

At a General Assembly begun and holden at Philadelphia the fourteenth day of October, 1757, and continued by adjournments until the thirtieth day of September, 1758, the following acts were passed:

---

CHAPTER CCCCXXVIII.

---

AN ACT FOR PREVENTING ABUSES IN THE INDIAN TRADE, FOR SUPPLYING THE INDIANS, FRIENDS AND ALLIES OF GREAT BRITAIN, WITH GOODS AT MORE EASY RATES, AND FOR SECURING AND STRENGTHENING THE PEACE AND FRIENDSHIP LATELY CONCLUDED WITH THE INDIANS INHABITING THE NORTHERN AND WESTERN FRONTIERS OF THIS PROVINCE.

Whereas the Indians living and hunting near the western and northern frontiers of this province have earnestly requested that this government would regulate the trade with them, prevent abuses therein and provide that they may be furnished with a sufficiency of the necessary goods by honest, prudent and sober men at reasonable rates, and that ministers of the gospel, schoolmasters and other sober and virtuous men may be sent among them to civilize and instruct them in the Christian religion, the granting of which request may not only be productive of much good to these poor people, but tend to strengthen and secure the peace and friendship lately concluded between them and the English, and induce other and more distant nations to seek our alliance, withdraw themselves from the French and effectually secure their affections to the British interest and open a trade with us, to the great advantage and better security of these colonies and increasing the demand for the manufactures of Great Britain.

And whereas by encouraging ministers of the gospel, schoolmasters and other prudent and virtuous men to reside among

the Indians and learn their language and customs, they may be civilized and instructed in the Christian religion, and this government may from time to time be supplied with faithful interpreters and agents for the management of public affairs with those people, from whence many advantages may arise both to them and [to] us.

And whereas it is absolutely necessary in order to effectuate the good purposes aforesaid and prevent the abuses complained of that the Indian trade, and the power and liberty of supplying the natives with goods, wares and merchandises should be taken into the hands of the government in the manner hereinafter directed:

[Section I.] Be it therefore enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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 Edward Penington, William Fisher, John Reynell, Joseph Richardson, William West, Joseph Morris, Amos Strettle, Thomas Willing and James Child shall be and are hereby nominated and appointed commissioners for Indian affairs, which said commissioners or a majority of them or of the survivors of them shall have full power and authority to do, execute and perform the several duties and things enjoined and required of them by virtue of this act during the continuance thereof, anything herein contained to the contrary notwithstanding, and shall once in every year adjust and settle their accounts with the assembly of this province for the time being, and shall be allowed for their trouble one and a quarter *per centum* on the purchase of the goods and one and a quarter *per centum* on the sales of the returns and no more. And that there shall be for each particular place appointed by the said commissioners for carrying on the trade aforesaid, as often as there may be occasion during the continuance of this act, three suitable persons nominated and recommended for agents by the said commissioners for Indian affairs, and returned

in writing under the hands and seals of the said commissioners to the governor for the time being for his approbation and commission; and if the said governor will not [with]in five days next after such return commissionate one of them so nominated and returned, the person first named in the return shall be the agent and serve in that office without any further or other commission. And in case any agent or agents chosen and commissioned by virtue of this act should refuse to serve, die, be removed by the commissioners for misbehavior or surrender up their said trust and office, the said commissioners shall in like manner proceed to choose three more suitable persons to supply his place, and return them in manner aforesaid to the governor for the time being for his approbation; and if the governor will not [with]in five days next after such return commissionate one of them so nominated and returned the person first named in the return shall be the agent and serve in that office without any further or other commission; which agent or agents shall reside in such fort or forts, place or places, as he or they from time to time shall be directed and instructed by the governor and commander-in-chief of this province, by and with the approbation of the said commissioners for Indian affairs or a majority of them or the survivors of them; which said commissioners or a majority of them or of the survivors of them shall constantly furnish and supply them the said agents with an assortment of Indian goods, which they the said agents shall exchange and barter with the Indians for their peltry at such rates as shall be from time to time settled and directed by the said commissioners for Indian affairs. And the said agent or agents so chosen and appointed as aforesaid shall in all his or their transactions and dealings with the Indians in the way of trade [or] barter, conduct him or themselves according to the directions of this act and such instructions consistent therewith as he or they shall receive from the commissioners aforesaid for Indian affairs; which commissioners shall with such sums as shall be granted and appropriated for that purpose, purchase from the importers or import, as shall be most conducive to the benefit of the said trade, and send out to the said agent or agents the necessary assortment of goods and merchandises for carrying on the Indian trade, and shall

receive the peltry that shall be sent in as returns for the same and sell or dispose thereof by themselves or such other persons as they shall appoint in lots by way of public auction or vendue in the city of Philadelphia or in such other place as they shall think proper within this province to the highest bidders, any law, usage or custom to the contrary in anywise notwithstanding, giving at least ten days' notice in the public newspapers of such sale, together with the particular assortments and quantities thereof and the time and place where the said auction [or vendue] is to be held, in which purchases and sales they shall use their utmost care, circumspection and diligence for the public interest.

[Section II.] And be it further enacted by the authority aforesaid, That the said commissioners or any or either of them shall not, directly or indirectly, buy, sell, barter, exchange or trade with any Indian or Indians on his or their own account or on the account of any other person or persons whatsoever, nor suffer any person under his or their direction so to do, during the continuance of this act, but for the account of the province only and in the manner directed by this act, under the penalty of one hundred pounds for every such offense, to be recovered in the same manner the other fines and penalties inflicted by virtue of this act are directed to be recovered, one-half thereof to the informer or the person that shall sue for the same, and the other half part to be applied to the uses of the said Indian trade.

And whereas the commissioners appointed by an act, entitled "A supplement to the act, entitled 'An act for granting the sum of sixty thousand pounds to the King's use and for striking fifty-five thousand pounds thereof in bills of credit and to provide a fund for sinking the same, and for granting to His Majesty the additional sum of one hundred thousand pounds,'" <sup>1</sup> with the approbation of the governor, did appropriate and lay out in sundry goods, wares and merchandises in order therewith to trade with the Indians the sum of one thousand pounds, part of the said one hundred thousand pounds granted to the King's use, and did appoint John Carson to reside at Fort Augusta,

---

<sup>1</sup> Passed March 23, 1757, Chapter 422.

and did deliver and consign to him the said goods, wares and merchandises to sell and barter the same on account of the province with the Indians.

[Section III.] Be it therefor [further] enacted by the authority aforesaid, That the said John Carson, his executors or administrators, shall and they are hereby enjoined and commanded whenever thereto required to deliver up to them the said commissioners for Indian affairs all and singular of the said goods, wares and merchandises that have or shall come to their hands, custody or power or be delivered to him or them for the purposes aforesaid, which shall remain in his or their hands not sold or bartered as aforesaid at the time such request shall be made, and shall also transmit and deliver to them the said commissioners for Indian affairs the money and peltry which he or they have or shall receive of the natives therefor, and shall behave and account with them in all things as the agents to be appointed by virtue of this act are enjoined and required to account and behave, under the penalty of one thousand pounds, to be recovered by the commissioners for Indian affairs in the same manner as the other fines and penalties inflicted by this act are hereinafter directed to be recovered, and shall be by them applied to the uses of the said trade.

And the better to enable the said commissioners for Indian affairs to carry on the said trade, to supply the said agents from time to time with the necessary goods, wares and merchandises, and to execute and perform all and every the duties enjoined and required of them by this act:

[Section IV.] Be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever to advance and lend to the said commissioners for Indian affairs any sum or sums of money not exceeding in the whole the sum of four thousand pounds lawful money of this province, which sum or sums of money the said commissioners for Indian affairs are hereby authorized and empowered to borrow and receive for the uses, intents and purposes aforesaid. And the said lenders shall have and receive for the use and forbearance of their respective loans during the continuance of this act and until the same shall be paid off and discharged interest not exceeding six *per centum per annum*. And that every such

lender shall immediately have and receive a note and certificate in writing of and for the sum lent with the interest thereof signed by the said commissioners for Indian affairs, which note and certificate shall be registered in a book to be kept by them for that purpose. And that the said lenders shall be paid by the said commissioners for Indian affairs yearly and every year the interest-moneys arising on their respective loans out of the profits and gains accruing of and from the said trade, and if not sufficient profits or gain then out of the capital stock.

And that at the expiration of five years of and from the publication of this act they the said commissioners shall pay off and discharge all and every of the said loans and principal sums to the several and respective lenders out of the moneys remaining in their hands.

And in order more effectually to assure and secure to the lenders their respective sums of money that shall be so lent and advanced, and to the several persons employed in the said trade their respective rewards and wages:

[Section V.] Be it further enacted by the authority aforesaid, That if [by] any accident, chance of war or other casualty whatsoever it should so happen that the capital stock and the profits, gain and advantages arising from the said trade should at the expiration of five years from and after the publication of this act be found short and insufficient, upon a settlement as aforesaid with the assembly, to satisfy and discharge the said several loans with the interest thereon accruing and to bear and maintain the other charges and expenses of the said trade, the same shall be paid and satisfied by an equal and proportionable rate and tax to be laid, assessed and levied on all the estates real and personal, within this province in the same manner, by the same persons, under the same pains and penalties and in the same proportions in the several counties as the sums of money heretofore granted to the King's use and directed to be raised and levied on the real and personal estates of the inhabitants are or shall be at that time assessed, raised and levied. And that the assembly of this province for the time being, upon such insufficiency and defect appearing to them on the settlement of the commissioners' accounts as aforesaid, shall forthwith certify the same to the commissioners of the several counties in writing

under the hand of their Speaker, in order that the same may be laid, assessed and levied in manner aforesaid; and when so levied shall be paid into the hands of the respective county treasurers, who shall forthwith pay the same over to the commissioners for Indian affairs for the purposes aforesaid.

[Section VI.] And be it further enacted by the authority aforesaid, That all and every person and persons to whom any money shall be due [for] loan by virtue of this act, after note and certificate entered on the book of registry as aforesaid, his, her or their executors, administrators or assigns, by proper words of assignment to be endorsed on his, her or their certificate may assign, transfer, or make over all his, her or their right, title, interest and benefit of such note and certificate to any other person or persons, which assignment shall entitle such assignee, his, her or their executors, administrators or assigns, to the benefit thereof and payment thereon, and such assignee may in like manner assign again, so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment to make void, release or discharge the same or the moneys thereby due.

[Section VII.] And be it further enacted by the authority aforesaid, That in settling the rates of exchanging and bartering with the Indians no greater advance shall be put on the goods to be furnished them than may be in the judgment of the commissioners aforesaid sufficient to bear and defray the necessary expenses of transacting, carrying on and managing the trade and of paying the interest-money aforesaid, and for supporting such Protestant teachers of the gospel to instruct the Indians in the principles of the Christian religion, schoolmasters and other persons to take care of and direct them in their temporal affairs, as shall be most agreeable to them, which said teachers, schoolmasters and others so to be supported shall be appointed and commissioned by the governor and commander-in-chief of this province; and before they are commissioned by the governor and commander-in-chief of this province for the purposes aforesaid they shall take the oaths appointed to be taken in and by an act passed in the first year of his late Majesty King George, entitled "An act for the further security of His Majesty's person and government and the suc-

sion of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors;"<sup>1</sup> or, if conscientiously scrupulous of taking an oath, an affirmation instead thereof, and shall also make, repeat and subscribe the declaration in the said act mentioned. And if upon final settlement of the accounts at the expiration of this act it should appear that there is a surplus of profit, the same shall be paid into the hands of the provincial treasurer for the time being, and disposed of in such manner and to such purposes as shall be hereafter directed by act of general assembly of this province.

[Section VIII.] And be it further enacted by the authority aforesaid, That every agent so appointed and employed as aforesaid, before he takes upon himself the office and trust appointed and required by this act, shall take an oath or affirmation before some justice of the peace of this province for the faithful discharge of his duty and the trust reposed in him by virtue of this act, and shall also enter into and duly execute an obligation with such sufficient sureties to His Majesty and his successors and in such penal sum as the said commissioners for Indian affairs shall require that he will well and truly discharge and execute his trust, and likewise observe such orders, instructions and directions consistent with this act as shall be sent to him from time to time by the said commissioners for Indian affairs, and that he will neither directly nor indirectly buy, sell, barter, exchange or trade with any Indian or Indians on his own account or on the account of any other person or persons whatsoever nor suffer any person under his direction so to do, but for the account of the province only, and that he will not employ any person or persons as assistants in trading with the Indians but such as shall be well recommended as honest, sober and prudent persons and approved of by the said commissioners for Indian affairs. And the said agent or agents shall keep fair and just accounts of all his or their transactions and dealings in the premises and deliver fair transcripts thereof into the hands of the said commissioners for Indian affairs at least once a year, and shall also settle and adjust the same yearly or



oftener if required with the said commissioners, and shall have for his or their care and trouble in negotiating and transacting the business hereby committed to him or them and such as shall or may be employed as is hereinbefore directed in carrying on the trade with the Indians and other services relating thereto, such rewards or commissions as the commissioners aforesaid for Indian affairs shall judge reasonable and allow.

[Section IX.] And be it further enacted by the authority aforesaid, That if any such agent or assistant or person employed by him shall presume to demand higher or greater prices or rates of the Indians for any goods sold them or exchanged or bartered with them than they are fixed at, or allow the Indians less for their peltry than directed and instructed to do by the said commissioners for Indian affairs, such agent or assistant or person employed by him shall forfeit and pay the sum of fifty pounds for every such offense, one-half thereof to be paid to the said commissioners for Indian affairs to be disposed of by them in purchasing goods and carrying on the said trade, and the other half thereof to such person or persons that shall sue or prosecute for the same, to be recovered in any of His Majesty's courts of record within this province where the prosecutor shall think proper to commence his suit by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed to the defendant nor any more than one imparlance; and the offender or delinquent shall thenceforth during the continuance of this act be altogether disabled from holding or exercising any office within this government.

[Section X.] And be it further enacted by the authority aforesaid, That no person or persons whatsoever other than the said commissioners, their agents and their assistants, and such as are employed by them for account of the province, from and after the publication of this act shall presume to sell, exchange or barter with any Indian or Indians any cider, whisky, wine, rum, brandy or any other strong liquor whatsoever within this province; nor shall any person or persons other than the commissioners, their said agents and their assistants, sell, exchange or barter with any Indian or Indians any goods, wares or merchandises whatsoever [provisions only excepted] beyond the Kit-tocktenny [sic] Hills on any pretence whatsoever;

Provided, That nothing herein-contained shall be construed or extended to debar any inhabitant within the Kittocktenny [sic] Hills from selling, bartering or exchanging any goods, wares or merchandises, other than spirituous liquors, as aforesaid with such Indian or Indians as shall or may come to their own dwelling houses for those purposes. And that every person and persons offending in the premises, being legally convicted thereof in any court of record within this province, shall forfeit and pay the sum of fifty pounds, to be recovered and disposed of in manner last aforesaid, and be committed to the public gaol during the space of six months without bail or mainprise, any law or laws of this province to the contrary notwithstanding. And the said offense committed out of the inhabited parts of this province as aforesaid shall be heard, tried and determined in any of the courts of this province where the person offending shall or may be arrested and apprehended.

[Section XI.] And be it further enacted by the authority aforesaid, That the said agents to be appointed as aforesaid and every of them, as often as they shall be informed or have reason to believe that any quantity of strong liquors, goods, wares and merchandises are carried out and transported beyond the Kittocktenny [sic] Hills with design to sell, barter and exchange the same with the Indians, shall and they and every of them are hereby empowered and required with their assistants and servants to visit all suspected places and search for such strong liquors, goods, wares and merchandises, and being found beyond the limits aforesaid to seize the same as forfeited, one-half thereof for the use of the person who shall prosecute for the same and the other half thereof to the commissioners for Indian affairs aforesaid, to be recovered in manner aforesaid in any court of record of this province in which the prosecutor shall think proper to file his bill, plaint or information, and to be disposed of by them in manner last aforesaid.

[Section XII.] And be it further enacted by the authority aforesaid, That where any agent so as aforesaid appointed shall be removed by the said commissioners for Indian affairs from his office of agent or surrender up his said office, he shall deliver up to the said commissioners for Indian affairs all the books, pub-

lic accounts and papers belonging to or concerning the trade and trust committed to his care, whole and entire and undefaced, under the penalty of five hundred pounds, to be recovered in the manner and for the uses aforesaid. And where any agent shall be removed by death from his said office and trust the executors or administrators of such decedent shall deliver in like manner all the books and papers that shall come to their hands relating to the accounts and transactions of the said trade to the succeeding agent or agents under the like penalty, to be recovered and applied in manner aforesaid.

[Section XIII.] And be it further enacted by the authority aforesaid, That the clause which relates to the securing and assuring the loans to the respective lenders shall remain and is hereby declared to be in force until the said lenders shall receive their several and respective sums of money lent and advanced, with the interest thereon accruing, and that the residue and remainder of this act shall be in force for five years from and after the publication thereof and no longer.

Passed April 8, 1758. Referred for consideration by the King in Council, Nov. 7, 1758, and allowed to become a law by lapse of time, in accordance with the proprietary charter. See Appendix XXI, Section V, and the Act of Assembly passed April 17, 1759, Chapter 438. The Act in the text was repealed by the Act of Assembly passed April 2, 1763, Chapter 499.

---

## CHAPTER CCCCXXIX.

---

### AN ACT FOR REGULATING THE HIRE OF CARRIAGES TO BE EMPLOYED IN HIS MAJESTY'S SERVICE.

To prevent exorbitant demands for the hire of horses and wagons to be employed in His Majesty's service and for the better supplying the same:

[Section I.] Be it enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of New-