

ever) they publicly exposing the same by an open vendue in the said town of Chester, giving public notice thereof at least ten days before such sale be made; and such sale when so made shall and is hereby made good to the purchaser or purchasers, to all intents and purposes and to his and their heirs and assigns forever.

Passed October 28, 1701; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly passed January 12, 1705-6, Chapter 165, and May 9, 1724, Chapter 278.

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## CHAPTER CXIV.

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### AN ACT AGAINST SELLING RUM AND OTHER STRONG LIQUORS TO THE INDIANS.

Whereas our proprietary and governor and the representatives of the freemen of this province and territories in General Assembly met are still desirous to induce the Indian nations to the love of the Christian religion, by the gentle, sober and just manners of professed Christians (under this government) towards them; and it being too obvious that divers persons within this province have used and practiced the selling of rum, brandy and other strong liquors in such quantities to the Indians, many of whom are not yet able to govern themselves in the use thereof (as by sad experience is too well known) that they are generally apt to drink to great excess, whereby they are not only liable to be cheated, and reduced to great poverty and want, but sometimes inflamed to destroy themselves and one another, and terrify, annoy and endanger the inhabitants: and forasmuch as several sachems or sagemucks, kings of the Indian nations, have, in their treaties with the proprietary and governor, earnestly desired that no European should be permitted to carry rum to their towns, because of the mischiefs, before expressed: and since these evil practices plainly tend to the great dishonor of God, scandal of the Christian religion,

and hindrance to the embracing thereof, as well as drawing the judgments of God upon the country, if not timely prevented: for the prevention whereof for the future:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and assent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That if any person inhabiting in this province, or others, shall, after the publication hereof, directly or indirectly sell, barter, give or exchange by themselves or others any rum, brandy or other spirits, mixed or unmixed, to or with any Indians within this province, and be lawfully convicted thereof, [he] shall, for every such offense, forfeit ten pounds, one-half to the use of the county wherein he is convicted, and the other half to the discoverer and prosecutor; to be recovered in any court of record within this government, any law, usage or custom to the contrary in anywise notwithstanding.

And whereas it hath been very difficult to prevent this evil, for want of proof against the offenders, because they privately deal with the Indians, and very often back in the woods, out of the view of any but themselves:

[Section II.] Therefore be it enacted by the authority aforesaid, That the evidence of one professed Christian, with other probable circumstances to the satisfaction of the court and jury, shall be sufficient to convict the offenders herein.

[Section III.] And be it further enacted by the authority aforesaid, That all rum, brandy or other strong liquors that shall be carried or offered to sale or disposal to or at any of the Indian towns or habitations, within the bounds of this province, the same shall be forfeit, and is hereby declared to be forfeited, one-third to the governor, and two-thirds to such person or persons as shall seize the same. And all persons (as well Indian as others) are hereby empowered to seize and secure all such rum, brandy or other strong liquors so found at any Indian towns or settlements as aforesaid.

And whereas some persons in this province have heretofore taken match-coats, guns, kettles and other necessaries of hunting and clothing in pawn from the Indians, whereby (being disabled to hunt) they have been deprived of a necessary subsistence; for prevention whereof for the future:

[Section IV.] Be it enacted by the authority aforesaid, That no person within this province shall at any time hereafter take or receive of any Indian any pawn whatsoever for any rum, brandy or other strong liquors, or other goods, under any pretense whatsoever, under the penalty of forfeiting of such pawn to the Indian or Indians so pawning the same as aforesaid, over and above the fine of ten pounds aforesaid; the said pawn, forfeited as aforesaid, to be seized by warrant from the next justice of the peace, directed to the constable of the place where such offenders shall live, upon complaint and sufficient proof made thereof to him as aforesaid.

Passed October 28, 1701; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, supplied in part by the Act of Assembly passed May 22, 1722, Chapter 256, and wholly by Federal legislation under the provision of the Constitution of the United States vesting in Congress the right to regulate Indian affairs.