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**Indians. Laws of the colonial and state governments, relating the Indian inhabitants.**

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INDIANS.

LAWS

OF

THE COLONIAL AND STATE GOVERNMENTS;

RELATING

THE INDIAN INHABITANTS.

MARCH 19, 1830.

Printed by order of the House of Representatives, and under the direction of the Committee on Indian Affairs.

[*Note by the Committee.*—The dates prefixed to the several laws have, in many instances, been adopted upon no better authority than the date of the edition or revisal of the laws of the respective colonies or States in which they were formed; accuracy, therefore, cannot be expected.]

MASSACHUSETTS.

[1633—1672.]

*For settling the Indians' title to lands in this jurisdiction.*

*It is declared and ordered by this Court, and authority thereof,* That what lands any of the Indians in this jurisdiction have possessed and improved, by subduing the same; they have just right unto, according to that in Gen. 1. 28, and Chap. 9. 1, and Psal. 115, 16.

And for the further encouragement of the hopeful work amongst them, for the civilizing and helping them forward to Christianity, if any of the Indians shall be brought to civility, and shall come among the English to inhabit, in any of their plantations, and shall there live civilly and orderly, that such Indians shall have allotments amongst the English, according to the custome of the English in like case.

*Further it is ordered,* That if, upon good experience, there shall be a competent number of the Indians brought on to civility, so as to be capable of a township upon their request to the General Court, they shall have grant of lands undisposed of, for a plantation, as the English have.

*And further it is ordered by this Court,* That if any plantation or person of the English, shall offer injuriously to put any of the Indians from their planting grounds, or fishing places, upon their complaint, and proof thereof, they shall have relief in any of the Courts of Justice amongst the English, as the English have.

*And further it is ordered by this Court and the authority thereof, and be it hereby enacted,* That all the tract of land within this jurisdiction, whether already granted to any English plantations or persons, or to be granted by this Court, (not being under the qualification of *right* to the Indians) is, and shall be accounted the just *right* of such English as already have, or hereafter shall have grant of lands from this Court, and the authority thereof, from that of Gen. 1. 28, and the invitation of the Indians.

SEC. 2. *And it is ordered,* That no person whatsoever shall henceforth buy land of any Indian without license first had and obtained of the General Court; and if any offend herein, such land so bought shall be forfeited to the country.

Nor shall any person sell, give, or barter, directly or indirectly, any gun or guns, powder, bullets, shot, lead, to any Indian whatsoever, or to any person inhabiting out of this jurisdiction: Nor shall any amend or repair any gun belonging to any Indian, nor shall sell any armour or weapons, upon penalty of *ten pounds* for every gun, armour, or weapons, so sold, given, or bartered, *five pounds* for every pound of powder, *forty shillings* for every pound of shot or lead, and proportionably for any greater or lesser quantity. [1633—37.]

*For explaining the law. tit. "INDIANS."*

This Court doth declare the prohibition there exprest, referring to the purchase of Indian land without licence from this Court, is to be understood, as well grants for term of years, as for ever, and that under the same penalty as in the said law is exprest. [1665.]

3. Whereas the French and Dutch, and other foreign nations, do ordinarily trade guns, powder, and shot, with Indians, to our great prejudice, and strengthening and animating the Indians against us: and the aforesaid French, Dutch, &c. do prohibit all trade with the Indians within their respective jurisdictions, under penalty of confiscation, &c.

*It is therefore ordered,* That it shall not be lawful for any Frenchman, Dutchman, or any person of any other foreign nation whatsoever, or any English dwelling amongst them, or under them, or any of them, to trade with any Indian or Indians within the limits of our jurisdiction, directly or indirectly, by themselves or others, under penalty of confiscation of all such goods and vessels as shall be found so trading, or the due value thereof, upon just proof of any goods or vessels so trading or traded.

And it shall be lawful for any person or persons, inhabiting within this jurisdiction, to make seizure of any such goods or vessels trading with the Indians; one half whereof shall be for the proper use and benefit of the party seizing, and the other half to the country. [1650.]

4. And because the trade of furs with the Indians in this jurisdiction, doth properly belong to this Commonwealth, and not unto particular persons:

*It is therefore ordered,* That henceforth no person or persons, directly or indirectly, shall trade with the Indians for any sort of peltry, excepting only such as are authorized by this Court, or by such committee as this Court shall appoint from time to time, under the penalty of *one hundred pounds* fine for every offence; *ten pounds* whereof shall be to the informer, the rest to the country.

5. Whereas several orders for preventing drunkenness amongst the Indians have been made, yet, notwithstanding, there is little or no reform

tion: for the prevention thereof, and the frequent effects thereof, murder and other outrages amongst them.

*This Court doth order*, That no person of what quality or condition soever, shall henceforth sell, truck, barter, or give, any strong liquors to any Indian, directly or indirectly, whether known by the name of rum, strong waters, wines, strong beer, brandy, cyder, perry, or any other strong liquors, going under any other name whatsoever, under the penalty of *forty shillings* for one pint; and so proportionably for greater or lesser quantities, so sold, bartered, or given, directly or indirectly, as aforesaid.

And for the better execution of this order, all trucking houses erected (not allowed by this Court) shall be forthwith demolished.

And for the better effecting of this order, it is declared that one-third part of the penalty shall be granted to the informer.

*It is also ordered*, That special care shall be had by the Grand Jury of every shire court, to inquire and present to the court what they finde to discover matter tending to such practice, against the true intent of this law.

And all other orders giving liberty to sell strong liquors to the Indians, are hereby repealed; and all licences formerly granted, are hereby disabled and called in: *Provided always*, That it is not intended that this law extend to restrain any person from any charitable act, in relieving any Indian (*bona fide*) in case of suddain extremity, by sickness or tainting, which calls for such help, nor exceeding one dram, nor when any physitian shall prescribe in way of physic, any of the particulars before mentioned; so as, upon sight of his direction in writing, there be allowance had, under the hand of one magistrate; or where no magistrates in the town residing, being under the hands of the Town Commissioners, or two of them.—[May, 1657.]

6. This Court, considering the necessity of restraining the Indians from whatsoever may be a means to disturb our peace and quiet,

*Doth order*, That henceforth no person or persons inhabiting within this jurisdiction, shall, directly or indirectly, any wayes give, sell, barter, or otherwise dispose of any boat, skiffe, or any greater vessel, unto any Indian or Indians whatsoever, under the penalty of *fifty pounds*, to be paid to the country treasurer, for every such vessel so sold, or disposed, as aforesaid.—[1656.]

7. *It is ordered by this Court*, That, in all places within this jurisdiction, the English shall keep their cattle from destroying the Indians' corn, in any ground where they have right to plant; and, if any of the corn be destroyed, for want of fencing or herding, the town shall make satisfaction, and shall have power among themselves to lay the charge where the occasion of the damage did arise: *Provided*, That the Indians shall make proof that the cattle of such a town, farm, or person, did the damage.

*An act of the Province of Massachusetts Bay, passed 1693-4, for the better rule and government of the Indians in their several plantations.*

To the intent that the Indians may be forwarded in civility and Christianity, and that drunkenness and other vices be the more effectually suppressed amongst them:

Sec. 1. *Be it enacted and ordained by the Governor Council and Representatives in General Court assembled, and it is enacted by the authority of the same,* That his Excellency the Governor, by and with the advice and consent of the Council, may, and is hereby, empowered to appoint and commissionate one or more discreet persons within several parts of this Province, to have the inspection and more particular care and government of the Indians in their respective plantations; and to have, use, and exercise, the power of a justice of the peace over them in all matters, civil and criminal, as well for the hearing and determining of pleas betwixt party and party, and to award execution thereon, as for the examining, hearing, and punishing, of criminal offences, according to the acts and laws of the Province, so far as the power of a justice of the peace does extend: as, also, to nominate and appoint constables and other proper and necessary officers amongst them.

Sec. 2. *And be it further enacted by the authority aforesaid,* That no person or persons whatsoever, shall directly or indirectly sell, truck, barter, or give to any Indian, any strong beer, ale, cider, perry, wine, rum, brandy, or other strong liquors, by what name or names soever called or known, on pain of forfeiting the sum of *forty shillings* for every pint, and proportionably for any greater or lesser quantity so sold, trucked, bartered, given, or delivered, to any Indian, directly or indirectly, as aforesaid, upon conviction thereof before a justice of the peace, where the penalty does not exceed *forty shillings*; and, if it exceed that sum, at the sessions of the peace to be holden for the same county where the offence is committed: one moiety of all such forfeitures to be unto their majesties, for and towards the support of the Government; and, the other moiety, to him or them that shall inform and prosecute the same, by bill, plaint, or information; and, if the offender be unable, or shall not forthwith pay and satisfy the said penalty or forfeiture, then to be committed to the goal of the county, there to remain until he pay and satisfy the same, or suffer two months imprisonment: *Provided,* this act shall not be intended, or extend to restrain any act of charity for relieving any Indian, (*bona fide*) in any sudden exigent, or faintness, or sickness, not to exceed one or two drams; or, by prescription of some physician in writing, or by the allowance of a justice of the peace.

And for the better discovery of such ill-disposed persons, who, through greediness of filthy lucre, shall privately sell or deliver strong liquors, or strong drink to any Indian or Indians: (of which it is difficult to obtain positive evidence, other than the accusation of such Indian or Indians,) and, to the intent, that murders and other outrages frequently occasioned thereby, may be prevented,

*It is ordained and enacted,* That the accusation and affirmation of any Indian, with other concurring circumstances, amounting to an high presumption, in the discretion of the court, or justices who have cognizance of the case, (the accuser and accused being brought face to face at the time of trial) shall be accounted and held to be a legal conviction of the person so accused, of giving, selling, or delivering wine, rum, or any other strong drink

or liquors, to such Indian, unless the party accused shall acquit him or herself thereof upon oath; which the court, or justice, respectively, are hereby empowered to require and administer unto the person accused, in form following, that is to say:

“You, A. B. do swear, that neither yourself nor any other, by your order, general or particular assent, privity, knowledge, or allowance, directly or indirectly, did give, sell, or deliver any wine, cider, rum, or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom and whereof you are now accused. So help you God.”

*And further it is enacted,* That it shall and may be lawful to and for any person or persons to seize any wines, strong liquors or cyder, which he or they may find in the custody of any Indian, not obtained by allowance as aforesaid; (other than cyder made of fruit of their own growth) and to deliver the same unto the constable, or any one or more of the selectmen of the town, where the same shall be seized, to and for the use of the poor of such town; and to apprehend such Indian, and to cause him or her to be conveyed before the next justice of the peace, to be examined where, and of whom, they had such strong drink.

And every Indian convicted of drunkenness shall suffer and pay, unto the use of the poor of the town or place where such offence is committed, the sum of *five shillings*, or else be openly whipped by the constable of such town or place, or some other that he shall procure, not exceeding *ten lashes*, as the justice of the peace before whom such conviction is, shall determine.

[1725.]

*An act for the allowing necessary supplies to the Eastern Indians, and for regulating trade with them, and for the repealing an act, intituled An act to prohibit trade and commerce with the Eastern Indians, made and passed in the eighth year of his present Majesty's reign.*

Whereas the Indians in the Eastern parts of this province having been some years past in hostilities and rebellion, have now submitted themselves, and recognised their subjection and obedience to the crown of Great Britain, and have their dependence on this Government for supplies of clothing and other necessaries: to the intent, therefore, that they may be furnished with the same at such easy rates and prices as may oblige them to a firm adherence to his Majesty's interest,

*Be it enacted by the Lieutenant Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That provisions, clothing, and other supplies suitable for the carrying on a trade with the said Indians, not exceeding the value of four thousand pounds, be, at the session of this Court in May next, procured at the cost and charge of this province; and the produce thereof applied, from time to time, for supplying of the said Indians, as aforesaid, by such person or persons as shall annually be chosen by this Court, who shall take the direction of the Governor and Council in the recess of the Court, as occasion shall require: *Provided always,* Such direction be not inconsistent with the instructions of this court. *And likewise annually lay before this Court fair accompts of all his or their proceedings herein; which supplies of clothing, provisions, and other things, shall be lodged at such places to the Eastward of Falmouth, in Casco bay, as the General Court shall from time to time order and appoint.*

[1747.]

*An act for explaining an act, entitled "An act to prevent and make void clandestine and illegal purchases of lands from the Indians," as far as relates to the devise or bequest of any real estate by the last will and testament of any Indians.*

Whereas doubts have arisen whether the act passed in the thirteenth year of King William the Third, intituled "An act to prevent and make void clandestine and illegal purchases of lands from the Indians," doth extend to any devise or bequest of real estate made by the last will and testament of any Indian:

*Be it therefore declared and enacted by the Governour, Council, and House of Representatives, That the said act was intended to extend, and did, doth, and ought to be understood to extend, to all devises of real estate made by the last wills and testaments of any of the said Indians; and to such devises of lands, or other real estate whatsoever, by any last will or testament from any Indian or Indians inhabiting within this province, to an English person or persons, that have been heretofore made, and have not been approved by the General Court; and also all such as shall hereafter be made, unless the approbation of the General Court shall be obtained; and hereby declared utterly void and of no effect.*

[1805.]

*An act for the protection of the Indians and their property, in that part of Duke's county known by the name of Christiantown.*

Whereas many persons, who are unmindful of the moral obligations which they owe to society, have taken undue advantages of said Indians, for the remedy whereof,

SEC. 1. *Be it enacted by the Senate and House of Representatives, General Court assembled, and by the authority of the same, That the Excellency the Governour, by and with the advice and consent of Council, be, and he hereby is, authorized and empowered to appoint two good and discreet men as guardians, to have the care and oversight of said Indians and of their property, with full power to superintend the same.*

SEC. 2. *Be it further enacted, That, from and after the passing of this act, all deeds, bargains, sales, releases, quit claims, or any conveyance whatsoever, that any person shall or may obtain, in any way, from any person or persons, of any lands, tenements, or hereditaments, which do, or shall hereafter, belong to any of said Indians, as well for any term of years as forever, shall be utterly void and of none effect, excepting such releases, or other conveyances, as shall first be examined, approved, and confirmed, by said guardians.*

SEC. 3. *Be it further enacted, That, from and after the passing of this act, no bond, bill, or other specialty in writing, or any contract whatsoever, nor any book account, or verbal contract or promise, for the payment of money, shall be deemed good and recoverable against any of the said Indians, if the same shall exceed the sum of four dollars, unless such bill, bond, specialty, or verbal contract, shall be approved by one at least of said guardians.*

SEC. 4. *Be it further enacted, That nothing in this act shall be construed in anywise to affect any existing contract, or any action that shall be pending in any court at the time of the passing of this act.*

[1810.]

*An act for the better regulating the Indians and other people of colour, inhabitants of the Island of Chappaquidick, in the county of Duke's county.*

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Council assembled, and by the authority of the same,* That His Excellency the Governor, with the advice of the Council, is hereby authorised and requested to appoint three commissioners, who shall meet in the month of March next, and when met, shall have power to make a distinct and specific assignment of the lands belonging to the Indians, and other people of colour, inhabitants of the Island of Chappaquidick in the county of Duke's county, to the different individuals and families, in such quantities as they shall deem proper, reserving from said lands such portions for annual appropriations by the guardians of the said Indians, and people of colour, as the said Commissioners may judge expedient; and each individual and family shall retain possession of the land so assigned, for the term of ten years from the thirty-first day of March next, at which time a new assignment of the said lands shall be made by the guardians of the said Indians.

SEC. 2. *Be it further enacted,* That no promise made, or contract entered into, by any of the said Indians, or people of color, shall be valid in law, unless the same be made or entered into with the written consent of two or more of their guardians; and no action hereafter brought upon such promise or contract, made or entered into without such written consent, shall be sustained in any court of law.

SEC. 3. *Be it further enacted,* That no action shall be sustained in any court of law in this Commonwealth, wherein any of said Indians or people of colour shall be plaintiff, unless the original writ be endorsed by two or more of their guardians; and this act may be given in evidence in all such actions under the general issue.—*Passed Feb. 27, 1810.*

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## CONNECTICUT.

[1672.]

*An act for the well ordering of the Indians, in their several places and plantations.*

That some means may be used to convey the knowledge of God, and of his word, to the Indians and natives among us, *Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That one or more of the teaching Elders of the churches in this jurisdiction, with the help of an able interpreter, shall be desired, as often as he may, in every year, to go among the neighboring Indians, and endeavor to make known to them the councils of the Lord; thereby to draw and stir them up to direct and order all their ways and conversations according to the rules of his word: and the Governor and Deputy Governor, and other magistrates, are desired to take care and see the thing attended, and, with their own presence, so far as may be convenient, to encourage the same.



*And it is further enacted, by the authority aforesaid,* That where any company of Indians do sit down near any town or English plantation, they shall declare who is their Sachem, or Chief; and that the said Sachem, or Chief, shall pay to the English, such trespasses as shall be committed by any Indian or Indians in the said plantations adjoining, either by spoiling or killing of cattle or swine, either with guns, traps, dogs, or arrows, or by any other means, although they plead it was done by strangers, unless they can produce the party, and deliver him, or his goods, into the custody of the English; and that they shall pay double damage if it were done wittingly and voluntarily: the like engagement this Court also makes to them, in case of wrong or injury done to them by the English, which shall be paid by the party by whom it was done, if it can be made to appear, or else by the town in whose limits such facts are committed.

And to prevent inconveniences and troubles that may arise by the Indian coming into the English towns and plantations in the night season, and supplying themselves with liquors and prohibited goods,

*It is further enacted, by the authority aforesaid,* That all and every Indian and Indians, that shall be found passing and repassing in any town this Colony, after the shutting in of the evening, (except he or they shall give sufficient reason that there was necessity thereof) shall forfeit and pay the sum of *twenty shillings*, whereof *fifteen shillings* shall be to the county treasury, and *five shillings* to the complainer or complainers; or whipt, not exceeding *six stripes*: any one assistant or justice of the peace before whom any such complaint shall come, shall be, and is hereby empowered to secure every such Indian or Indians, by committing them to prison, or setting a watch upon them, till he may hear and issue such complaints.

*And be it further enacted, by the authority aforesaid,* That no person or persons whomsoever, shall, directly or indirectly, sell, truck, barter, give, or deliver, to any Indian, any strong beer, ale, cyder, perry, wine, rum, brandy, or other strong liquors, by what name or names soever called or known, on pain of forfeiting the sum of *twenty shillings* for every pint, proportionable for any greater or lesser quantity so sold, trucked, bartered, given, or delivered, to any Indian, directly or indirectly, as aforesaid, upon conviction thereof before any assistant or justice of the peace, where the penalty doth not exceed *forty shillings*; and if it exceed that sum, at the county court to be holden for the same county where the offence is committed; two-third parts of all such forfeitures to be to the county treasury, the remaining third part to him or them that shall prosecute the same by bill, plaint, or information: *Provided,* This act shall not be intended, or extend to restrain, any act of charity for relieving any Indian (*bonâ fide*) in any sudden exigent of faintness, or sickness, not to exceed one or two drams, by the allowance of an assistant or justice of the peace.

*And it is further enacted, by the authority aforesaid,* That every Indian or negro, servant or slave, that shall be convicted of the breach of the law, shall be openly whipt, not exceeding *ten stripes*, unless the master of such servant or slave shall answer the law by paying his or her fine: and every Indian convicted of drunkenness in the Colony, shall forfeit and pay the sum of *ten shillings*, whereof one half shall be to the complainer or complainers, and the other half to the County Treasury where the offence is committed, or else be openly whipped, not exceeding *ten stripes* for one of

fence, as the assistant or justice of the peace, before whom such conviction is, shall determine.

And for preventing of the breach of the Sabbath by the Indians within this colony:

*It is further enacted by the authority aforesaid,* That, if any Indian or Indians shall labour, or play, on the Sabbath day, within the limits of any English town, every such Indian, being thereof duly convicted, shall pay a fine of *five shillings*, whereof the one-half shall be to the complainer, the rest to the county treasury, or else set in the stocks *one hour*; any one assistant or justice of the peace to hear and determine the same.

*And be it further enacted by the authority aforesaid,* That no Indian or Indians shall, at any time, pawaw, or perform outward worship to false gods, or to the devil, within this colony, on pain of forfeiting the sum of *five pounds* to the public treasury of this colony, for every time any Indian or Indians shall be convicted of performing or doing the same.

And if any person, or persons, of the age of twenty years or upwards, shall, at any time, be present at any Indian play or pawawing, at any of their general meetings, every such person shall forfeit the sum of *forty shillings*; and if any person shall join in playing with any Indian or Indians, or shall lay any wager with, or for, any Indian, about or concerning any such play or game, he shall forfeit and pay a fine of *ten pounds*; one moiety of these fines and forfeitures to be to the complainer, or complainers, and the other moiety to the treasury of the county in which such offence is committed.

And whereas it is too manifest, that the Indians, notwithstanding all council and advice to the contrary, have committed, and still do proceed to commit murder, and kill one another, within the English plantations in this colony, and take no course that such justice be executed on such malefactors as may take off the guilt of blood from the land: Which to prevent—

*It is further enacted by the authority aforesaid,* That, if any Indian, or Indians, within this colony, shall wilfully and violently fall upon any Indian, or Indians, within this colony, and upon the English land, (except it be such as they are at open war with) and murder him, or them, and be thereof legally convicted, every such Indian and Indians shall suffer the pains of death: And if the Indians shall not do just execution upon such murderer, or murderers, speedily, the next assistant or justice of the peace, shall, forthwith, cause him or them to be apprehended, and without bayl or mainprize, commit him or them to the common gaol, there to be secured for a tryal, at the next court of assistants.

And to prevent damage that may come to Indians in their cornfields, by cattel belonging to the English—

*Be it further enacted by the authority aforesaid,* That, in each town in this colony, where any Indians have any fenced fields, there shall be fenceviewers and apprizers, by such town chosen and appointed, who shall be sworn to view such Indian fence, and to apprize such damage, as may or shall be done in the Indian corn, by any English cattel, horses, or swine, and the judgment or apprizement of such viewers and apprizers shall be duly performed and answered by the owners of such cattel, horses, and swine, to the Indian or Indians damnified; and the Indians having such fields are hereby allowed to make pounds within their said fields, to impound and secure cattle, horses, and swine, trespassing upon them; and the said Indian or Indians impounding any cattle, horses, or swine, shall, forthwith, give

notice thereof to the Selectmen of that town in which such their field is, and to the Selectmen of the two next towns adjacent, of what cattle, horses, and swine, are impounded by them; and if the owners do not redeem their cattle, horses, and swine, so impounded, within twenty-four hours after notice to them given of the same, that then the Selectmen of that town to which such cattle, horses, or swine, do belong, shall make sale of them, as shall answer such damages done to such Indian or Indians; by such cattle, horses, or swine as aforesaid.

*And it is further enacted by the authority aforesaid,* That no person or persons in this colony, whether inhabitants or other, shall buy, hire, or receive a gift or mortgage any parcel of land or lands, of any Indian or Indians for the future, except he or they do buy or receive the same for the use of the colony, or for some plantation or village, or with the allowance of the General Court of this colony.

And if any person or persons shall purchase or receive land of any Indian or Indians, contrary to the intent of this act, the person or persons so offending shall forfeit to the public treasury of this colony, the treble value of the land so purchased or received; and no interest or estate in any lands in this colony, shall accrue to any such person or persons by force or virtue of such illegal bargain, purchase, or receipt.

And upon consideration of the great inconvenience that doth ensue the trusting the Indians with goods and commodities, which, if not prevented, is like to prove extremely prejudicial to the English, and destructive to the Indians,

*Be it further enacted by the authority aforesaid,* That no person shall be allowed or admitted to prosecute before any assistant, or Justice of the Peace or Court of Judicature in this colony, any action of debt or detinue for any goods sold, lent, or trusted out, to any Indian or Indians whomsoever.

*Always provided,* This act shall not be understood or interpreted to debar any person from the benefit of law, for the recovery of any rent due to him from any Indian or Indians, for land by him or them-hired or improved.

[1717.]

*“An act concerning purchasers of native rights to land.”*

This Assembly observing many difficulties and perplexities arising in this Government, by reason of many purchases of land made of Indian titles, without the preceding allowance or subsequent approbation of this Assembly: Which to remove,

*It is hereby enacted and declared by this Assembly, and the authority thereof,* That all lands in this Government are holden of the King of Great Britain as the lord of the fee, and that no title to any lands in this colony can accrue by any purchase made of Indians, on pretence of their being native proprietors thereof, without the allowance and approbation of this Assembly.

*And it is hereby resolved,* That no conveyance of native right, or Indian title, without the allowance or approbation of this Assembly, as aforesaid, shall be given in evidence of any man's title, or pleadable in any court.

*And further it is resolved,* That (inasmuch as many such purchases have been made, and the persons who have so made them, or those who claim under them, may think they have hard measures, if they may not retain some considerable proportion thereof, or other lands in lieu thereof assigned to

them,) John Hamlin, Esq. Mr. John Hooker, and Captain James Wadsworth, shall be a committee, or any two of them, by such ways and means as they shall think fit, to enquire into and gain a true understanding, of all the claims aforesaid, and lay the true circumstances of all the said claims before the Assembly in October next, with what they may understand may be to the satisfaction of the claimers, either within the bounds of any town with the consent of the proprietors, or elsewhere, within the ungranted lands of this colony, together with their opinion thereon; to this end, that the said Assembly may settle this whole affair, and proceed to the settlement of all the undisposed lands in this colony, in such manner as shall then be determined, that all future troubles about our settlements may be avoided.

*An act for the more effectual well ordering of the Indians, and for the bringing of them to the knowledge of the Gospel.—[ 1717. ]*

WHEREAS, pursuant to an act of the Assembly, holden in Hartford, on the ninth day of May, in the present year, one thousand seven hundred and seventeen: The Governor and Council have laid before this Assembly several measures for bringing the Indians in this colony to the knowledge of the gospel, which was the avowed design of those that obtained the patent for this corporation; to hold the land and government of the colony:

Upon consideration of which measures, the Governor and company of this, his Majesty's colony, in General Court assembled, desirous of pursuing in the best manner the solemn professions of our predecessors, have enacted.

*And it is hereby enacted by the Governour, Council, and Representatives, in General Court assembled, and by the authority of the same,* That care be taken annually, by the authority of each town, to convene the Indians inhabiting in each town, and acquaint them with the laws of the Government for punishing such immoralities as they shall be guilty of, and make them sensible that no exemption from the penalties of such laws lies for them, any more than for other his Majesty's subjects.

And forasmuch as drunkenness and idleness may well be looked upon as amongst the strongest chains that hold them fast in their ignorance of, and prejudices against, the religion of the Gospel:

*Be it enacted, therefore, by the authority aforesaid,* That whosoever shall be convicted of selling any Indian strong drink, by the testimony of any one witness, with other strong circumstances, or by the accusation of any Indian, (unless such accused person shall acquit himself by oath) shall incur the penalty of *twenty shillings*: any assistant or justice of the peace to hear and determine the same. And in case the said person so convict, shall appeal to the County Court, thereupon trial had, and judgment given against the appellant, (from which no appeal shall be allowed) the said appellant shall incur a further penalty, not exceeding *forty shillings* nor under *twenty shillings*, to be laid by the said Court. And the penalties so incurred shall be one-half to the prosecutor or informer, whether an Englishman or an Indian, and the other half to the treasury of the county where such person shall be convict. And all grandjurymen shall take diligent care to make presentment of any person or persons whom they shall know, or upon good grounds have reason to suspect, have sold drink to any Indian, contrary to this or any other act provided against the same.

*And it is further provided,* That nothing in this act shall be taken to excuse any person whatsoever from any penalty whatsoever which he may incur by virtue of any other law prohibiting selling of drink without licence.

And forasmuch as idleness appears to be a great obstruction to the Indians receiving the Gospel of Truth, and it might very much conduce to their reformation, in that particular, if they were, by easy and agreeable methods, brought off from their pagan manner of living, and encouraged to make settlements in convenient places, in villages, after the English manner:

*It is hereby resolved,* That measures shall be used to form villages of the natives, wherein the several families of them should have suitable portions of land appropriated to them, so that the said portions shall descend from the father to his children, the more to encourage them to apply themselves to husbandry, and good diligence therein, for their support.

And whereas, there is a considerable tract of land in the township of New London, which is said to be suitable and sufficient to make such a village, and, upon which there are now living the largest number of Indians that live together in any one place in this Government,

*Be it therefore enacted,* That Nathan Gold, Esq. John Hamblin, Esq. Samuel Eells, Esq. Jona. Law, Esq. Judges of the Superior Court, or any two or more of them, do make a view of said tract of land, visit the Indians living on it, take account of the number of their families and persons, of the quantity and quality of said land, with other circumstances thereof, in respect of any claims made thereto, or possession thereon, and lay a plan of the same before the General Court, for their further direction, that they may be the better enabled to proceed in forming a village of the said Indians there, and bringing them to such civil order, co-habitation, and industry, as may facilitate the setting up the Gospel ministry among them. And that they view, and make report of all the land formerly sequestered to said Indians.

[1722.]

*“An act for preventing trespasses on the lands of this Colony, by illegal purchases thereof from the Indians, passed by the General Court or Assembly of Connecticut, in New Haven.”*

WHEREAS this Assembly have been informed, that, notwithstanding the ancient laws of this Colony, some persons have pretended to purchase of Indians, their rights as natives, of many considerable tracts of land lying within this Colony; and, although all such deeds, when obtained without the leave and consent of this Assembly, are, by the said law, declared to be, *ipso facto*, void; yet, under colour of such deeds, persons unacquainted with the said laws may be imposed upon, deceived, and greatly wronged, as well as the settlements of such lands in plantations, pursuant to the end expressed in our charter, hindered:

For the prevention whereof,

*Be it enacted by the Governour, Council, and Representatives, in General Court assembled, and by the authority of the same,* That whoever shall presume to purchase any lands within the bounds of this Colony, of any Indians whatsoever, without the leave of this Assembly hereafter had and obtained, under colour and pretence of such Indians being the proprietors of said lands by a native right; or shall, having purchased of any Indians, lands in such manner, without leave of this Assembly first had, or the confirmation of this Assembly afterwards obtained, presume to make

any sale of, or any settlements upon, any lands so purchased, every person who shall in any such manner transgress, and be thereof convicted in the County Court or in the Superior Court of that county where such lands shall lye, shall incur the penalty of fifty pounds to the treasury of this Colony. And, whatsoever person or persons shall suffer any wrongs by means of such sale or settlement as aforesaid, shall recover, in either of the said courts, upon proof of such wrong by him suffered, treble damages against the person or persons so wronging of him.

*An act for preventing trespasses on the lands of this Colony, by illegal purchases thereof from the Indians. [1722.]*

WHEREAS this Assembly have been informed that, notwithstanding the ancient laws of this Colony to the contrary, some persons have pretended to purchase of Indians their rights as natives, of many considerable tracts of land lying within the Colony; and although all such deeds, when obtained without the leave and consent of this Assembly, are by the said law declared to be *ipso facto* void; yet, under colour of such deeds, persons unacquainted with the said laws may be imposed upon, deceived, and greatly wronged, as well as the settlement of such lands in plantations, pursuant to the end expressed in our charter, hindered:

For the preservation whereof,

*Be it enacted by the Governour, Council, and Representatives, in General Court assembled, and by the authority of the same,* That whosoever shall presume to purchase any lands within the bounds of this Colony of any Indians whatsoever, without the leave of this Assembly hereafter first had and obtained, under colour or pretence of such Indians being the proprietors of said lands by a native right; or shall, having purchased of any Indians lands in such manner without leave from this Assembly first had, or the confirmation of this Assembly afterwards obtained, presume to make any sale of, or any settlements upon, any lands so purchased, every person who shall in any such manner transgress, and be thereof convicted in the County Court or in the Superior Court of that county where such lands shall lye, shall incur the penalty of fifty pounds to the treasury of this Colony; and whatsoever person or persons shall suffer any wrong by means of such sale or settlement as aforesaid, shall recover, in either of the said courts, upon proof of such wrong by him suffered, treble damages against the person or persons so wronging of him.

*[In the edition of laws of Connecticut of 1750.]*

*An Act for preventing foreigners trading with and corrupting the Indians; and carrying on other evil and dangerous designs against this Colony.*

*Be it enacted by the Governour, Council, and Representatives, in General Court assembled, and by the authority of the same,* That it shall not be lawful for any Frenchman, Dutchman, or any subject or vassal of any foreign Prince or State, to trade with any Indian or Indians within the limits of this Colony, either directly or indirectly, by themselves or others, upon penalty of the forfeiture of such goods, wares, and vessels, as shall be found so trading, or traded, or the due value thereof, upon due proof made of any

goods, wares, or merchandizes, traded, or of any vessel belonging to any such foreigner so trading.

And it shall be lawful for any person or persons, inhabiting within this Colony, to seize, or cause to be seized, any such goods, wares, or merchandize so traded, or such vessels so trading with the Indians, contrary to this act and to prosecute to condemnation thereof, in any court of record in the Colony: the one moiety whereof shall belong to the party seising and causing to be seized, and prosecuting, and the other moiety to the public treasury of this Colony.

*An act for well ordering and governing the Indians in this Colony and securing their interests and lands therein.—[1750.]*

WHEREAS, the bringing the Indians in this land to the knowlege and obedience of the only true God and Saviour of mankind, and the Christian faith as well as to a civil and peaceable behaviour, was one great end professed by the first settlers of this Colony, in obtaining the Royal charter; which profession this Court being always desirous in the best manner to pursue Therefore,

*Be it enacted by the Governour, Council, and Representatives, in General Court assembled, and by the authority of the same,* That the authority and selectmen of each town wherein there are any Indians living or residing, shall take care, and they are hereby directed, to endeavour to assemble and convene such Indians annually, and acquaint them with the laws of the Government made for punishing such immoralities as they may be guilty of; and make them sensible that they are not exempted from the penalties of such laws any more than his Majesty's other subjects in the colony are. And for as much as drunkenness and idleness may be looked upon as a great means of holding them in ignorance of, and prejudicial against, the truths of religion: Therefore,

*Be it further enacted by the authority aforesaid,* That no person or persons whatsoever, shall, directly or indirectly, sell, truck, barter, give, or deliver to any Indian, any strong beer, ale, cyder, perry, wine, rum, brandy, or other strong or spiritous liquors, by what name or names so ever called or known, on pain of forfeiting the sum of *ten shillings* for every pint, and proportionable for any greater or lesser quantities so sold, trucked, bartered, given, or delivered to any Indian, directly or indirectly, as aforesaid, upon conviction thereof before any court, assistant, or justice of the peace, proper to try the same: one half of which penalties shall be to him or them, whether English or Indian, who shall inform and prosecute to effect; and the other half, where the case is tried before a single minister of justice, to the town treasury; but when tried before the county court, then to the county treasury of that county wherein such person shall be convicted. And all grand jurymen shall take diligent care to make enquiry after, and present all breaches of this act. And the testimony of one witness, with other strong circumstances, on the accusation of an Indian (unless the person accused will acquit himself upon oath) shall be accepted as evidence sufficient to convict a person of the breach of this act: *Provided,* nevertheless, That nothing in this act shall be constructed to hinder or restrain any act of charity, for relieving an Indian in any case of sickness or necessity. And every Indian convicted of drunkenness in this colony, shall forfeit and pay

the sum of *five shillings*, or else be openly whipped on the naked body, not exceeding *ten stripes* for one offence, as the assistant or justice before whom such conviction is, shall in his discretion determine. And if any Indian or Indians shall labour or play on the Sabbath or Lord's day, within the limits of any town in this colony, and be thereof duly convicted every such Indian shall forfeit the sum of *three shillings*, or else set in the stocks one hour, at the direction of the authority before whom the conviction is made.

*And be it further enacted by the authority aforesaid*, That if any Indian or Indians within this colony, shall wilfully and violently fall upon any other Indian or Indians (except it be such as they are at open war with) and murder him, or them, and be thereof legally convicted, every such murderer shall be put to death. And if the Indians shall not do just execution upon such murderer or murderers speedily, the next assistant or justice of the peace shall forthwith cause him or them to be apprehended, and committed to the common jail, without bail, or mainprize; there to remain for a trial at the next Superior Court, who are hereby empowered to hear and determine the case, according to the laws of the colony.

And whereas many of the Indians in this Government put out their children to the English, to be brought up by them; and many times the persons having such children neglect to teach and instruct them in the principles of the Christian Faith: Therefore,

*Be it further enacted by the authority aforesaid*; That every person in this colony that hath taken, or shall hereafter take, any Indian children of this, or the neighboring Governments, into the care of their families, are hereby ordered to use their utmost endeavors to teach them to read English; and also to instruct them in the principles of the Christian Faith, by catechising them, together with other proper methods.

And the select-men and grand jurors in the respective towns shall make diligent enquiry whether the Indian children that are, or may be put out, as aforesaid, are, by their masters and mistresses that have the care of them, instructed and taught as aforesaid. And if, upon inquiry, said officers shall find that any such master or mistress hath neglected their duty herein, after due warning given, such officers, or any two of them, shall inform the next assistant, or justice of the peace, thereof; who thereupon shall summon such master and mistress, so informed against, to appear before him to answer thereto. And if upon examination it shall appear, that such master or mistress hath neglected to teach and instruct any such Indian child or children put to them, as aforesaid, they shall be fined, at the discretion of said authority, not exceeding the sum of *thirty shillings*, to be to the use of the school in the town or society where the offender lives; and for every three months' neglect after that, shall suffer the same penalty, as often as they shall be convicted thereof, for the use aforesaid. And to prevent fraud in getting Indians or their children bound out in service to the English,

*It is further enacted by the authority aforesaid*, That no indenture made by any Indian shall be accounted good in the law, except it be acknowledged before authority.

*Be it further enacted by the authority aforesaid*, That no person shall be allowed or admitted to prosecute, or recover, before any court, assistant, or justice of the peace, any action of debt, or detinue, or of the case, for any goods sold, lent, or trusted out, to any Indian or Indians whatsoever: and every gun lent, as aforesaid, to any Indian or Indians, shall be forfeited; one



half to him that shall inform, and prosecute to effect; and the other half the county treasury where such prosecution shall be; *Provided*, Noth in this act shall be understood to debar any person from the benefit of law, for the recovery of any rent due to him, from any Indian or Indian for land by him or them hired or improved.

*And be it further enacted by the authority aforesaid*, That no person or persons in this colony, whether inhabitants or other, shall beg, hire, receive, a gift or mortgage of any parcel of land or lands of any Indian or Indians for the future, except he or they do buy or receive the same the use of the colony, or for some plantation or village, or with the allowance of the General Court of this colony. And if any person or persons shall purchase or receive land of any Indian or Indians, contrary to the intent of this act, the person or persons so offending, shall forfeit to the public treasury of the colony, the treble value of the land so purchased or received. And no interest or estate of any land in this colony, shall accrue to any person or persons, by force or virtue of such illegal bargain, purchase, or receipt. [This above paragraph, on the revisal of the laws, was enacted October, one thousand seven hundred and two; to be in force from the day of December then next following.] And on consideration of the Indians being ignorant of the English laws and custom about land,

*It is further enacted by the authority aforesaid*, That when, and often, as any suit shall be brought by any Indian or Indians, for the recovery of any lands reserved by the Indians for themselves, or sequestred for use and benefit of the Indians, by order of this Assembly, or by any other agreeable to the laws of this colony, that the defendant or tenant shall not be admitted to plead in his defence, his possession, or any way take benefit of the law, entitled "An act for the quieting men's estates, and avoiding suits," made May the eighth, one thousand six hundred and eighty-four. And to prevent damage that may come to Indians in their corn fields, and creatures belonging to the English,

*Be it further enacted by the authority aforesaid*, That in each town in this colony, where any Indians have fenced fields, there shall be chosen viewers and apprizers, by such town chosen and appointed, who shall be sworn to view such Indian fence, and to apprise such damage as may or shall be done in their corn fields by any English man's cattle, horses, or swine, and the judgment or apprizement of such viewers and apprizers shall be observed, and duly performed, and answered by the owners of such cattle, horses, and swine, to the Indian or Indians damnified. And the Indians having such field are hereby allowed to make pounds within their said fields, to impound and secure horses, cattle, and swine, trespassing upon them. And the Indian or Indians impounding any cattle, horses, or swine, shall forthwith give notice thereof to the select-men of that town wherein such field is, and to the select-men of the two next adjacent towns, unless the owner be known, in which case, notice shall be given to the owner; and if the owner doth not redeem his creatures, so impounded, by paying the damage sustained, within twenty-four hours after notice to them given of the same; or no owner appear within three days after notice given to the select-men aforesaid; then, in each of those cases, the select-men of that town wherein such field is, shall make sale of such creatures, or so many of them as shall answer the damages done by such creatures, and pay said damage thereunto.

*An Act for well-ordering and governing the Indians in this State, and securing their interest.—[Revised and re-enacted, 1808.]*

SEC. 1. *Be it enacted by the Governor and Council, and House of Representatives, in General Court assembled,* That it shall be the duty of the civil authority and select-men of such towns, wherein are any tribe of Indians, to take care that they be well acquainted with the laws of the State, made for punishing such immoralities as they may be guilty of; and make them sensible that they are liable to the penalties in case they transgress the laws.

SEC. 2. And any Indian that shall be guilty of wilfully murdering any other Indian, shall be put to death, on being thereof convicted before the Superior Court.

SEC. 3. And every Indian that shall be convicted of drunkenness, shall pay a fine of eighty-four cents, or be set in the stocks, not exceeding two-hours nor less than one hour.

SEC. 4. And every Indian that shall be convicted of profaning the Sabbath or Lords-day, by unnecessary labor or play, shall pay a fine of fifty cents, or sit in the stocks one hour, at the discretion of the authority before whom the conviction is.

SEC. 5. And if any person shall sell or give any strong or spiritous liquor to any Indian in this State, such person shall, for every such offence, pay a fine of one dollar and sixty-seven cents for every pint, and in proportion for any greater or lesser quantity of such liquor, so sold or given to any Indian. And the accusation of an Indian, and other strong circumstances, shall be sufficient evidence to convict any person of the breach of this paragraph, unless the person accused shall acquit him or herself on oath: *Provided,* That nothing in this act shall be construed to hinder or restrain any act of charity, for relieving any Indian in case of sickness or necessity.

SEC. 6. That no indenture or contract, made by any Indian, for binding out any of their children, shall be valid in law, except approved by, and acknowledged before, an assistant or Justice of the Peace, which authority shall see that justice be done therein.

SEC. 7. That it shall be the duty of every person who shall take an Indian child or children to bring up, to teach him or them to read; and also, to instruct them in the principles of the Christian religion, by catechising or otherwise.

SEC. 8. That any person who shall neglect his or her duty therein, and be thereof convicted, shall pay a fine not exceeding five dollars, on one conviction, at the discretion of the authority before whom the conviction is; and if such person shall continue to neglect to instruct such child or children (they being capable to learn) it shall be the duty of the select-men, and they are hereby empowered, by and with the advice of an assistant or justice of the peace, to remove such child or children, and bind him or them to some other person, who will take proper care for their instruction as aforesaid.

SEC. 9. That no judgment shall be rendered against any Indian for any debt, or any contract, except for rents of lands, hired and occupied by such Indian.

SEC. 10. *And be it further enacted,* That no person or persons in this State, whether inhabitants or other, shall buy, hire, or receive a gift or mortgage, of any parcel of land or lands, of any Indian, for the future, except he or they do buy or receive the same for the use of the State, or for some plantation or village, and with the allowance of the General Assembly of this State.

SEC. 11. And if any person or persons shall purchase or receive lands any Indian or Indians, contrary to the intent of this act, the person or persons so offending, shall forfeit to the public treasury of this State, the treble value of the lands so purchased or received; and no interest or estate in any lands in this State, shall accrue to any such person or persons, by force or virtue of such illegal bargain, purchase, or receipt.

SEC. 12. *It is further enacted,* That when, and so often as any suit shall be brought by any Indian, or Indians, for the recovery of any land reserved by the Indians for themselves, or sequestered for the use and benefit of the Indians by order of this Assembly, or by any town, agreeable to the laws of this State, that the defendant, or tenant, shall not be admitted to plead in his defence his possession, or any way take benefit of the law entitled "An act for the quieting men's estates, and avoiding of suits," made May the eighteenth, one thousand six hundred and eighty-four.

SEC. 13. And to prevent damage that may come to Indians in their corn fields, by creatures belonging to other people,

*Be it further enacted,* That in each town in this State, where any Indians have fenced fields, there shall be fence viewers and appraisers by such town chosen and appointed, who shall be sworn to review such Indians' fence, and to appraise such damage as may, or shall be done in their corn fields, by any cattle, horses, or swine; and the judgment and appraisement of such viewers, or appraisers, shall be observed and duly performed, and answered by the owners of such cattle, horses, and swine, to the Indian, or Indians, damnified.

SEC. 14. And any Indians having such fields, are hereby allowed to make pounds within their said fields, to impound and secure horses, cattle, and swine, trespassing upon them.

SEC. 15. And the Indian, or Indians, impounding any cattle, horses, or swine, shall forthwith give notice thereof to the select-men of that town wherein such field is, and to the select-men of the two next adjacent towns unless the owner is known, in which case, notice shall be given to the owner and if the owner doth not redeem his creatures so impounded by paying the damage sustained within twenty-four hours after notice to them given of the same; or if no owner appear within three days after notice given to the select-men, as aforesaid; then, in each of those cases, the select-men of that town wherein such field is, shall make sale of such creatures, or so many of them as shall answer the damages done by such creatures, and pay said damage and the charges therewith, and return the overplus, if any, to the owner.

[ Revised and enacted in 1821. ]

*An act for the protection of Indians; and the preservation of their property.*

Sec. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That an overseer shall be appointed to each

tribe of Indians living within the limits of the State, by the County Court, in the county in which such tribe resides, who shall have the care and management of their lands, and see that they are husbanded for the best interests of the Indians, and applied to their use and benefit.

Sec. 2. The overseer of each tribe of Indians shall annually state and settle his account of the concerns of such tribe, with the County Court, in the county within which such tribe resides; and on failure thereof, or for any neglect of duty, such County Court may remove him from office, and appoint another in his place; and such court may, at any time, call such overseer to account.

Sec. 3. If any person shall purchase, hire, or receive, by gift or mortgage, any land from any Indian or Indians, he shall forfeit treble the value of the land to the Treasury of the State, and the bargain and conveyance shall be absolutely void.

Sec. 4. If any person shall sell or give any spiritous liquor to any Indian, he shall, for every such offence, pay a fine of *two dollars*, to the use of the town where the offence is committed, for every pint, and in the same proportion for every greater or less quantity: *Provided*, That this shall not be construed to prevent or restrain any acts of charity for relieving an Indian, in case of sickness or necessity.

Sec. 5. No judgment shall be rendered against an Indian for any debt or any contract, except for rent of land hired and occupied by such Indian.

Sec. 6. In a suit brought by any Indian or Indians for the recovery of lands, reserved by Indians for themselves, or sequestered for their use by the General Assembly, or by any town, agreeably to law, the defendant shall not be permitted to avail himself of a possession for fifteen years or more to make out a title.

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## RHODE ISLAND.

[1663.]

*An Act for the preventing of illegal and clandestine purchases of the native Indians in this colony.*

For as much as divers persons have made purchases of lands in this colony of the Indians, without the consent or approbation of the General Assembly, which manifestly tends to the defrauding and manifest injury of such native Indians, as well as defeating the just rights of this colony:

*Be it therefore enacted by the General Assembly, and the authority of the same,* That no person, or persons, for the future, shall purchase any lands or Islands within this colony, of or from the native Indians within the same, but such only as are so allowed to do by the General Assembly, upon penalty of forfeiting all such lands or Islands so purchased, to this colony; and to pay for every such purchase by them so made, the sum of twenty pounds, as a fine to and for the use of the colony; and all such purchases shall be esteemed and adjudged null, void, and of none effect.

[1696.]

*An Act for preventing of any intrusion into the lands in the Narragansett country.*

WHEREAS sundry persons have settled themselves and families in the Narragansett country, without any legal title to any land therein, and without the consent and approbation of the General Assembly of this colony: for the preventing the ill consequences thereof, and the like intrusions for the future,

*Be it enacted by the General Assembly, and by the authority of the same,* That all possessions of any lands in the Narragansett country, obtained by intrusion, without the consent and approbation of the General Assembly, be deemed and adjudged illegal and void in law, and shall not give unto such possessors, any right, title, interest, property, or claim, therein, or thereunto; and the assistants and justices of the peace of the county of Kingstown, westerly, and East Greenwich, shall return the names of all such persons that have intruded as aforesaid, (or that shall intrude thereon hereafter) to the General Assembly, from time to time, that they may, in such legal manner as they shall think fit, order the removal of such intruders, and preserve the just rights of this colony thereunto.

[1696.]

*An Act prohibiting negroes and Indians from being abroad at unreasonable times of night, and for punishing those that shall entertain them contrary hereto.*

WHEREAS divers thefts and robberies have been committed in the night time by negroes and Indians, within this, as well as in the Government adjoining: for preventing whereof,

*Be it enacted by the General Assembly, and by the authority of the same,* That if any negroes or Indians, freemen or slaves, shall be found abroad after nine o'clock at night, at any time throughout the year, without a certificate from their masters, or some other English person of the family to the which he, she, or they, belong, or some lawful excuse for the same, that then it shall and may be lawful for any person or persons to take, seize, and secure the same till next morning, and then bring them before an assistant or justice of the peace of such town, who shall, upon due proof thereof, cause said negro or negroes, Indian or Indians, to be publicly whipped at the public whipping post of such town where such offence shall be committed, not exceeding fifteen stripes, unless their incorrigible behaviour deserve more; and the persons so convicted, if freemen, shall pay the charge of prosecution, &c. and if slaves, the owner or owners thereof shall pay the same; and if the owner or owners of any such slave or slaves shall refuse so to do; that then the assistant, or justice, &c. shall grant forth a warrant of distress to a constable of said town, to distrain so much of his or their goods as will satisfy and pay the same.

[1718.]

*An Act to prevent Indians being sued for Debt.*

WHEREAS several persons in this Colony, out of wicked, covetous, and greedy designs, often draw Indians into their debt, and take unjust advantages of their inordinate love of rum and other strong liquors, by selling the same to them, or otherwise take advantages by selling them other goods, at extravagant rates, upon trust, whereby said Indians have been impoverished, to the dishonor of this Government: For the preventing thereof for the future,

*Be it enacted by the General Assembly of this Colony, and it is hereby enacted,* That, from and after the publication of this act, no process shall be granted, nor suit be received or lye before any justice or justices of the peace, assistants of courts of tryals in this Colony, against any Indian or Indians for debt, to be made or contracted by such Indian or Indians, at any time or times, after the publication hereof; and, that no Indian shall be bound an apprentice or servant to any of his Majestie's subjects, without the consent, allowance, and approbation, of two justices of peace of this colony, and for good consideration therefor, and testified to, under the hands of such justices; any law, custom, or usage, to the contrary, in any wise notwithstanding.

[1783.]

*An act confirmatory of the tenure of lands belonging to the Narragansett tribe of Indians, and for other purposes, therein mentioned.*

Whereas the tenure of lands belonging to the Narragansett tribe of Indians in this State, is derived to them from their ancestors, and depends upon tradition and usage among themselves; and whereas it is proper that said tenure should be secured to them by statute:

SEC. 1. *Be it therefore enacted by the General Assembly, and by the authority thereof it is enacted,* That said tenure, as evidenced by their tradition and usages, be, and hereby is, declared the legal tenure of said land, and be, and is hereby, confirmed accordingly.

SEC. 2. *And be it further enacted,* That it shall not be lawful for any person whomsoever, except the members of said tribe, to cut down, take, or carry away from any of the lands belonging to said tribe, any tree, timber, or wood, of any kind whatever, nor aid or assist therein; and if any person or persons shall commit any such trespass, he, she, or they, shall be liable to an action of *quare clausum fregit*, to be commenced and prosecuted by and in the name of the treasurer of said tribe, for the time being, before any court competent to try the same; and if found guilty, shall pay four times the value of the trees, timber, or wood, by him, her, or them, so cut down, taken, or carried away as aforesaid, and double costs.

SEC. 3. *And be it further enacted,* That no writ or process at law shall be brought against the said tribe, or any individual thereof, for the recovery of any debt contracted subsequently to the passing of this act; that it shall be the duty of all courts and justices in the State, in case any such writ or process be brought, to dismiss the same, and adjudge double costs against the plaintiff.

## NEW HAMPSHIRE.

[1715.]

*An act to prevent and make void clandestine and illegal purchases of lands from the Indians.*

SEC. 1. *Be it enacted by His Excellency the Governor, Council, and Representatives, in General Assembly convened, and by the authority of the same,* That all deeds of bargain, sale, lease, release, or quit claim, titles and conveyances whatsoever, of any lands, tenements, or hereditaments within this province, as well for term of years as forever, had, made, gotten, procured, or obtained from any Indian or Indians, by any person or persons whatsoever, at any time or times since the year of our Lord one thousand seven hundred, without the licence or approbation of the General Assembly of this province; and all deeds of bargain and sale, titles, and conveyances, whatsoever, of any lands within this province, which hereafter shall be had, made, obtained, gotten, or procured, from any Indian or Indians, by any person or persons whatsoever, without the licence, approbation, or allowance, of the General Assembly of this province for the same shall be judged in the law to be null, void, and of none effect, to all intent and purposes, as though they had never been made.

SEC. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever, shall, after the publication of this act presume to make any purchase, or obtain any title from any Indian or Indians, for any lands, tenements, or hereditaments within this province, contrary to the true intent and meaning of this act, such person or persons offending, and being thereof duly convicted in any of his Majesty's court of record within this province, shall be punished by fine and imprisonment, at the discretion of the court where the conviction shall be, not exceeding double of the value of the land so purchased, and not exceeding six month imprisonment.

## MAINE.

[1821.]

*An act for the regulation of the Penobscot and Passamaquoddy tribes of Indians.*

*Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the Governor, by and with the advice of the Council, be, and he hereby is, authorized and empowered to appoint, during pleasure, one or more, not exceeding three persons, to be agents for the Penobscot tribe of Indians.

SEC. 2. *Be it further enacted,* That the Governor be, and he hereby is, authorized to appoint, as aforesaid, one or more, not exceeding three persons, to be agents for the Passamaquoddy tribe of Indians.

SEC. 3. *Be it further enacted,* That the agent or agents appointed, as aforesaid, for the Penobscot tribe of Indians, shall provide, furnish, pay, and deliver, to the said Indians, for and on account of this State, all such articles, goods, provisions, and moneys, as shall from time to time become

due them by virtue of any treaty or agreement now existing, or that may hereafter exist between them and this State.

SEC. 4. *Be it further enacted*, That the persons appointed agents for either of said tribes, as aforesaid, shall be sworn or affirmed to, and shall give bonds to the State, with sufficient surety or sureties, to the satisfaction of the Governor and Council, for the faithful discharge of the trust reposed in them by this act, and shall have the care and management of their property, for the use and benefit of said Indians. And all contracts and bargains of every kind, relative to the sale or disposal of trees, timber, or grass, growing or being on said Indians' land, and all leases or other contracts relative to the improvement of lands which any person may obtain from said Indians, shall be void and of no effect, unless the same shall be examined and approved by the person or persons acting as agents, as aforesaid. And no lease of land, or contract for trees, timber, or grass, shall have effect for a longer term than one year; nor shall the agents for either of said tribes, sell or dispose of the trees or timber of said Indians, to an amount exceeding five hundred dollars in any one year.

SEC. 5. *Be it further enacted*, That the agent or agents for either of said tribes, in his or their names, and in said capacity, may maintain any proper action or actions for any sum due any Indian or Indians of their respective tribes, or for any injury done to them or their property; and all property or money received or recovered by said agents, in their said capacity, shall be by them distributed among the Indians of the tribe for which they are agents, according to their usages, rights, and interest, or otherwise vested in such articles as shall be most useful to said Indians.

SEC. 6. *Be it further enacted*, That the person or persons appointed agents, as aforesaid, shall keep a true record of their proceedings relative to the trust reposed in them by this act, and correct accounts of all receipts and expenditures of all moneys and other property that shall come to their hands as such agents, and shall lay the same before the Governor and Council, for inspection and settlement, at least once in every year, and oftener, if required, who are hereby authorized to adjust and settle the same.

[1826.]

*An additional act for the regulation of the Penobscot and Passamaquoddy tribes of Indians.*

*Be it enacted by the Senate and House of Representatives in Legislature assembled*, That the agent or agents of the Penobscot tribe of Indians be authorized, for the use of said tribe, to lease any of the islands belonging to the said tribe, for any term of years not exceeding twelve, and to sell and dispose of the burnt and decaying timber upon the two Indian townships, on the West branch of Penobscot river, for the benefit of such tribe, as said agent or agents may think for their interests: *Provided*, That such leases and sales, together with the terms and conditions of the same, be assented to by the Governor, or Lieutenant Governor of the tribes, and approved by the Governor of the State, any thing in the act to which this is additional, to the contrary notwithstanding; the said agent or agents to be sworn, (or affirmed) and give bonds, with surety, for the faithful performance of the trust hereby reposed in them, as required by the act to which this is additional, and to keep a true record of their proceedings and accounts; to render and adjust the same, as required by said act.



SEC. 2. *Be it further enacted*, That it shall be the duty of the agent or agents of the Penobscot tribe of Indians, to place in the Treasury of the State, the avails of the leases and sales, as provided for in this act, subject to the order of the Governor and Council, whenever, in their opinion, the situation of said tribe require its appropriation, for their benefit; and all leases and sales on credit, shall be at the risk of said agents, and accounted for in money.

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NEW YORK.

*Constitution.*—[1777.]

And whereas it is of great importance to the safety of this State, the peace and amity with the Indians within the same be at all times supported and maintained; And whereas the frauds too often practised towards the said Indians, in contracts made for their lands, have in divers instances been productive of dangerous discontents and animosities: *Be it ordained* That no purchases or contracts for the sale of lands made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with any of the said Indians within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent, of the Legislature of this State.

[1783.]

*An act for Indian Affairs.*

WHEREAS it is necessary that commissioners should be appointed to manage Indian Affairs within this State:

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

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

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

[1813.]

*An act relative to the different Tribes and Nations of Indians within this State.*

## LAWS REVISED AND RE-ENACTED.

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

SECTION 2. *And be it further enacted,* That no person shall sue or maintain any action on any bond, bill, note, promise, or other contract, hereafter to be made against any of the Indians called the Stockbridge Indians, or of the Seneca tribe or nation, nor against any Indian residing in Brothertown, or on any lands reserved to the Oneida, Onondaga, or Cayuga Indians; and every person who shall sue or prosecute any such action against any of the said Indians, shall be liable to pay treble cost to the party grieved: *Provided,* That this section shall not extend to any action or suit on any contract made before the first day of July, in the year one thousand seven hundred and ninety.

SECTION 11. *And be it further enacted,* That it shall be unlawful for any person or persons, other than Indians, to settle or reside upon any lands belonging to any nation or tribe of Indians within this State; and if any person shall settle or reside on any such lands, contrary to this act, he or she shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine, not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment, not less than one month, nor more than six months, in the discretion of the court having cognizance thereof; and it shall be the duty of the courts of oyer and terminer and general sessions of the peace, in the several counties of this State, in which any part of said lands are or may be situated, to charge the grand juries of their respective counties specially to indict all offenders against the provision of this section.

SECTION 19. *And be it further enacted,* That the tract of land heretofore set apart for the Indians called the New England Indians, consisting of the tribes called the Mohegan, Montock, Stonington, and Narragansett Indians, and the Pequots of Groton, and Nehanticks of Farmington, shall be and remain to the said Indians, and their posterity, but without any power of alienation by the said Indians, or of leasing or disposing of the same, or any part thereof; and the said tract shall be called Brothertown, and shall

be deemed part of the town of Paris, in the county of Oneida, for all purposes in the general execution of the laws, and the administration of justice, in any of the courts of this State, and any proceeding incident thereto, except in cases provided for by this act.

Sec. 28. *And be it further enacted*, That it shall be lawful for the person administering the Government of this State, as often as may be necessary by and with the advice and consent of the Council of Appointment, to appoint and commission some proper person, learned in the law, to be the attorney of the Brothertown, Oneida, and Stockbridge tribes of Indians during the pleasure of the said Council; but the person already appointed attorney to the Brothertown Indians, shall continue as the attorney of the said Indians during the pleasure of the said Council; and that the said attorney shall, from time to time, advise and direct the said Indians in the controversies among themselves, and with any other person, and defend all actions brought against any of them by any white person, and commence and prosecute all such actions for them, or any of them, as he may find necessary and proper; and, in the prosecution and defence of any such action, he shall observe and pursue such advice and directions as shall be given him, if any, by the said Superintendents, or person administering the Government of this State; and shall receive, as a compensation for his services and expenses in the premises, the yearly salary of one hundred and fifty dollars, to be paid out of the said interest money.

Sec. 44. *And be it further enacted*, That an agent for the Onondaga tribe of Indians shall, from time to time, be appointed by the Legislature, during their pleasure, whose duty it shall be to advise and direct the said tribe in controversies among themselves, or with other persons; to cause all actions, instituted against any of the said tribe by any white person, to be defended, and all actions he may think necessary to commence and prosecute on their behalf; and any trespasses committed by any white person on the lands now possessed by the said Indians, and called the Onondaga Reservation, shall be sued for in the name of the people of this State, and the damages recovered shall be distributed among the said Indians, as he shall think just; and the present agent of the said Indians shall continue in such office till the further pleasure of the Legislature; and any vacancy in the said office during the recess of the Legislature shall be filled by the person administering the Government of this State, until the Legislature shall make a new appointment. *And further*, such agent shall receive fifty dollars for his services, payable annually, out of any moneys in the Treasury, not otherwise appropriated.

[Passed April 12, 1822.]

*An act declaring the jurisdiction of the Courts of this State, and pardoning Soo-non-gize, otherwise called Tommy Jemmy.*

WHEREAS the Seneca, and other tribes of Indians, residing within this State, have assumed the power and authority of trying and punishing, and in some cases capitally, members of their respective tribes, for supposed crimes by them done and committed in their respective reservations, and within this State: AND WHEREAS the sole and exclusive cognizance of all crimes and offences committed within this State, belongs of right to courts holden under the constitution and laws thereof, as a necessary attribute of sovereignty, except only crimes and offences cognizable in the courts deriv-

ing jurisdiction under the constitution and laws of the United States: AND WHEREAS it has become necessary, as well to protect the said Indian tribes, as to assert and maintain the jurisdiction of the courts of this State, that provision should be made in the premises: Therefore,

SEC. 1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the sole and exclusive jurisdiction of trying and punishing all and every person, of whatsoever nation or tribe, for crimes and offences committed within any part of this State, except only such crimes and offences as are, or may be, cognizable in courts deriving jurisdiction under the constitution and laws of the United States, of right belongs to, and is exclusively vested in, the courts of justice of this State, organized under the constitution and laws thereof.

AND WHEREAS it has been represented, that Soo-non-gize, otherwise called Tommy Jemmy, an Indian of the Seneca tribe, has been indicted for the murder of Caughquawtaugh, an Indian woman of the same tribe, which murder is alleged to have been committed within the Seneca reservation, in the county of Erie: AND WHEREAS it is further represented, that the said alleged murder was committed under the pretence of authority derived from the councils of the Chiefs, Sachems, and Warriors, of the said tribe; and, under the then existing circumstances, it is deemed by the Legislature expedient to pardon him: Therefore,

SEC. 2. *Be it further enacted,* That the said Soo-non-gize, otherwise called Tommy Jemmy, be, and he is hereby, fully and absolutely pardoned of and from the said felony.

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## NEW JERSEY.

[1703.]

*An act for regulating the purchasing of land from the Indians. [Passed December 13th, 1703.]*

WHEREAS several ill disposed persons within this Province have formerly presumed to enter into treaties with the Indians, or natives thereof, and have purchased lands from them, such person or persons deriving no title to any part of the soil thereof under the Crown of England, or any person or persons claiming by, from, or under the same, endeavoring thereby to subvert Her Majesty's Dominions in this country:

SEC. 1. *Be it therefore enacted by the Governor, Council, and General Assembly, now met and assembled, and by authority of the same,* That no person or persons whatsoever, for ever hereafter, shall presume to buy, take a gift of, purchase in fee, take a mortgage, or lease for life or number of years, from any of the Indians, or natives, for any tract or tracts of lands within this Province, after the first day of December, 1703, without first obtaining a certificate under the hand of the Proprietor's Recorder for the time being, certifying such person hath a right, and stands entitled to a propriety, or share in a propriety, such person or persons shall produce such certificate to the Governor for the time being, in order to obtain a license to purchase such quantities of land or number of acres from the Indians or natives aforesaid, as such certificate mentions.

SEC. 2. *Be it further enacted by the authority aforesaid,* That if any person or persons shall presume to buy, purchase, take gift, or mortgage, or

case, of any land, contrary to this present act, he or they so offending shall forfeit *forty shillings*, money of this Province, for each acre of land so obtained to be recovered by any person or persons who shall prosecute the same to effect, by action of debt, in any court of Record within this province, one half to the use of Her Majesty, her heirs and successors, towards the support of the Government, and the other to the prosecutor: *Provided always* That such purchasers, their heirs and assigns, shall for ever hereafter be incapable to hold plea for the said land in any court of common law or equity.

SEC. 3. *And be it further enacted by the authority aforesaid*, That all and every person and persons whatsoever, that have bought, taken gift of, or have purchased land in fee, or taken mortgages, or leases for life, or number of years, of the Indians or natives, who is and are not entitled to such tract or tracts of land by virtue of a right or title to the same derived from the Crown of England, or from any person or persons claiming by, from, or under the same, such gifts, purchases, mortgages, lease or leases, is and are hereby declared, and for ever hereafter shall be taken, deemed, and esteemed, illegal, null, and void; and such person or persons, their heirs and assigns, shall not be capable to hold plea for the same in any court of common law or equity, at any time hereafter, unless such person or persons claiming under such Indian gift, purchase, mortgage or lease, shall, within the space of six months after the publication of this act, take out a grant or grants from the present proprietors, for the several tracts of lands so claimed by them respectively, on such conditions as shall be agreed upon with the proprietors.

*Revised Laws of New Jersey—published in 1821, in one volume.*

SEC. 69. *And be it enacted by the authority aforesaid*, That the court or justices, before whom any negro, Indian, or mulatto slave, shall be convicted of any offence not punishable with death, shall have authority to impose, instead of the punishment by this act prescribed, such corporal punishment, not extending to life or limb, as such court or justices, in their discretion, shall direct.

*An act respecting Slaves.*

*And be it enacted*, That whenever any Habeas Corpus shall be brought to remove any negro, mulatto, Mestee, or Indian, before the Supreme Court out of the possession or custody of any person or persons claiming the services of such negro, mulatto, Mestee or Indian, for life, years, or other term, the person or persons to whom the said Habeas Corpus is directed, may, in the return to the same writ, aver and set forth, that he, she, or they, has or have lawful right to the personal services of said negro, mulatto, Mestee or Indian, for life, years, or other term, as the case may be: Whereupon, the prosecutor shall, instanter, join issue by denying the right of the defendant or defendants to the personal service of such negro, mulatto, Mestee, or Indian, either for life, years, or other term; and immediately upon the joinder of the said issue, the court shall award a venire facias to the Sheriff or Coroner, as the case may be, or require of the county in which such party defendant resides, commanding him or them to summon a jury, to appear at the next Circuit Court to be held in such county, for the tryal of the issue so joined as aforesaid.

## PENNSYLVANIA.

[1700.]

*An Act against buying land of the Indians.*

*Be it enacted by the Proprietary and Governor, by and with the advice and consent of the Freemen of the Province and Territories, in General Assembly met, and by the authority of the same,* That, if any person presume to buy any land of the natives, within the limits of this Province and Territories, without leave from the Proprietary thereof, every such bargain of purchase shall be void, and of no effect.

[1721.]

*An act to prohibit the selling of rum, and other strong liquors, to the Indians, and to prevent the abuses that may happen thereby.*

WHEREAS the peaceable, wise, and prudent measures which the late Honorable William Penn, Esq. our most worthy Proprietor, took with the native Indians, at his first coming into and settling of this Province, has been, under God, the happy foundation and groundwork of the tranquillity and perfect good understanding hitherto preserved between the English inhabitants of this colony and their native Indians:

AND WHEREAS the misunderstandings and fatal breaches which have lately happened in some of the neighboring colonies, between the English and the adjacent Indian nations, are well known to have proceeded from the irregularities and abuses committed by those who travel into the woods, in order to trade promiscuously with the Indians as they return from hunting, whereby they have opportunity, first, to debauch the natives with great quantities of rum and strong spirits, and then cheat them of their peltry: For the prevention of which evil and wicked practices for the future—

*Be it enacted by Sir William Keith, Bart. Governor of the Province of Pennsylvania, &c. by and with the advice and consent of the Freemen of the said Province, in General Assembly met, and by the authority of the same,* That no person whatsoever, otherwise than is hereinafter declared, shall sell, barter, or give, to any Indian or Indians, or to any other person for their use, nor by any means, directly or indirectly, furnish, or cause to be furnished, any Indian or Indians, with any rum, wine, or other strong liquors, mixed or unmixed, under the penalty of *twenty pounds* for each offence; one half to the Governor, for support of government, and the other half to the informer, or such person or persons as will sue for the same; to be recovered in any court of record within this Province, by action of debt, bill, plaint, or information, wherein no assoin, protection, or wager of law, shall be allowed to the defendant.

*And be it further enacted by the authority aforesaid,* That, in case any rum, or other spirits, above the quantity of one gallon, be carried amongst the Indians, at their towns, or beyond the Christian inhabitants, the person carrying the same, or he in whose possession the same shall be found, shall forfeit and pay the sum of *twenty pounds*, to the uses aforesaid, to be recovered in manner aforesaid: *Provided always,* That the Governor and Council, or persons by them authorized and appointed to hold treaties

with any nation of Indians, may, at such treaties, give any reasonable quantity of rum, as by them shall be thought necessary, any thing herein contained to the contrary notwithstanding.

[1744.]

*An Act for the speedy trial of capital offences, committed by any Indian or Indians, in the remote parts of the Province.*

To the end that all capital offences, which have been, or hereafter, shall be, committed by any Indian or Indians, within the bounds of this Province, in places remote from inhabitants, may receive the most speedy and impartial trials:

*Be it enacted by the honorable George Thomas, Esq. with the King's royal approbation Lieutenant Governor, under the Honorable John Penn, Thomas Penn, and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, and of the counties of New Castle, Kent, and Sussex, on Delaware, by and with the advice and consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the authority of the same, That all murders, manslaughters, homicides, felonies, and offences, whatsoever, and accessories of the same, which, by the laws or acts of Assembly of this province, are declared capital, or felonies punishable by death, which already have been committed, perpetrated, or done, or shall hereafter be committed, perpetrated, or done, by any Indian or Indians, within this province, in places remote from inhabitants, as aforesaid, all and every such offence and offences, in whatsoever place and county the same hath happened, or shall happen, shall henceforth be inquired of, heard, adjudged, and determined, before the Justices of the Supreme Court, or the Justices of the Courts of Oyer and Terminer and General Gaol Delivery to be held in the county of Philadelphia, by indictments, inquests, and verdicts, to be taken of good and lawful men, inhabitants of the same county, in like manner and form as if such capital offence or offences had been committed, perpetrated, or done, within the said county, any law or usage to the contrary thereof in any wise notwithstanding.*

## MARYLAND.

[1704.]

*An act for ascertaining the bounds of a certain tract of land to the use of the Nanticoke Indians, so long as they shall occupy and live upon the same.*

It being most just that the Indians, the ancient inhabitants of this Province, should have a convenient dwelling place in this their native country, free from the encroachments and oppressions of the English, more especially the Nanticoke Indians, in Dorchester county, who, for these many years, have lived in peace and concord with the English, and, in all matters, in obedience to the government of this Province; we, the burgesses and delegates of this present General Assembly, therefore, do pray that it may be enacted,

SEC. 2. *And be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of Her Majesty's Governor, Coun-*

*cil, and Assembly, of this Province, and the authority of the same,* That all the land, lying and being in Dorchester county, and on the North side of Nanticoke river, butted and bounded as followeth: Beginning at the mouth of Chickawan creek, and running up the said creek; bounded, therewith, to the head of the main branch of the same; and from the head of the said main branch, with a line drawn to the head of a branch issuing out of the Northwest fork of Nanticoke, known by the name of Francis Anderson's branch; and from the head of said branch, down the said Anderson's branch; bounded, therewith, to the mouth of the same, where it falls into the said Northwest fork; and from thence, down the aforesaid Northwest fork; bounded, therewith, to the main river; and so down the main river, to the mouth of the aforesaid Chickawan creek; shall be confirmed and assured, and, by virtue of this act, is confirmed and assured unto Panquash and Annotoughquan, and the people under their government or charge, and their heirs and successors forever, any law, usage, custom, or grant, to the contrary, in anywise, notwithstanding, to be held of the lord proprietary, and his heirs, lord proprietary, or lords proprietaries, of this province, under the yearly rent of one beaver skin, to be paid to his said lordship, and his heirs, as other rents in this province by the English used to be paid.

SEC. 3. *Provided always,* That it shall or may be lawful for any person or persons, that hath formerly taken up and obtained any grants from the Lord Baltimore, for any tracts or parcels of land within the aforesaid boundaries, upon the Indians deserting or leaving the said land, to enter, occupy, and enjoy the same; any thing in this law to the contrary notwithstanding.

SEC. 4. *And be it further enacted by the authority aforesaid,* That it may not, nor shall be lawful for the Lord Baltimore to ask, have, or demand, any rent or service for any of the said tracts or dividends as may or have been taken up as aforesaid, within the said Indian boundaries, until such time that the takers up, or owners aforesaid, do enjoy or possess the same, any law, usage, or custom, to the contrary notwithstanding.

[1711.]

*An act to empower Commissioners to appoint, and cause to be laid out, three thousand acres of land on Broad Creek, in Somerset county, for the use of the Nanticoke Indians, so long as they shall occupy the same.*

Whereas it is represented to this present General Assembly, that the land formerly laid out for the use of the Nanticoke Indians is now much worn out, and not sufficient for them, and that it is thought advisable that some further provision be made for them:

SEC. 2. *Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of her Majesty's President, Council, and Assembly of this Province, and the authority of the same,* That Lieutenant Colonel George Gale, Mr. Samuel Worthington, Captain Charles Ballard, and Mr. Benjamin Wales, be, and are hereby, appointed Commissioners to cause three thousand acres of land to be laid out where the said Indians are now settled, in Somerset county, on Broad creek, in Nanticoke river, and the same to appoint to the use of the said Indians, for so long as they shall occupy the same; and further, to cause such land to be valued in such manner as is hereinafter expressed, that is to say: the said Commissioners, or



any three of them, shall, some time before the twenty-fifth day of March next, meet together, and make out their warrant to the sheriff of Somerset county, which said sheriff is hereby required, upon receipt of such warrant, to impanel and return a jury of the most substantial freeholders of the said county, to be and appear before the said Commissioners, upon the said land, at the time in such warrant appointed; which jury, upon their oaths, to be to them administered by the Commissioners, or any three of them, shall inquire, assess, and return, what damages and recompense they shall think fit to be awarded to the owners of such land, and all persons interested therein, according to their several and respective interests; and what sum of tobacco the said jury shall adjudge the said land to be worth, shall be paid to the owners, and all persons interested therein, by the public of this province.

SEC. 3. And, to the end that the bounds of the said land may be ascertained, and the Commissioners aforesaid and jury the better enabled to judge of the true value thereof, the said Commissioners are hereby empowered to employ the surveyor of the county aforesaid, or some other skillful person, in their presence to survey, lay out, and bound the same, which said lines so as aforesaid laid out, shall be marked on trees, or other land marks, to perpetuate the bounds thereof; the said Commissioners to return fair certificates of their proceedings to the clerks of the provincial court, and Somerset county court, for the time being, to be by them recorded in the said respective courts.

SEC. 4. *And be it enacted by the authority aforesaid,* That, when such land is laid out and paid for by the public as aforesaid, the property thereof shall, by virtue of this act, be vested in the Honorable Colonel Thomas Enalls, and Lieutenant Colonel George Gale, and their heirs, to and for the use of the said Indians, so long as they shall occupy the same, and afterwards shall be disposed of as the General Assembly of this province shall direct.

SEC. 5. And, that such laying out and payment as aforesaid, and this act, shall forever bar the heir or heirs at law, or his or their assigns, or any other persons whatsoever, of the reversion or remainder, right, claim, or demand, whatsoever, of, in, or to, the said land, or any part or parcel thereof, any law, usage, or custom, to the contrary notwithstanding.

[1723.]

*An act for quieting the possessions of the Indians inhabiting on Nanticoke and Choptank rivers.*

Whereas the Indians inhabiting on Nanticoke and Choptank rivers, have complained to this General Assembly of several encroachments made into the ancient bounds and limits of their lands heretofore granted them by the lord proprietors, and confined by several acts of Assembly of this province for remedy whereof, and to prevent complaints of like nature for the future.

SEC. 2. *Be it enacted by the right honorable the lord proprietor, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same,* That the Nanticoke Indians, and their descendants, shall have, hold, occupy, possess, and enjoy, a full, peaceable, and uninterrupted possession of all that tract of land lying between the Northwest fork of Nanticoke river and Chicucone creek, for and during such space of time as they or any of them shall think fit to use, and shall not wholly and totally desert and quit claim to the same, according as the same is butted and bounded by an act of Assembly of this pro-

vince, made in the year of our Lord sixteen hundred and ninety-eight, entitled "An act for ascertaining the bounds of a certain tract of land, to the use of the Nanticoke Indians, so long as they shall occupy and live upon the same;" and that the said Indians shall not, at any time hereafter, sell, dispose of, or lease for term of years, any part or parcel of the aforesaid lands, to any person or persons whatsoever; and that the Choptank Indians and their descendants, so long as they shall occupy or claim, and shall not totally desert the same, shall hold and possess, quietly and peaceably, all that tract of land lying in Dorchester county, on Choptank river, according to the metes and bounds thereof, surveyed and returned by the Honorable Philemon Lloyd, Esquire, Colonel Richard Tilghman, and Colonel Matthew Tilghman, ward commissioners, appointed by his honor the Governor to ascertain and lay out the same, pursuant to an act of Assembly of this province, made in the year of our Lord seventeen hundred and twenty-one, that survey being found pursuant and agreeable to the intent and design of one act of Assembly, made at the city of St. Mary's, in the year of our Lord sixteen hundred and sixty-nine, by which that land was granted to the said Indians.

SEC. 3. *And be it further enacted*, That the Choptank Indians aforesaid at any time hereafter, shall not, on any pretence whatsoever, alienate, dispose, sell, or let to farm, any part or parcel of the lands before mentioned, except that part thereof which lies to the Eastward, Southward, and Westward of those lines, formerly run from the head of Secretary Sewall's creek, to the bounded tree of William Dorrington, by Colonel Thomas Smithson and Lieutenant Colonel Thomas Ennalls, as the exterior bounds of the aforesaid land, pursuant to an ordinance of Assembly then made; and that, if any person shall presume to purchase or lease any part thereof, (except as before excepted) such purchase or lease shall be utterly void, and of none effect.

SEC. 4. *And it is hereby further enacted*, That no lease for term of years, or for life, already made, shall be of any force or effect, longer than seven years after the end of this session of Assembly; and that those persons who hold, by virtue of any such lease, from the said Indians, be, and are hereby, obliged punctually and faithfully to pay and satisfy to such Indian or Indians, under whom they hold, the several and respective rents contracted for; and, if any person shall refuse or delay to pay such rent yearly, as it becomes due, such lease shall become void, and it shall and may be lawful for any justice of the peace, within the county where such rent shall arise and become due, and remaining unpaid, upon complaint to him made by such Indians, to issue warrant, give judgment, and award execution for the same, in the same manner as in the act for recovery of small debts is provided.

SEC. 5. *And be it further enacted*, That all sales, gifts, grants, or leases, made by any of the Indians aforesaid, since November, seventeen hundred and twenty-one, of any of the lands lying on the South side of Secretary Sewall's creek aforesaid, and the Southern branch thereof, and within the lines run by Colonel Thomas Smithson and Lieutenant Colonel Thomas Ennalls, as aforesaid, being contrary to an ordinance of Assembly then made, be, and are hereby, declared to be null, void, and of no effect.

SEC. 5. *Provided nevertheless*, That such surveys and purchases which have already *bona fide* been made since November, seventeen hundred and twenty-one, or which hereafter shall be *bona fide* made of any of the Choptank Indian lands, comprehended within the metes and bounds surveyed and ascertained by the Honorable Philemon Lloyd, Esquire, Colonel Rich-

ard Tilghman, and Colonel Matthew Tilghman, ward commissioners as aforesaid, and lying to the Eastward, Southward, or Westward of the lines run by Colonel Thomas Smithson and Lieutenant Colonel Thomas Ennalls, aforesaid, be, and are hereby, confirmed and made valid unto the purchasers or takers up of the same, and their heirs and assigns, forever, any thing in this act to the contrary notwithstanding.

SEC. 7. *Provided likewise*, That such purchases by any person or persons, of any lands belonging to the Choptank Indians aforesaid, be made when the Indians are sober, and of sound and perfect memory, and the consideration agreed for, paid, or secured to be paid to them, by such purchasers, before the executing of the deeds of sale; and that all deeds of sale hereafter made by the Indians aforesaid, shall be acknowledged by them before the justices of the county, in court sitting, or before one or more of his lordship's Council, who are hereby empowered to take the same, otherwise to be void, and of no effect.

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VIRGINIA.

[1658.]

*Indians to be first served with lands.*

*Be it enacted by this present Grand Assembly*, That there be no grant of land to any Englishman whatsoever, (*de futuro*) until the Indians be first served with the proportion of fiftie acres of land for each bowman; and the proportion of each particular towne to lie together, and to be surveyed, as well woodland as cleared ground; and to be layd out before pattented, with libertie of all waste and unfenced land, for hunting for the Indians.

*And be it further enacted*, That, where the land of any Indian or Indians be found to be included in any pattent allreadie granted for land at Rappahannock, or the parts adjacent, such pattentee shall either purchase the said land of the Indians, or relinquish the same, and be therefore allowed satisfaction by the English inhabitants of the said places, the said satisfaction to be proportioned equally between them.

[1658.]

*Confirmation of Indians' land.*

WHEREAS many complaints have bin brought to this Assemblie, touching wrong done to the Indians, in takeing away their land, and forcing them into such narrow streights and places, that they cannot subsist, either by planting or hunting; and for that it may be feared, they may be justly driven to despaire, and to attempt some desperate course for themselves; which is inconveniences, though they have bin endeavored to be remedied by former acts of Assemblie made to the same purpose, yet, notwithstanding, many English doe still intrench upon the said Indians' land; which this Assemblie conceiving to be contrary to justice, and the true intent of the English plantation in this country, whereby the Indians might, by all just and faire waies be reduced to civillity, and the true worship of God, *have therefore thought fit to ordeine and enact, and bee it hereby ordained and enacted*, That all the Indians of this collonie shall and may hold and keep those seates of land

which they now have; and that no person or persons whatsoever, be suffered to intrench or plant upon such places as the said Indians claime or desire, untill full leave from the Governour and Council, or Commissioners for the place; yet this act not to be extended to prejudice those English which are now seated with the Indians' former consent, unless, upon further examination before the Grand Assemblie, cause shall be found for so doeing. And the said Commissioners shall be accomptable before the Governour and Council, and the Grand Assembly, if any wrong or injurie be done to the Indians, contrary to the intent of this act.

*And be it further enacted,* That the Indians, as either now or hereafter, shall want seates to live on, or shall desire to remove to any places void or uptaken upp, they shall be assisted therein, and order granted them, for confirmation thereof; and no Indians to sell their lands but at Quarter Courtes: And that those English which are lately gone to seate neare the Pamunkies, and the Chichominyes, on the North side of Pamunkie river, shall be recalled, and such English to choose their seates elsewhere; and that the Indians, as by a former act was granted them, shall have free liberty of hunting in the woods without the English fenced plantations; these places excepted, between Yorke river and James river, and between Black water and the Manakin towne, and James river; and no pattent shall be adjudged valid, which hath lately passed, or shall pass, contrary to the sense of this act, nor none to be of force, which shall intrench upon the Indians' lands; to their discontent, without express order for the same.

[1660.]

WHEREAS the Indians of Accomack have complained that they are very much straightened for want of land, and that the English seat so neare them, that they receive very much damage in their corne. It is ordered that the Right Honourable the Governour give commission to two or three gentlemen, with a surveyor living on this side of the bay, (that have no relation to Accomack) to go over thither, and lay out such a proportion of land for the said Indians, as shall be sufficient for their maintenance with hunting and fishing excluded; and that the land soe laid out, to be so secured to the Indians that they may have no power to alienate it, or any part of it, hereafter, to the English.

[1665.]

*An act concerning Indians.*

WHEREAS, at a Grand Assembly, held at James City, September 10th, 1663, it was provided that where any murther was committed by the Indians upon the English, the nexte turne of the Indians was to use their utmost endeavours for discovering the actors and doers thereof, and in regard the said act was only lymited upon the northern Indians: *This Grand Assembly have thought fit to enact, and it being enacted,* That the said law be made a generall law against all Indians whatsoever, and where any murthers be committed upon the English, the nexte turne is to use all their care and diligence in finding the doers and actors of the said murthers.

*And be it further enacted,* That if any Englishman is murthered, the nexte turne shall be answerable for it with their lives or liberties to the use of the publique, and that the Right Honourable the Governour, be humbly requested forthwith to empower such persons as His Honour shall think

fit, in each county on such occasions for putting the said law into immediate execution, and that it be made knowne to all Indians whatsoever by these persons soe committimated within two months after the said law is in force.

*And be it further enacted by this Grand Assembly,* That the said Indians shall not have power within themselves to elect or constitute their owne *werowance* or Chiefe Commander, but the present Honourable Governour, and his successors from time to time shall constitute and authorize such persons in whose fidelity they may finde the greatest cause to repose a confidence, to be the Commander of the respective townes; and in case the Indians shall refuse their obedience to, or murder such persons, then that nation of Indians soe refusing or offending to be accompted enemies and rebels and to be proceeded against accordingly.

And whereas the careless manner of the English, in going unarmed into churches, courts, and other publique meetings, may probably in time invite the Indians to make some desperate attempt upon them,

*It is further enacted,* That the Honourable the Governour, be requested to issue his commands to the officers of the malitio to take care to prevent the same.

*And it is further enacted,* That any person or persons that shall harbour, entertaine, or employ any Indian, shall be fined five thousand pounds of tobacco, or suffer one year's imprisonment without bayle or maineprise, unless such as shall give sufficient security to the county courts, and upon such security, obteyne a certificate from the said court, and upon that certificate licence from the Governour.

And whereas by the former articles of agreement, it was provided, that no Indians which are seated on the South side of James river, should come over the *Black water* or the Southerne branches thereof.

*It is hereby enacted,* That the said bounds, from the head of *Black water* to the Apamatack Indian towne, and thence cross the river to the Monikot towne, be the bounds of the Indians on the South side of James river.

[1705.]

*An act for prevention of misunderstandings between the tributary Indians and other her Majesty's subjects of this colony and dominion, and for a free and open trade with all Indians whatever.*

1. For prevention of all manner of animosities, jealousies, fears, misunderstandings, and differences, whatsoever, between the tributary Indians and other her Majesty's subjects of this colony and dominion; as, also, the severall revenges and mischiefs which may thereupon be sought after, and ensue,

2. *Be it enacted by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That it shall not be lawful for an Indian king, or any other of the said tributary Indians whatsoever, to bargain and sell, or demise to any person or persons, other than to some of their own nation, or their posterity, in fee, for life, or for years, the lands laid out and appropriated for the use of the said Indians, or any part or parcel thereof; or to bargain and sell, as aforesaid, any other land whatsoever, now actually possessed, or justly claimed and pretended to by the said Indians, or any of them, by virtue of the articles of peace made and concluded with the said Indians the twentieth day of May, one thousand six hundred and seventy seven, or by virtue

of any other right or title whatsoever; and that every bargain, sale, or demise, hereafter made, contrary to this act, as aforesaid, shall be, and is hereby declared to be, null and void, to all intents, constructions, and purposes, whatsoever.

3. *And be it further enacted by the authority aforesaid,* That, if any person or persons (other than the Indians and their posterity) shall, from and after the publication of this act, presume to purchase or obtain any deed or conveyance in fee, or any lease for years, from any of the tributary Indians, of any lands, tenements, or hereditaments, laid out or appropriated, or now actually possessed, or justly claimed and pretended to, by the said Indians; or shall occupy or tend any of the said lands, by permission of the said Indians, or otherwise, every person or persons so offending, and being thereof lawfully convicted in any court of record within this colony, shall forfeit and pay the sum of ten shillings current money for every acre of land so purchased, leased, or occupied: and for every year during the continuance of the possession or occupation of any lands, by virtue of such purchase or lease, the person or persons so offending shall forfeit and pay the sum of ten shillings current money for every acre of land so possessed or occupied, as aforesaid; one moiety of which said forfeitures shall be to our sovereign lady the queen, her heirs and successors, for and towards the better support of the government of this her majesty's colony and dominion, and the contingent charges thereof, and the other moiety to the informer; to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed.

[1776.]

*Extract from the Constitution or form of Government, agreed to, and resolved upon, by the Delegates and Representatives of the several Counties and Corporations of Virginia.*

ART. 21. The territories contained within the charters erecting the colonies *Maryland, Pennsylvania, North and South Carolina*, are hereby ceded, released, and forever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction, and government; and all other rights whatsoever, which might at any time heretofore been claimed by *Virginia*, except the free navigation and use of the rivers *Potomac* and *Pahomoke*, with the property of the *Virginia* shores or strands bordering on either of the said rivers, and all improvements which have been, or shall be, made thereon. The Western and Northern extent of *Virginia* shall, in all other respects, stand as fixed by the charter of King James I. in the year one thousand six hundred and nine, and by the public treaty of peace between *Great Britain* and *France*, in the year one thousand seven hundred and sixty-three; unless, by act of Legislature, one or more territories shall hereafter be laid off, and governments established Westward of the *Alleghany* mountains. And no purchase of lands shall be made of the *Indian* natives, but on behalf of the public, by authority of the General Assembly.

[1777.]

*An act for establishing a General Court.*

SEC. 38. No person convicted of perjury shall be capable of being a witness in any case, nor shall any negro, mulatto, or Indian, be admitted to give evidence but against or between negroes, mulattoes, or Indians.

## NORTH CAROLINA,

[1715.]

*An act for restraining the Indians from molesting or injuring the inhabitants of this Government, and for securing to the Indians the right and property of their own lands.*

1. WHEREAS, before the late war, daily and grievous complaints of the depredations and insults of the Indians were exhibited against them by several persons bordering upon and residing near to the habitations of the said Indians: for the prevention of the like disorders for the time to come, and for cultivating a better understanding with the said Indians, the want of which has been so injurious to the Government:

SEC. 2. *Be it enacted by his Excellency the Palatine, and the rest the true and absolute Lords Proprietors of the Province of Carolina, and with the advice and consent of the rest of the Members of the General Assembly, now met at Little river, for the northeast part of the said Province, and it is hereby enacted by the authority of the same, That* whoever shall discover or find any Indian or Indians, killing, hunting, or in pursuit of, any horses, cattle, or hogs, the right and property whereof is in any white man inhabiting within this Government, every such person or persons, on discovery or sight thereof, may, and he is hereby empowered to apprehend and seize every such Indian or Indians, and him, or them apprehended and taken, to convey before some one of the commissioners to be appointed for Indian affairs, and for want of such, before the next magistrate, which said commission or magistrate, together with the ruler or head man of the town to which such Indian delinquent may belong, is and is hereby empowered to punish every such delinquent in such manner as the nature of the offence may require, and to award restitution to the party injured for all damages by him sustained; saving always the right of appeal to the Governor and Council, if either party shall think themselves aggrieved or wronged thereby.

SEC. 3. *And be it further enacted by the authority aforesaid, That* any difference shall for the future arise between any white man and Indian concerning trade, or otherwise howsoever, every such difference shall be heard, tried, and determined, by such commissioners as the Governor or Commander-in-chief for the time being shall appoint, together with the ruler or head man of the town to which the Indian belongs: saving only the right of appeal, as hereinbefore saved and excepted.

SEC. 4. And whereas there is great reason to believe that disputes concerning land has already been of fatal consequence to the peace and welfare of this colony, *Be it further enacted by the authority aforesaid, That* no white man shall, for any consideration whatsoever, purchase or buy any tract or parcel of land, claimed, or actually in possession of any Indian, without special liberty for so doing from the Governor and Council, first had and obtained, under the penalty of TWENTY POUNDS for every hundred acres of land so bargained for and purchased, one half to the informer and the other half to him or them that shall sue for the same: to be recovered by bill, plaint, or information, in any court of record within this Government; wherein no essoin, protection, injunction, or wager of law, shall be allowed or admitted of.

SEC. 5. *And be it further enacted by the authority aforesaid,* That whatever white man shall defraud or take from any of the Indians his goods, or shall beat, abuse, or injure his person, each and every person so offending shall make full satisfaction to the party injured, and shall suffer such other punishment as he should or ought to have done, had the offence been committed to an Englishman.

[1748.]

*An act for ascertaining the bounds of a certain tract of land, formerly laid out by treaty to the use of the Tuscarora Indians, so long as they, or any of them, shall occupy and live upon the same; and to prevent any person or persons taking up lands, or settling within the said bounds, by pretence of any purchase or purchases made, or shall be made, from the said Indians.*

WHEREAS, complaints are made by the Tuskerora Indians, of divers encroachments made by the English on their lands, and it being but just that the ancient inhabitants of this Province shall have and enjoy a quiet and convenient dwelling place in this their native country: Wherefore,

SEC. 2. We pray it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the advice and consent of his Majesty's Council and General Assembly of this Province, and it is hereby enacted by the authority of the same,* That the lands formerly allotted the Tuskerora Indians, by solemn treaty, lying on Morotock river, in Bertie county, being the same whereon they now dwell; butted and bounded, as follows, viz: Beginning at the mouth of Quitsnoy swamp; running up the said swamp four hundred and thirty poles, to a scrubby oak, near the head of the said swamp, by a great spring; then north, ten degrees east, eight hundred and fifty poles, to a persimmon tree on Raquis' swamp; then along the swamp and Pocosin main course, north fifty-seven degrees west, two thousand six hundred and forty pole, to a hickory on the east side of Falling Run or Deep Creek, and down the various courses of the sand run to Maratock river; then down the river to the first station; shall be confirmed and assured, and, by virtue of this act, is confirmed and assured, unto James Blount, Chief of the Tuskerora Nation, and the people under his charge, their heirs and successors, forever; any law, usage, custom, or grant, to the contrary notwithstanding.

SEC. 3. *Provided always,* That it shall and may be lawful for any person, or persons, that have formerly attained any grant or grants, under the late lords proprietors, for any tracts or parcels of land within the said aforesaid boundaries, upon the said Indians deserting or leaving the said lands, to enter, occupy, and enjoy the same, according to the tenor of their several grants; any thing herein to the contrary notwithstanding.

SEC. 4. *And be it further enacted by the authority aforesaid,* That it shall not, nor may be lawful, for the Lord Granvilles' receiver to ask, have, or demand, any quit rents for any of the said tracts or parcels of lands, taken up within the said Indian boundaries, as aforesaid, until such time the Indians have deserted the same, and the patentee be in possession thereof; and then only for such rents as shall from thence arise and become due; any law, usage, or custom, to the contrary notwithstanding.

SEC. 5. *Be it further enacted by the authority aforesaid,* That no person, for any consideration whatsoever, shall purchase or buy any tract or parcel of land claimed, or in possession of any Indian or Indians, but all



such bargains and sale shall be, and are hereby declared to be, null and void, and of none effect; and the person so purchasing or buying any land of any Indian or Indians, shall further forfeit the sum of ten pounds, proclamation money, for every hundred acres by him purchased and bought, one half to the use of the public, the other half to him or them that shall sue for the same; to be recovered, by action of debt, bill, plaint, or information, in any court of record within this Government, wherein no essoin, protection, adjournment, or wager of law, shall be allowed or admitted of.

[1778.]

*An act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the possession of their lands.*

1. *Be it enacted, &c.* That Whittnell Tuffdick, chief or headman of the Tuscarora nation, and the Tuscarora Indians, now living in the county of Bertie, shall have, hold, occupy, possess, and enjoy, all the lands lying in the county of Bertie aforesaid; whereof they are now seized and possessed (being part of the lands heretofore allotted to the Indians aforesaid, by solemn treaty, and confirmed to them and their successors, by act of Assembly, in the year one thousand seven hundred and forty-eight,) without let, molestation, or hindrance, clear of all quit-rents, or any public demand, by way of tax whatever to them, the said Tuscarora Indians, and their heirs and successors; and that they the said Tuscaroras, and their heirs and successors, shall forever be clear and exempt from every kind of poll-tax.

2. And whereas the said Tuscarora Indians, by nature ignorant, and strongly addicted to drinking, may be easily imposed on by designing persons, and unwarily deprived of their said lands:

*Be it enacted,* That no person, for any consideration whatever, shall hereafter purchase, buy, or lease, any tract or parcel of land, now claimed by, or in possession of, the said Tuscarora Indians, or any of them; nor shall any person settle on or cultivate the said lands, or any part thereof, in his own right, or under pretence as acting as overseer for the Indians; and if any person shall, hereafter, purchase, buy, or lease, any lands of the said Indians, or settle on or cultivate any part thereof, in his own right or as overseer for the Indians, all such purchases, sales, leases, and agreements, shall be, and they are hereby, declared null and void; and the person so purchasing, buying, or leasing, settling on, or cultivating, the said lands, or any part thereof, shall forfeit and pay the sum of three hundred pounds, current money, for every hundred acres by him so purchased, bought, or leased, settled on, or cultivated, as aforesaid; one half to the use of the said Tuscarora Indians, the other to the use of him or her who shall sue for same; to be recovered by action of debt, bill, plaint, or information, in any court having cognizance thereof: *Provided,* That the said Tuscarora Indians may sell or dispose of their lands, or any part thereof, with consent of the General Assembly first had and obtained.

3. And whereas the chieftains and head men of the Tuscarora nation, living in the county, did, on the twelfth day of July, in the year one thousand seven hundred and sixty-six, for the consideration of fifteen hundred pounds, to them paid, by Robert Jones, Jun. William Williams, and Thomas Pugh, by indenture, under their hands and seals, demise, grant, and to farm let, unto the said Robert Jones, William Williams, and Thomas Pugh, a certain tract of land, lying in the county aforesaid, containing about eight

thousand acres, more or less, bounded as follows, *to wit*: Beginning at the mouth of Deep Creek, otherwise called Falling Run; thence running up the said creek to the Indian head line; thence byt he said line, South seventeen degrees East, twelve hundred and eighty poles; thence a course parallel with the general current of the said creek to Roanoke river, and then up the river to the beginning; together with the appurtenances thereto belonging, to be held and enjoyed by the said Robert Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, in severalty, for and during the term of one hundred and fifty years, as may more fully appear by the said indenture, registered in the county court of Bertie aforesaid, and ratified by act of Assembly, passed at Newbern, in the year one thousand seven hundred and sixty-six:

*Be it enacted*, That each and every of the persons entitled to claim under the demise aforementioned, or by grants from the persons claiming under the same, or either of them, and their heirs and assigns, shall and may have, hold, occupy, possess, and enjoy, the several shares, dividends, or parcels of the said land to them belonging, in as full, free, and absolute manner, and with the same legal privileges and advantages, in every respect, and subject to the same taxes, as if the said land had been originally granted to the said Robert Jones, William Williams, and Thomas Pugh, by Lord Grenville or by this State.

4. And whereas the said Tuscarora Indians, for good and sufficient reasons, and for valuable considerations, have, since the twelfth day of July, one thousand seven hundred and sixty-six, and previous to the first day of December last, demised, granted, and to farm let, sundry tracts, or parts of land, lying in said county of Bertie, to sundry persons, as by indentures duly executed may more fully appear:

*Be it enacted*, That all the lands contained in the last mentioned demises, if the said demises were fairly, *bona fide*, and without fraud, made by, and obtained from, the said Tuscarora Indians, since the year one thousand seven hundred and sixty-six, and previous to the first day of December last past, shall not be decreed vacant lands, or be liable to be entered as such in the land office, unless the General Assembly shall hereafter so direct; but, nevertheless, shall be subject to the same taxes as other lands in this State are liable to.

5. And whereas, it is suggested by the said Tuscarora Indians, that unfair dealing has been used in obtaining one or more of the demises aforementioned; and they, the said Indians, have, at present, no mode for obtaining redress in such cases:

*Be it therefore enacted*, That the commissioners hereinafter mentioned, or a majority of them, shall and may, upon complaint of the said Tuscarora Indians, in court or meeting assembled, that any person or persons has or have unfavorably or fraudulently obtained any grant or demise for lands to them belonging, since the year one thousand seven hundred and sixty-six, and previous to the first day of December last, summon the person or persons so complained against, or cause him or them to be summoned, to appear before them on a certain day, on the land in dispute, (giving at least ten days notice previous to the day in such summons appointed) there and there to answer the complaints of the Indians, for having fraudulently or unfairly obtained a grant or demise of the land in question; and shall also summon, or cause to be summoned, a jury of twelve men, being freeholders in the said county of Bertie, and not resident on, or owners of, any lands purchased of

the said Tuscarora Indians; and the said commissioners, or a majority of them, shall attend at the time and place appointed, with the jury aforesaid, and having first sworn the jury to try and determine fairly between the said Indians, and the person or persons complained against, shall and may cause witnesses to be examined on both sides, and receive the verdict of the jury, and return the same, with the pannel, to the next county court of the said county of Bertie, to be entered upon record; and such verdict shall be as good and effectual as if obtained in any court of record; and if the same be general, the said commissioners, or a majority of them, shall and may appoint one or more person or persons to carry the same into execution; but if special, then the court shall decide thereon, and cause the sheriff of the county to carry such decision into execution.

6. And whereas the said Indians are often injured by horses, cattle, and hogs, driven on their lands by the white people, the said horses, cattle, and hogs, breaking into their inclosures, and destroying their corn and other effects; and are also frequently deprived of their property, and abused by ill disposed persons: for remedy whereof, and also for recovery of rents and demands now due, or which may hereafter become due and owing to the said Tuscarora Indians:

*Be it enacted*, That William Williams, Thomas Pugh, Willie Jones, Simon Turner, and Zedekiah Stone, be, and they are hereby, appointed commissioners for the said Indians; and they, or any three of them, shall and may inquire into the complaint made by the said Indians, summon the persons complained against before them, and award such restitution and redress as to them shall seem just and necessary; and may appoint an officer or officers to serve subpoenas, and execute such awards and determinations as they shall or may make in regard of the premises; and the court of the said county of Bertie is hereby authorized and required to fill up, from time to time, by new appointments and vacancies which may happen among the commissioners, by death or resignation; and upon complaint of the chief or headman of the nation, and the rest of the Indians, in court or meeting properly assembled, against any one of the commissioners for misbehavior may inquire into the conduct of the person or persons complained against, remove him or them if necessary, and appoint another or others in his or their stead.

*SEC. 7. And be it further enacted*, That the lands leased by the said Tuscarora Indians to Robert Jones, jr. Wm. Williams, and Thomas Pugh, and to other persons, shall revert to, and become the property of the State, at the expiration of the terms in the several leases mentioned, if the said nation be then extinct: and the lands now belonging to, and possessed by, the said Tuscaroras, shall revert to, and become the property of the State, whenever the said nation shall become extinct, or shall entirely abandon or remove themselves off the said lands, and every part thereof: *Provided*, That no person shall have any preference of entry to any of the said lands by virtue of any lease or occupancy whatsoever since December, one thousand seven hundred and seventy-six, whenever the General Assembly shall declare the said lands to be vacant.

[1783.]

*An act for opening the Land Office for the redemption of specie and other certificates, and discharging the arrears due to the Army.*

SEC. 3. *And be it further enacted*, That the Western boundary be enlarged, and established by a *line*, beginning on the line which divides this State from that of Virginia, at a point due North of the mouth of Cloud's Creek, running thence *West* to the Mississippi; thence down the Mississippi to the thirty-fifth degree of North latitude; thence due *East* until it strikes the Apalachian mountains: thence with the Apalachian mountains to the ridge that divides the waters of French-broad River and the waters of Nollichuckie River, and with that ridge until it strikes the *line* described in the fifth section of an *act*, entitled "*An act to amend an act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes;*" and with that line, and those several water courses, to the beginning.

SEC. 5. *And be it further enacted*, That the Cherokee Indians shall have and enjoy all that tract of land bounded as follows, *to wit*: Beginning on the Tennessee, where the Southern boundary of this State intersects the same, nearest to the Chickamauga Towns; thence up the middle of the Tennessee and Holstein to the middle of *French-broad*; thence up the middle of French-broad River (which lines are not to include any island or islands in the said river) to the mouth of Big-Pidgeon River; thence up the same to the head thereof, thence along the dividing ridge between the waters of Pidgeon River and Tuckasejah River to the Southern boundary of the State; and the lands contained within the aforesaid bounds shall be, and are hereby, reserved unto the said Cherokee Indians and their *nation* for ever, anything herein to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That no person shall enter and survey any lands within the bounds set apart for the said Cherokee Indians, under the penalty of fifty pounds specie for every such entry so made, to be recovered in any court of law in this State, by, and to the use of, any person who will sue for the same; and all such entries and grants thereupon, if any should be made, shall be utterly void.

SEC. 7. *And be it further enacted*, That no person, for any consideration whatever, shall purchase or buy, or take any gift or lease of any tract of land within the said bounds of any Indian or Indians; but all such bargains, sales, gifts, and leases, shall be, and are hereby, declared to be null and void; and the person so purchasing, buying, leasing, or taking any gift of any land of any Indian or Indians as aforesaid, shall moreover forfeit the sum of one hundred pounds specie, for every hundred acres so purchased, bought, leased, or taken, as aforesaid; one half to the use of the State, and the other half to him that will sue for the same, to be recovered in the manner aforesaid.

SEC. 8. And whereas the said Indians may receive injuries from people hunting, ranging, or driving stocks of horses, cattle, or hogs, on the lands hereby allotted them: For remedy whereof, *Be it enacted by the authority aforesaid*, That it shall not be lawful for any person or persons whatsoever to hunt or range on the said lands, or to drive stocks of cattle, horses, or hogs thereon, on pain of forfeiting the sum of fifty pounds specie for every such offence, together with such stock or stocks of horses, cattle, or hogs, so

driven; to be recovered by any person who shall sue for the same in the manner aforesaid.

SEC. 9. *And be it further enacted*, That it shall and may be lawful for any person who now is, or hereafter shall become, a citizen of this State according to the constitution thereof, to enter with the Entry Taker, to be appointed by joint ballot of both Houses of this General Assembly, to receive entries for claims of land, (all lands in this act reserved for the Indians excepted) a claim for any lands, provided such claim does not exceed five thousand acres.

[1783.]

*An act for appointing an agent, and holding a treaty with the Cherokee Indians, and for other purposes.*

SEC. 1. Whereas, holding treaties, and appointing one or more agents to keep up a continual friendly correspondence with the said Indians, may prevent future wars, and save expense of blood and treasure:

SEC. 2. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That His Excellency the Governor, as soon as may be, shall hold; or by such persons as he shall commissionate for that purpose, cause to be held a treaty with the Chickamagaw and Over-hill Cherokees, and also with the Cherokees of the middle and valley settlements, at the Long Island, on Holstein river; and his Excellency the Governor is hereby empowered to cause the musket powder, belonging to this State, or so much thereof as he shall think necessary, not exceeding one thousand weight, to be removed to the frontiers convenient to the place where the said treaty shall be held, and to give the said powder, or cause the same to be given, in presents to the said Indians; and his Excellency the Governor is hereby empowered to issue warrants on the Treasury for any sum not exceeding two thousand five hundred pounds specie, and cause the same to be laid out in the purchase of goods suitable for the said Indians, and the same goods to give, or cause to be given, in consideration of the lands by the said Indians to be ceded to the State; and also, to issue warrants on the Treasury for the sum of one thousand pounds specie, to defray the expences of removing the said powder and goods, and the purchase of necessary provisions for the support of said Indians attending the treaty, and other expences thereof; and a full and accurate account of all expenditures, articles, stipulations, cessions, agreements, and proceedings of the said treaty, wherein this State is or may be interested, shall be laid before the next General Assembly.

SEC. 3. *And be it further enacted by the authority aforesaid*, That Joseph Martin be, and he is hereby, appointed agent in behalf of this State, for the Chickamagaw and Over-hill Cherokees, and for the Cherokees of the Middle Settlements and Valley towns; and the said agent shall visit the Indians under his agency, in their own country, once in six months; shall deliver to them messages from the Governor, receive their talks, record them in a journal; record in like manner such public talks as he without order may deliver them, and send copies of both to the Governor.

SEC. 4. And in order that all the dealings and intercourses with the said Indians may be carried on in the most friendly and upright manner, and every fraud and imposition as far as possible prevented, *Be it therefore enacted by the authority aforesaid*, That no person whatsoever shall deal or traffic with the said Indians, within the limits of this State, without license

first had and obtained from the Governor of the same, and that those *licenses* shall be granted only to men of the most upright and unexceptionable honest characters, and shall not authorize any person obtaining them to trade with the said Indians for any longer time than one year, and those be annually received and obtained.

SEC. 5. *And be it further enacted by the authority aforesaid*, That every person obtaining such *license* shall pay for the same to the Governor the sum of FIVE pounds specie: and if any person shall, without such *licence*, presume to deal with the said Indians within the limits of this State, he shall forfeit and pay fifty pounds specie for the first offence, and ONE HUNDRED pounds specie for every subsequent offence, one half to the use of the public, the other half to him or them that shall prosecute for the same, to be recovered by action of *debt, bill, plaint*, or information, in any court of record.

SEC. 6. *And be it enacted by the authority aforesaid*, That the said agent shall be allowed ONE HUNDRED pounds specie per annum for all services.

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GEORGIA.

[1787.]

*An act for suppressing the violences of the Indians.*

*Be it enacted by the Representatives of the Freemen of the State of Georgia, in General Assembly met, and by the authority of the same*, That, from and immediately after the passing of this act, the Creek Indians shall be considered as without the protection of this State; and it shall be lawful for the government and people of the same to put to death or capture the said Indians wheresoever they may be found within the limits of this State, except such tribes of the said Indians which have not, or shall not hereafter, commit hostilities against the people of this State, of which the commanding officer shall judge.

SEC. 2. *And be it further enacted*, That fifteen hundred men be enlisted as soon as may be, to serve until peace is established with the Indians, to be formed into two regiments, consisting of seven hundred and fifty men each; each regiment to be divided into ten companies; and that a colonel, lieutenant colonel and major be appointed to a regiment; and a captain, two lieutenants, four sergeants, and one drummer and one fifer to a company, and to act for the defence of the State, and shall be subject to the orders of the Governor for the time being, and all other their superior officers: *Provided*, That, at the time of enlistment, each man shall take and subscribe the following oath: "I, A. B. acknowledge and solemnly swear that I have voluntarily enlisted in the — company of the State troops of Georgia, to serve until peace shall be established with the Indians, and that I will be faithful to the State, and obedient to my officers."

SEC. 8. And whereas, it may so happen, that certain persons have run and surveyed lands, without the limits of the respective counties of this State, as established by law, and for which grants may have been surreptitiously claimed: *Be it enacted*, That all lands without the limits aforesaid, are hereby declared to be vacant, any warrant, survey, or grant, to the contrary notwithstanding; and that a tract of land laying and comprehended

within a line to be drawn from the most southern stream of, the South Fork of Oconee, commonly called the Appalachee, in the nearest direction to head or source of the main stream of Flint river, down the said river, including all the islands of the same, to the confluence of the Chatahouchee and Flint river; thence, Eastwardly, to the head or source of St. Mary's, to the confluence of the rivers Oconee and Oakmulgee; and thence, up the river Oconee, to the head or source of the most Northern stream of the Appalachee, or South Fork, where this line begins, shall be reserved, and, at the cessation of the hostilities with the Indians, appropriated to and for the allowances and bounties of and for the said officers and troops; and no warrant, survey, or grant, shall be obtained for any part of the lands within the said reserve, by any person whatever, until such hostilities shall cease; and all such officers or troops shall have a preference in laying their bounties within the said reserve.

SEC. 9. *And be it also enacted*, That the said bounties shall not interfere with a certain quantity of land in the vicinity of those Indian towns which are, and shall continue to be, friendly, which quantity shall be determined by a future Legislature.

[1796.]

*“An Act to provide a fund in aid of an act of the last session of the Legislature, entitled ‘An act for appropriating a part of the unlocated territory of this State, for the payment of the late State Troops, and for other purposes therein mentioned.’”*

WHEREAS, the Executive authority of the United States has authorized a treaty to be held for the extinguishment of the Indian claims to certain lands within the limits of the State of Georgia, agreeably to the act of the last Legislature, entitled “An act for appropriating part of the unlocated territory of this State for the payment of the late State Troops, and for other purposes therein mentioned,” which treaty the State is desirous of furthering to the utmost of her power and ability:

SEC. 1. *Be it enacted, therefore, by the Senate and House of Representatives, of the State of Georgia, in General Assembly met*, That the sum of fifteen thousand six hundred and fifty-six dollars nineteen cents of the stock of the United States, the property of this State, and funded in the name of George Jones, together with the interest due, or to grow due, on the said stock, at the rate of six and three per cent. proportions of the said stock, be, and the same is and are hereby, appropriated, in aid of the sum of twenty thousand dollars appropriated by the aforesaid act, entitled “An act for appropriating a part of the unlocated territory of this State for the payment of the late State Troops and for other purposes therein mentioned,” for carrying a treaty with the Creek Indians into execution, and for extinguishing the said Indian rights to the territory mentioned, and contemplated to be extinguished; and the Governor and Excellency is hereby empowered to cause the same to be assigned and sold over on the books of the Treasurer, or on the books of the Commissioner of Loans of the United States, for this State, for this special purpose, and for any other.

1830.

*Law of Georgia, taken from the "Georgia Journal," printed at Milledgeville, of Saturday, January 23d, 1830.*

AN ACT to add the Territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall, and Habersham, and to extend the laws of this State over the same, and to annul all laws and ordinances made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal process in said Territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twenty-eight upon this subject.

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That, from and after the passing of this act, all that part of the unlocated territory within the limits of this State, and which lies between the Alabama line and the old path leading from the Bussard Roost on the Chattahoochie to Sally Hughes' on the Hightower river, thence to Thomas Petet's, on the old Federal road, thence with said road to the Alabama line, be, and the same is hereby, added to, and shall become a part of, the county of Carroll.

SEC. 2. *And be it further enacted,* That all that part of said territory lying and being North of the last mentioned line, and South of the road running from Charles Gates' ferry on the Chattahoochie river to Dick Roe's, to where it intersects with the path aforesaid, be, and the same is hereby, added to, and shall become a part of, the county of DeKalb.

SEC. 3. *And be it further enacted,* That all that part of said territory lying North of the last mentioned line, and South of a line commencing at the mouth of Baldrige's Creek; thence up said creek to its source; from thence to where the federal road crosses the Hightower; thence with said road to the Tennessee line, be, and the same is hereby, added to, and shall become a part of, the county of Gwinnett.

SEC. 4. *And be it further enacted,* That all that part of said territory lying North of said last mentioned line, and South of a line to commence on the Chestatee river at the mouth of Yoholo creek; thence up said creek to the top of the Blue ridge; thence to the head waters of Notley river; thence down said river to the boundary line of Georgia, be, and the same is hereby, added to, and shall become a part of, the county of Hall.

SEC. 5. *And be it further enacted,* That all that part of said territory lying North of said last mentioned line, within the limits of this State, be, and the same is hereby, added to, and shall become a part of, the county of Habersham.

SEC. 6. *And be it further enacted,* That all the laws, both civil and criminal, of this State, be, and the same are hereby, extended over said portions of territory, respectively; and all persons whatever residing within the same, shall, after the first day of June next, be subject and liable to the operation of said laws, in the same manner as other citizens of this State or the citizens of said counties, respectively; and all writs and processes whatever, issued by the courts, or officers of said courts, shall extend over, and operate on, the portions of territory hereby added to the same, respectively.

SEC. 7. *And be it further enacted,* That, after the first day of June next, all laws, ordinances, orders, and regulations, of any kind whatever, made, pas-



sed, or enacted, by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever, of said tribe, be, and the same are hereby declared to be, null and void, and of no effect, as if the same had never existed; and in all cases of indictment, or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders, or regulations; nor shall the courts of this State permit the same to be given in evidence on the trial of any suit whatever.

SEC. 8. *And be it further enacted,* That it shall not be lawful for any person or body of persons, by arbitrary power or by virtue of any pretended rule, ordinance, law, or custom, of said Cherokee nation, to prevent, by threats, menaces, or other means, to endeavor to prevent any Indian of said nation residing within the chartered limits of this State, from enrolling as an emigrant, or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons, by arbitrary power or by virtue of any pretended rule, ordinance, law, or custom, of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant, or for emigrating, or intending to emigrate from said nation.

SEC. 9. *And be it further enacted,* That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and, on conviction, shall be punished by confinement in the common gaol of any county of this State, or by confinement at hard labor in the Penitentiary, for a term not exceeding four years, at the discretion of the court.

SEC. 10. *And be it further enacted,* That it shall not be lawful for any person or body of persons, by arbitrary power, or under color of any pretended rule, ordinance, law, or custom, of said nation, to prevent, or offer to prevent or deter any Indian, head man, chief, or warrior, of said nation, residing within the chartered limits of this State, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory, or to prevent, or offer to prevent, any Indian, head man, chief, or warrior, of said nation, residing as aforesaid, from meeting, in council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever.

SEC. 11. *And be it further enacted,* That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and, on conviction, shall be confined at hard labor in the Penitentiary, for not less than four, nor longer than six years, at the discretion of the court.

SEC. 12. *And be it further enacted,* That it shall not be lawful for any person or body of persons, by arbitrary force, or under color of any pretended rules, ordinances, law, or custom, of said nation, to take the life of any Indian residing as aforesaid, for enlisting as an emigrant, attempting to emigrate, ceding, or attempting to cede, as aforesaid, the whole or any part of said territory, or meeting, or attempting to meet, in treaty or in council, as aforesaid, any commissioner or commissioners as aforesaid; and any person or body of persons offending against the provisions of this section, shall be guilty of murder, subject to indictment, and, on conviction, shall suffer death by hanging.

SEC. 13. *And be it further enacted,* That, should any of the foregoing offences be committed under color of any pretended rules, ordinance, custom, or law, of said nation, all persons acting therein, either as individuals or

as pretended executive, ministerial, or judicial officers, shall be deemed and considered as principals, and subject to the pains and penalties herein before prescribed.

SEC. 14. *And be it further enacted*, That, for all demands which may come within the jurisdiction of a magistrate's court, suit may be brought for the same in the nearest district of the county to which the territory is hereby annexed; and all officers serving any legal process on any person living on any portion of the territory herein named, shall be entitled to receive the sum of five cents for every mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; and in case any of said officers should be resisted in the execution of any legal process issued by any court or magistrate, justice of the Inferior Court, or judge of the Superior Court of any of said counties, he is hereby authorized to call out a sufficient number of the militia of said counties to aid and protect him in the execution of his duty.

SEC. 15. *And be it further enacted*, That no Indian or descendant of any Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this State to which a white person may be a party, except such white person resides within the said nation.

WARREN JOURDAN,  
*Speaker of the House of Representatives.*

THOMAS STOCKS,  
*President of the Senate.*

Assented to, Dec. 19. 1829.

GEORGE R. GILMER, *Governor.*

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### TENNESSEE.

[1794.]

*Act of the Territorial Assembly of Tennessee, entitled "An act to amend an act establishing courts of law, and for regulating proceedings therein."*

SEC. 32. *And be it enacted*, That if any person who shall be summoned as a witness in any of the said courts, or before any person appointed to take depositions as aforesaid, shall refuse to give testimony on oath, such person so refusing shall, by the court, or by the commissioner before whom he shall be summoned, be committed to the common prison, there to remain, without bail or mainprize, until he shall be willing to give testimony in such manner as the law doth or may direct: *Provided*, The people called Quakers shall have the liberty of giving their testimony by way of solemn affirmation, in all causes whatsoever, criminal as well as civil: *And provided also*, That all negroes, Indians, mulattoes, and all persons of mixed blood, descended from negro and Indian ancestors, to the third generation, inclusive, (though one ancestor of each generation may have been a white person) whether bond or free, shall be taken and deemed to be incapable in law to be witnesses, in any case whatever, except against each other: *And provided further*, That no person of mixed blood, in any degree whatsoever, who has been liberated within twelve months previously, shall be admitted as a witness against a white person.

## ALABAMA.

*An act to extend the jurisdiction of the State of Alabama over the Creek Nation.*

[1829.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the territory within the following boundaries, to wit: Beginning on the bank of Coosa river, the mouth of Kiamulga creek, and running thence with McIntosh's road to the Georgia line; thence, with the said line, Northwardly, to the boundary line between the Creek and Cherokee nations; thence, Westwardly, with the said last named boundary, to the mouth of Wills' creek, on Coosa; thence down Coosa, to the beginning, shall be added to, and form a part of, the county of St. Clair. And all the territory in the following boundaries, to wit: Beginning at the mouth of Kiamulga, and running thence down the Coosa river to Fort Williams; thence, in a direct line, to Miller's bend, on the Chattahoochie; thence, with the boundary line between Alabama and Georgia, to where it crosses McIntosh's road; thence, with said road, to the beginning, shall be added to, and form a part of, the county of Shelby. And all the territory within the following boundaries, to wit: Beginning at Fort Williams, and running down Coosa river to Wetumpka Falls; thence along the Indian boundary line, to the road leading from Pensacola to Ke-dall Lewis' old stand, on the Federal road; thence, along said road, to the Chattahoochie river; and all territory North of the aforesaid line, and not attached to any other county, shall belong to, and form a part of, the county of Montgomery; and all Indian territory lying South of the before described line, shall belong to, and form part of, the county of Pike.

SEC. 2. *And be it further enacted,* That the jurisdiction of the Circuit Courts of the above named counties be, and the same is hereby, extended over their respective limits, as established in the preceding section.

SEC. 3. *And be it further enacted,* That the jurisdiction of the Orphan Courts and courts of revenue of the above named counties, shall, after the first day of March, one thousand eight hundred and thirty, be extended over so much of their respective limits as now constitutes a part of the Creek Nation.

SEC. 4. *And be it further enacted,* That it shall be the duty of the court of roads and revenue in the above counties, on the first Monday of July next, or shortly thereafter, to appoint a suitable person, whose duty it shall be to make an accurate census of the Indian population residing in his county, classing them into separate classes, to wit: Those under ten years, over ten and under twenty-one, over twenty-one and under forty-five, and those over forty-five, the males and females into separate columns, noting the number of mixed blood, and also the number of slaves owned by the Indian population, and make return thereof to the clerk of the County Court of the county, respectively, and to the Secretary of State, as soon as practicable.

SEC. 5. *And be it further enacted,* That the person so appointed shall be entitled to three dollars a day, for the length of time that the court of revenue shall certify as necessary to perform said service; and that the same be a charge upon the State Treasury, subject to be reimbursed by such new counties as may hereafter be established out of the Creek Indian territory.

SEC. 6. *And be it further enacted*, That nothing in this act shall be so construed as to impose taxation or militia duty on the Indians, until the same be specially authorized by the State Legislature.

SEC. 7. *And be it further enacted*, That the sheriffs of said counties, for the service of any process in the Creek nation, shall be entitled to such compensation as the presiding judge of the Circuit Court, to which such process is returnable, shall certify, at the trial, is just and proper; and the same shall be taxed in the bill of cost.

SEC. 8. *And be it further enacted*, That the Secretary of State be required forthwith to furnish the agent of the Creek Indians, and each of our Senators in Congress, with a copy of this act.

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## MISSISSIPPI.

[1830.]

*An act to extend the laws of the State of Mississippi over the persons and property of the Indians resident within its limits.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi in General Assembly convened*, That, from and after the passage of this act, all the rights, privileges, immunities, and franchises held, claimed, or enjoyed, by those persons called Indians, and their descendants, and which are held by virtue of any form of policy, usage, or custom, existing among said persons, not particularly recognised and established by the common law, or statutes of the State of Mississippi, be, and the same are hereby, wholly abolished and taken away.

SEC. 2. *Be it further enacted*, That all the rights, privileges, immunities, and franchises, held and enjoyed by free white persons, inhabitants of the said State, be, and the same are hereby, given, granted, and extended, to the said persons called Indians, and their descendants, in as full and ample a manner as the same can be done by act of the General Assembly.

SEC. 3. *Be it further enacted*, That all the laws, statutes, and ordinances, now in force in the said State of Mississippi, be, and the same are hereby, declared to have full force, power, and operation, over the persons and property of and within the territory now occupied by the said Indians.

SEC. 4. *Be it further enacted*, That all marriages, matrimonial connexions, or associations, entered into by virtue of any usage or custom of the said Indian, and by them deemed valid, be, and the same are hereby, declared to be as binding and obligatory, as if the same had been solemnized according to the laws of this State.

SEC. 5. *Be it further enacted*, That any person or persons who shall assume on him or themselves, and exercise in any manner whatever the office of Chief, Head man, or other post of power established by the tribal statutes, ordinances, or customs of the said Indians, and not particularly recognised by the laws of this State, shall, on conviction upon indictment or presentment before a court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, and be imprisoned any time

not exceeding twelve months, at the discretion of the court before whom conviction may be had.

SEC. 6. *Be it further enacted*, That the boundaries specified in an act, entitled "An act to extend legal process into that part of the State now occupied by the Chickasaw and Choctaw tribes of Indians," passed February 4, 1829, shall be so construed as to make all legal process returnable as by that act required.