

Payment
of taxes.

Fees.

SECTION 1. Section twenty-nine of chapter one hundred and eighty of the laws of eighteen hundred and forty-five is hereby amended so as to read as follows:

§ 29. Whenever any town collector shall have received any warrant for the collection of taxes, he shall immediately thereafter cause notices of the reception thereof to be posted up in five public places in the ward or town, and so located as will be most likely to give notice to the inhabitants thereof, and shall designate in such notices one or more convenient places in such town, where he will attend from nine o'clock, forenoon, till four o'clock, afternoon, at least three days in each week for thirty days, which days shall also be specified in such notice, for the purpose of receiving payment of taxes; and it shall be the duty of such collector to attend accordingly, and any person may pay his taxes to such collector at the time and place so designated, or at any other time or place, on paying one per cent fees thereon, within thirty days from the first posting of said notices; and no collector shall receive over one per cent fees for receiving or collecting any taxes within said thirty days. But every such collector shall be entitled to receive one cent fees on every amount of tax under one dollar paid in or collected within said thirty days, except in cases where it is now otherwise provided by law.

§ 2. This act shall take effect immediately.

CHAP. 101.

AN ACT to amend section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes."

PASSED April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 427,
Laws 1855.

SECTION 1. Section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes," is hereby amended so as to read as follows:

§ 5. If the taxes on any farm or lot of land assessed to a resident shall be returned as unpaid, in consequence of such premises becoming vacant by the removal of the occupant before the collection of the tax imposed thereon, or in default of goods and chattels of the occupant to satisfy such tax, or if the taxes on any land occupied by or used in connection with any railroad, which was assessed to any person, company or corporation, owning, operating or constructing such railroad, shall be returned as unpaid, the supervisor of the town or ward in which such land was assessed shall add a description thereof to the assessment roll of the next year in the part thereof appropriated to taxes on lands of non-residents, and shall charge the same with the uncollected tax of the preceding year; and the same proceedings shall be had thereon in all respects as if it was the land of a non-resident, and as if such tax had been laid in the year in which the description is so added. The land occupied by or used in connection with any railroad assessed to any person, company or corporation owning, operating, or constructing such railroad, may be described in the following form: "a strip of land owned and occupied by the — railroad company, in the year —, extending about — feet on each side of the railroad track, and embracing the same, together with all the depots, stations, turnouts, switches and other improvements thereon and connected therewith, commencing at the point where such railroad track crosses the boundary line in entering the — ward of the city of —, or the town of —, and extending to the point where such track crosses the boundary line leaving such — ward of the city of —, or the town of —, or to the point of termination in the same, containing — acres more or less;" and when thus described, with the blanks in such form properly filled, on the Comptroller's book of taxes, or advertised or sold for taxes, no other description thereof shall be deemed necessary; provided, that if the Comptroller shall believe that the interests of the State should be best subserved by selling the land in lots or divisions, he shall be empowered to direct such surveys or to create such maps as may be made from titles to the same, so as to enable him to sell such lots by description sufficient to convey title thereto.

Taxes on
lands of
residents
and rail-
roads
returned
as unpaid.

§ 2. This act shall take effect immediately.

CHAP. 108.

AN ACT to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

PASSED April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend

Amending
Ch. 209,
Laws 1874.

an act, passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,' passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State, is hereby amended so as to read as follows:

Duty of courts as to sentences.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the several counties of this State, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in such penitentiary, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of such penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge, or justice or clerk of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to such penitentiary.

§ 2. Section three of said act is hereby amended so as to read as follows:

Duty of sheriffs, constables, etc.

§ 3. It shall be the duty of the sheriffs, deputy sheriffs, constables or policemen in and for the several counties of this State, to whom any warrant of commitment for that purpose may be directed by any court or magistrate in this act mentioned, to convey forthwith such person so sentenced, to the penitentiary referred to in the second section of this act, and there deliver such person to the keeper of such penitentiary, whose duty it shall be to receive such persons, so sentenced, during the continuance of said agreement, authorized by the first section of this act, to be there safely kept and employed, according to the rules and discipline of such penitentiary; and the officers thus conveying such convicts, so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the several counties of this State shall prescribe and allow.

§ 3. This act shall take effect immediately.

CHAP. 110.

AN ACT supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies," and of the several acts amendatory thereof.

PASSED April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees may be elected.

SECTION 1. It shall be lawful for any diocesan convention, presbytery classis, synod, annual conference, or other governing body having jurisdiction over a number of churches, congregations or societies of any church or religious denomination in this State, now or hereafter to be constituted or established, and not already incorporated, at any stated meeting thereof, by a plurality of voices, to elect any number of

discreet persons, not less than three nor exceeding nine in number, as trustees to take charge of the estate and property belonging thereto, and to transact all affairs relating to the temporalities thereof. The presiding officer and clerk of such governing body shall immediately thereafter certify, under their hands and seals, the names of the persons elected as trustees as aforesaid, in which certificate the name or title by which the said trustees and their successors shall be known, shall be particularly mentioned, which said certificate, being duly acknowledged by the said presiding officer and clerk, shall be recorded, by the clerk of one of the counties situated in whole or in part, within the bounds of the jurisdiction of such governing body, or in the book kept for the record of religious corporations; and such trustees and their successors shall thereupon, by virtue of this act, be a body corporate, by the name or title expressed in such certificate.

Certifi-
cate.

§ 2. Such trustees shall be capable of taking for religious, educational and charitable purposes, by gift, devise, bequest, grant or purchase, and of holding and disposing of the same, any real and personal estate held for the benefit of any such governing body, or of any parish, congregation, society, church, chapel, mission, religious, benevolent, charitable or educational institution, existing or acting under such governing body at the time of their election, or which had then or may thereafter be given for any such purposes, provided that the net yearly income received from the said property shall not at such time exceed the sum of twenty-five thousand dollars.

Powers of
trustees.

§ 3. Whenever any parish, church, congregation or religious society in connection with any such governing body shall become extinct by reason of the death or removal of its members, it shall be lawful for the trustees elected by such body as aforesaid to take possession of the temporalities and property belonging to such extinct church or organization, and manage and dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act.

When
church
shall
become
extinct.

§ 4. The trustees elected by virtue of this act shall hold their offices at the pleasure of the governing body by whom they are elected, and all vacancies shall be filled by such body as they occur.

Term of
office.

CHAP. 115.

AN ACT to facilitate the settlement of bills of exceptions in criminal actions.

PASSED April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever in any criminal action, or criminal proceeding, tried before any court, any party shall be entitled to have a bill of exceptions, the same may be settled, signed and sealed by the presiding judge, or the presiding justice of the court, before whom the same may be tried, either before the adjournment or after the adjournment of the said court; and it shall not be necessary that such court shall be in session at the time of such settling, signing and sealing; but the same may be done after the final adjournment of such court.

§ 2. This act shall take effect immediately.

CHAP. 118.

AN ACT in relation to wills of personal estate.

PASSED April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Wills executed out of State—rule as to execution.

SECTION 1. Every will and other testamentary instrument made out of the State of New York, and within the United States of America, Dominion of Canada, or the Kingdom of Great Britain and Ireland, whatever may be the domicile of the person making the same or at the time of making the same, or at the time of his or her death, shall, as regards personal estate, be held to be well executed for the purpose of being admitted to probate in the State of New York, if the same be made according to the forms required either by the law of the place where the same was made or by the law of the place where such person was domiciled when the will was made or by the laws of the State of New York.

Will executed within the State.

§ 2. Every will and other testamentary instrument made within the State of New York, whatever may be the domicile of the person making the same at the time of making the same, or at the time of his or her death, shall, as regards personal estate, be held to be well executed, and shall be admitted to probate in the State of New York if the same be executed according to the forms required by the laws of this State.

Effect of change of domicile.

§ 3. No will or other testamentary instrument shall be held to have become invalid, nor shall the construction thereof be altered by reason of any subsequent change of domicile of the person making the same.

Effect of this act.

§ 4. Nothing in this act contained shall invalidate any will or other testamentary instrument as regards personal estate which would have been valid if this act had not been passed except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this act.

To what wills to apply.

§ 5. This act shall extend only to wills and other testamentary instruments made by persons who die after the passage of this act.

§ 6. This act shall take effect immediately.

CHAP. 121.

AN ACT regulating the appointment of trustees of the State Homœopathic Asylum for the Insane at Middletown.

PASSED April 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever vacancies shall occur in the board of trustees of the State Homœopathic Asylum for the Insane at Middletown, the Senate shall appoint, on the nomination of the Governor, proper persons to fill such vacancies ; and the acceptance of the office of trustee, by the persons thus appointed, shall be a pledge that they will maintain the homœopathic mode of medical treatment in the said asylum.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

