

## CHAPTER CCLVI.

AN ACT TO PROHIBIT THE SELLING OF RUM AND OTHER STRONG LIQUORS TO THE INDIANS, AND TO PREVENT ABUSES THAT MAY HAPPEN THEREBY.

Whereas the peaceable, wise and prudent measures which the late Honorable William Penn, Esquire, our most worthy proprietor, took with the native Indians, at his first coming into and settling of this province, have been, under God, the happy foundation and ground-work 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:

[Section I.] Be it enacted by Sir William Keith, Baronet, 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 offense, one-half to the governor for the 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 essoin, protection or wager of law shall be allowed to the defendant.

[Section II.] And be it further enacted by the authority aforesaid, 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, anything herein contained to the contrary notwithstanding.

[Section III.] And be it further enacted, That no person or persons whatsoever, after the fifth day of August next, under penalty of twenty pounds, to be recovered in manner and for the uses aforesaid, shall trade or traffic with any Indian for any commodity whatsoever, but at their own dwelling houses and place of residence with their families, within some settled township of this province, without being first recommended to the governor for his license, by the justices of the county courts of quarter-sessions where he resides, or the next quarter-sessions within this province to the place of such residence. And that no person shall be so licensed without first giving bond in the said quarter-sessions, with one or more substantial freeholders of the same county, to be bound with them in the sum of one hundred pounds, conditioned that he will duly observe the laws of this province for regulating the trade with the Indians, which recommendations and licenses shall be renewed annually, in the manner before directed; and shall further, by his oath or affirmation, oblige himself that he will not, directly or indirectly, sell or dispose of any rum or other spirits, mixed or unmixed, to any Indian whatsoever. For which license he shall pay the sum of thirty shillings, and no more.

[Section IV.] And be it further enacted by the authority aforesaid, That if any person, convicted for any offense committed against this act, have not goods and chattels sufficient to pay the fine or forfeiture in which he shall be condemned, the justices or judges before whom such conviction is had shall, at the request of the informer or prosecutor, grant to him a certificate of the time and place of such conviction, and of such person being the informer or prosecutor; which certificate shall be directed to the provincial treasurer, upon sight whereof the said treasurer shall and is hereby required to pay to such person, his executors, administrators or assigns, the sum of five pounds. And the person convicted for want of estate to pay the fine and cost of his prosecution shall be committed to the public gaol of the county, or house of correction, there to continue at hard labor for the space of six months, without bail or mainprise.

Provided always, That nothing herein contained shall be deemed or taken to prevent any inhabitant of this province from giving unto any Indian, at his dwelling house or habitation, any quantity of rum or other spirits not exceeding one-sixteenth part of a quart at one time, and that not oftener than once in twelve hours.

And because the good intent of this act shall not be frustrated by the secret and clandestine practices of persons for the sake of private advantage:

[Section V.] Be it further enacted by the authority aforesaid, That from and after the first day of August next it shall and may be lawful for the mayor or recorder of the city of Philadelphia, or any two justices of the peace of this province, as often as they shall think fit, to send for any person or persons whatsoever, whom they shall suspect to offend against this act, and severely to reprimand such person or persons for having given any cause, by their conduct or behavior with and towards any Indians, for such suspicion. But if the said mayor or recorder, or any two justices of the peace, shall again suspect the same parties a second time for having offended against the intent or tenor of this act, then it shall and may be lawful for the said mayor and recorder, or any two justices of the peace,

to administer to such person or persons, so suspected an oath or affirmation that he hath not, directly nor indirectly, by himself, nor any other for him, after the said first day of August, given, sold, or otherwise disposed of any rum, spirits, wine, or other strong liquors, mixed or unmixed, to any Indian or Indians, or to any other person or persons whatsoever, for them or any of them, contrary to the true intent and meaning of this act. And every such person or persons, so suspected as aforesaid, not appearing upon summons duly served, or appearing and refusing to take the aforesaid oath or affirmation, shall forfeit the sum of thirty-nine shillings, or undergo imprisonment for the space of three months, the forfeiture to be divided and disposed of in manner aforesaid.

Provided always, That no forfeiture or imprisonment shall be levied or inflicted upon any person whatsoever in this behalf, for not appearing upon summons duly made, until an oath or affirmation be made, of the due service of the said summons upon the suspected person or persons, before the said mayor, recorder or justices aforesaid; who are hereby empowered to administer such oath or affirmation to the constable or officer who hath served the same, anything before to the contrary thereof in anywise notwithstanding.

Provided also, That any person or persons [being] convicted for any matter or thing done or committed against this act, such conviction may be pleaded in bar to any other suit or prosecution to be brought or prosecuted for breach of any other law of this province made and provided against the same offenses.

Passed May 22, 1722. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix V, Section I, and the Acts of Assembly passed April 8, 1758, Chapter 428; April 2, 1763, Chapter 499, and notes thereto.