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Colonial Legislation Affecting Indigenous Peoples of Southern New England as Organized by State

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APPENDIX A

COLONIAL LEGISLATION AFFECTING INDIGENOUS PEOPLES OF SOUTHERN NEW ENGLAND AS ORGANIZED BY STATE

A. Massachusetts

1633 (and subsequently in 1637)

- Indians have (qualified) title to land;¹
- Civilized Indians shall have land allotted to them;²
- Indians are not to be dispossessed of their lands;³
- None may buy land from Indians;⁴
- No arms or ammunition may be traded with the Indians.⁵

1633 (and subsequently in 1637, 1640, 1641, 1642, 1646, 1648, 1656, 1657, and 1658)

- Powwows are forbidden;⁶
- Towns may refrain all Indians from profaning the Sabbath.⁷

1640 (and subsequently in 1648)

- Damage done to Indians in their corn by English cattle is to be satisfied;⁸

1. THE GENERAL LAWS AND LIBERTIES OF THE MASSACHUSETTS COLONY: REVISED & PUBLISHED, BY ORDER OF THE GENERAL COURT IN OCTOBER 1658, at 74 (1672) [hereinafter 1672 Laws]. [<https://perma.cc/828C-5836>].

2. *Id.*

3. *Id.*

4. *Id.* at 74–75.

5. *Id.* at 75.

6. *Id.* at 77.

7. *See id.* at 133.

8. *Id.* at 76.

- The English will encourage and aid in fence-building;⁹
- If an Indian does not fence his corn, that's his loss;¹⁰
- Indians must pay for harmed cattle;¹¹
- Laws will be published and distributed to the Indians so that they might have notice and access to remedies;¹²
- Courts will be established among the Indians.¹³

1641

- A person may buy or obtain a land grant from Indians without a license if that grant is for a mine.¹⁴

1655

- No horses are to be sold to Indians.¹⁵

1656

- No boats may be sold to Indians.¹⁶

1657

- Foreigners are prohibited to trade with “our” Indians;¹⁷
- None may trade furs with Indians without license on penalty of a fine;¹⁸
- Strong liquors prohibited to be sold or given to Indians on penalty of a fine, except in cases of sickness or severe injury.¹⁹

9. *Id.* at 76–77.

10. *Id.* at 77.

11. *See id.*

12. THE COLONIAL LAWS OF MASSACHUSETTS: REPRINTED FROM THE EDITION OF 1672 WITH THE SUPPLEMENTS THROUGH 1686 77 (1887) [hereinafter 1686 Laws] [<https://perma.cc/97GM-VZJM>].

13. 1672 Laws, *supra* note 1, at 77.

14. *Id.* at 116–17.

15. *Id.* at 65.

16. *Id.* at 76.

17. *Id.* at 75.

18. *Id.*

19. *Id.* at 76.

1666

- Order to prevent drunkenness in Indians
 - Any person may seize strong liquor belonging to an Indian;²⁰
 - Any Indian who, found drunk, refuses to confess where he obtained the liquor shall be imprisoned until they confess, or otherwise will be sent to the House of Correction for hard labor;²¹
 - Indian accusation against a person for delivering drink to them shall be evidence unless that person clears himself under oath;²²
 - Indians found to be drunk shall pay a fine of ten shillings or else be whipped.²³

1668

- Trade with Indians for pelts and ammunition shall be regulated. Every trader allowed shall pay a “tax” to the Country according to what he sells.²⁴

1672

- All Englishmen must mark the ears of their swine, and all Indians must not mark the ears of their swine, so that it is easier to tell whether the swine has been stolen by the Indian trying to sell it;²⁵

1675

- Any person that shall surprise, slay, or take prisoner any Indian Skulking about English Plantation shall be paid three Pounds per head;²⁶
- All Indians loyal to the English must be confined to their Plantations (Natick, Punquapoag, Nashoba, Wamesit, and Hassanemesit);²⁷

20. *Id.* at 77.

21. *Id.* at 78.

22. *Id.*

23. *Id.*

24. *Id.*

25. 1686 Laws, *supra* note 12, at 205–06.

26. *Id.* at 243.

27. *Id.* at 223.

- All wigwams must be placed together in one part of the Plantation for the provision and defense of the Indians;²⁸
- No Indian shall travel further than one mile from the center of these dwellings unless accompanied by the English;²⁹
- No Indian shall collect corn without the accompaniment of one English man;³⁰
- If any Indian is hurt or killed while disobeying these rules, the Council shall be wholly innocent, and the blood will be on the Indian's own hands;
- No Indians may entertain any Strange Indians;³¹
- No Indians may receive plunder from enemies of the English. The English may search for such plunder, and any Indian in possession will be treated as an enemy to the English;³²
- Any Indian or English person that finds any Indian travelling or skulking in any of the Jurisdiction's towns or woods, may capture that Indian or kill him. Those that surrender should not be hurt or killed.;³³
- Courts proclamation prohibiting Indians to be in Boston;³⁴
 - No person shall own, entertain, or meet any Indian;³⁵
 - Guards will be posted to stop Indians from entering the town;³⁶
 - Persons may apprehend and detain any Indian they find in town;³⁷

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.* at 225.

35. *Id.*

36. *Id.* at 225–26.

37. *Id.* at 226.

- The Military Watch will guard the waterways into the town and any munitions stores;³⁸
- Indians may not take the Charlestown Ferry without permission from the Governor and the accompaniment of two armed guards;³⁹
- Persons may apprehend and detain any Indian they find approaching the town without a guard;⁴⁰
- Trading houses with the Indians to cease in order to discourage drunkenness and other crimes;⁴¹
- No Indians shall go off the Island where they have been placed without leave without permission on pain of death, and no person shall take any Indian from the Island on pain of death.⁴²

1677

- For the protection of the English from Strange Indians, no Person shall buy or keep such an Indian above twelve years old without permission from the Authority, subject to fines;⁴³

Order to settle our Neighbor Indians in four Plantations;⁴⁴

- All Indian Children that are settled or disposed by order of Authority, or with their parents or Relations consent to any of the English in the jurisdiction, shall remain as servants;⁴⁵
 - All shall be taught and instructed in the ways of Christianity;⁴⁶

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.* at 237.

42. *Id.* at 238. The “Island” is almost certainly Deer Island, a Boston Harbor Island that was used as a prison and death camp. Other harbor islands were similarly used during the war, and their implementation resulted in the deaths of over 1100 prisoners in the winter of 1675-76 alone.

43. *Id.* at 845.

44. *Id.* at 251–52.

45. *Id.* at 252.

46. *Id.*

- All shall so remain until the age of 24 unless otherwise contracted;⁴⁷
- All children and youth of Indians who have been hostile to the English in the Jurisdiction who were brought into the Jurisdiction (or given or sold) shall be at the disposal of their masters;⁴⁸
 - Must be taught in the ways of Christianity and Civility;⁴⁹
- All Indians permitted to live in the Jurisdiction, including Praying Indians, will inhabit one of four places: Natick, Punkepaug, Hassanemesit and Wamesit;⁵⁰
- All Indian inhabitants are subject to inspection;⁵¹
 - The General Court will have jurisdiction;⁵²
- Laws allowing the killing of “our” Indians out of their limits are repealed.⁵³

Order to prevent inconveniences by Indian’s liberty to travail the woods with their Guns

- All Neighbor Indians and Friends are at liberty to hunt, but an Indian must lay down his weapon and show his permit if he encounters an English man in the woods, or else will be treated as a hostile enemy.⁵⁴

1680

- Revival of law forbidding the giving, selling, or bartering of guns and munitions to any Indian;⁵⁵
- Small disbursements may be made at the discretion of local government.⁵⁶

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.* at 223.

54. *Id.* at 252.

55. *Id.* at 285.

56. *Id.*

1681

Order to Regulate Indians

- All Indians (excluding apprentices or covenant servants) are to live among and under the governance of the Indian Rulers of the three Plantations (Natick, Punkopaug, or Wamesit). If an Indian refuses, he shall be sent to the House of Correction or Prison until he complies.⁵⁷

B. *Rhode Island*

1644

- Indians shall not take deer or skins from Rhode Island, except at Portsmouth;⁵⁸
- Indians ordered to leave the town of Portsmouth and live in the woods.⁵⁹

1640

- Trade with Indians made free to all men;⁶⁰
- Agreement between Indians and Governor Coddington;⁶¹
- Indians shall not kindle fires upon any lands;⁶²
- Indians shall not set traps or destroy any deer on the island;⁶³
- Indians shall not back out of bargains already made⁶⁴
- The Governor to write to the Bay in relation to the Indians.⁶⁵

57. *Id.* at 289.

58. 1 RECORDS OF THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS IN NEW ENGLAND, 1636-1663, at 81 (John Russell Bartlett ed., 1856). [<https://perma.cc/Y6CV-SCUY>].

59. *Id.* at 82.

60. *Id.* at 90.

61. *Id.* at 107–08.

62. *Id.* at 107.

63. *Id.*

64. *Id.* at 108.

65. *Id.* at 110.

1641

- Indians shall not fall or peel any trees.⁶⁶

1641 (and subsequently in 1644, 1647, and 1650)

- Penalty for selling or giving powder, ball, arms, etc. to the Indians.⁶⁷

1655

- Committee to devise means to prevent the sale of ammunition to Indians.⁶⁸

1641

- Indians to be employed to kill the wolves on the Island;⁶⁹
- The Dutch and French are forbidden to trade with the Indians.⁷⁰

1647

- Penalty of 10 pounds for repairing the guns or arms of Indians;⁷¹
- False peage used by Indians to be confiscated.⁷²

1649

- Price of peage fixed with Indians.⁷³

1651 (and subsequently in 1658)

- No Indian land shall be purchased without the consent of the State.⁷⁴

66. *Id.* at 117.

67. *Id.* at 123, 139, 155, 226.

68. *Id.* at 320.

69. *Id.* at 125.

70. *Id.* at 245–46.

71. *Id.* at 155.

72. *Id.*

73. *Id.* at 217.

74. *Id.* at 236.

1654

- Fines to be collected for selling liquor to Indians.⁷⁵

1654 (and subsequently in 1655 and 1659)

- Liquor prohibited from being sold to Indians.

1654

- War with the Indians begun by the Dutch (as per Roger Williams);⁷⁶
- Notice of the tribes and their wars (Roger Williams).⁷⁷

1655

- Keepers of Indians appointed;⁷⁸
- Dispute with Indians about the grass on Conannicut;⁷⁹
- Indians furnished secretly by the Dutch with arms and ammunition.⁸⁰

1656

- Difficulties of the Indians with the Warwick people (letter of Roger Williams).⁸¹

1657

- Complaints of the Narragansetts against the English at Pequot.⁸²

1658

- Indians ordered to remove from Hope Island;⁸³
- Lands not to be purchased of Indians, except by order of the court of commissioners;⁸⁴

75. *Id.* at 279.

76. *Id.* at 294.

77. *Id.* at 295.

78. *Id.* at 307–08.

79. *Id.* at 319.

80. *Id.* at 324.

81. *Id.* at 341–43.

82. *Id.* at 362–63.

83. *Id.* at 383.

84. *Id.* at 403–04.

- Indians commit robberies in Pawtuxet.⁸⁵
- 1659
- Laws to punish stealing by Indians;⁸⁶
 - Order for Indians to allow their lands at Niantecutt to be purchased;⁸⁷
 - Providence permitted to buy three thousand acres of Indian land adjoining the township;⁸⁸
 - Purchase of Indian land at Potowomut ordered.⁸⁹
- 1661
- Encroachments on Indians in the Pequot country;⁹⁰
 - Sale of the Narragansett country by Indians to Winthrop, Atherton, and others.⁹¹
- 1662
- Lands of Indians in Narragansett ordered to be seized by the commissioner of the colonies.⁹²
- 1667
- Indians to be disarmed.⁹³
- 1669
- Supposed combination of Indians against the colony.⁹⁴
- 1669 (and subsequently in 1671)
- The colony to be armed in view of the raising of Indians.⁹⁵

85. *Id.* at 406.

86. *Id.* at 412.

87. *Id.* at 424.

88. *Id.* at 418.

89. *Id.* at 424.

90. *Id.* at 451–53.

91. *Id.* at 454–65.

92. *Id.* at 498–500.

93. 2 RECORDS OF THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS IN NEW ENGLAND, 1664–1677, at 193 (John Russell Bartlett ed., 1857) [<https://perma.cc/2CDZ-FY3E>].

94. *Id.* at 282.

95. *Id.* at 282–83.

1671 (and subsequently in 1672, 1676, and 1677)

- Orders relative to Indians.⁹⁶

1671

- Special court to try Indians.⁹⁷

1673

- Commissioners to treat Indians with relation to drunkenness;⁹⁸
- Liquor not to be sold to Indians.⁹⁹

1673

- Indian to be tried for murder (Jankesick);¹⁰⁰
- Testimony of Indians to be received.¹⁰¹

1676

- Indians not to be slaves;¹⁰²
- Indians as a menace to Providence;¹⁰³
- Indian captives sent to Newport;
- Indian captives to be sold for service.

1678

- Proceedings relating to Indian war of 1676 to be recorded in the Records of the court of trials;¹⁰⁴
- Orders related to Indians.¹⁰⁵

1703

96. *Id.* at 427.

97. *Id.* at 393.

98. *Id.* at 488.

99. *Id.* at 500–02.

100. *Id.* at 509.

101. *Id.* at 509–10.

102. *Id.* at 535.

103. *Id.* at 543.

104. 3 RECORDS OF THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS IN NEW ENGLAND, 1678-1706, at 5–6 (John Russell Bartlett ed., 1858) [<https://perma.cc/L6X7-NB7Q>].

105. *Id.* at 23.

- Act to prevent Eastern Indians to prevent their being brought into the colony;¹⁰⁶
- Indians not to be in the streets at night.¹⁰⁷

1705

- Act for the military discipline of Indians.¹⁰⁸

C. *Connecticut*

Statutes of the State of Connecticut, Compiled and Published by Authority of the General Assembly. Title XXVI, An Act For the Protections of Indians and the Preservation of Their Property, 1854.

1662

- Charter of the Colony of Connecticut;¹⁰⁹

“. . . And for the directing, ruleing, and disposing of all other matters and things whereby our said people, inhabitants there, may bee soe religiously, peaceably and civilly Governed as their good life and orderly Conversation may wynn and invite the Natives of the Country to the knowledge and obedience of the onely true God and Saviour of mankind and the Christian faith, which in our Royall intentions and the Adventurers free profession is the onely and principal end of this Plantation.”

- Indians to be taught the Knowledge of God;¹¹⁰

This Court judging it meet that some means should be used to convey the knowledge of God and of his Word to the Indians and Natives amongst us:

Do Order; 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 amongst the

106. *Id.* at 483.

107. *Id.* at 492.

108. *Id.* at 526.

109. CHARTER OF 1662 (1662), *reprinted in* CHARTER OF THE COLONY OF CONNECTICUT 4, 15 (1900). [<https://perma.cc/J5RA-W9YT>].

110. THE BOOK OF THE GENERAL LAWS FOR THE PEOPLE WITHIN THE JURISDICTION OF CONNECTICUT 32 (1673). [<https://perma.cc/7U6Q-BME8>].

neighboring Indians, and endeavour to make known to them the counsels of the Lord, thereby to draw and stir them up to direct and order all their ways and conversations according to the rule of his word; and the Governor, and the Deputy Governor, and other Magistrates are desired to take care to see the thing attended, and with their own presence, so far as may be convenient, to encourage the same.

- Sachems to pay Trespass, &c., of the Indians under them;¹¹¹

It is also Ordered by this Court; That where any company of Indians do sit down near any Town or English Plantation, they shall declare who is their Sachim or Chief, and that the said Sachim or Chief shall pay to the English such Trespasses as shall be committed by any Indian in the said Plantation adjoining, either by spoiling or killing of Cattle or Swine, either with Traps, Dogs, or Arrows, or other means, and they are not to 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 they shall pay double damage if it were done 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 to the party by whom it was done, if it can be made to appear, or otherwise by the town in whose limits such facts are committed.

- Indians that offend to be seized with those that protect them, Indian Women and Children to be sparingly seized; When seized, Indians to be delivered to the party damnified; and A declaration to be published to the Indians;¹¹²

This Court seriously considering the many willful wrongs, and hostile practices of the indians against the English, together with their entertaining, protecting and rescuing of Offenders, as late our experiences showeth; which it suffered the peace of the English cannot be secured:

111. *Id.*

112. *Id.* at 32–33.

It is therefore Ordered by this Court; (according to the conclusions of the Commissioners of the United Colonies at New Haven, Anno. 1646.) That in such cases the Magistrates may at the charge of the Plaintiff, send some convenient strength of English, and according to the nature and value of the offence and damage, seize and bring away any of that Plantation of indians that shall entertain, protect or rescue the offender, though it should be in another Jurisdiction, when through distance of place, commission or direction cannot be had from them: after notice and due warning given them as abettors, or at least accessory to the injury and damage done to the English. Only women and children will be sparingly seized, unless known to be some way guilty; and because it will be chargeable keeping indians in prison, and if they should escape, they are like to prove more insolent and dangerous after; it is thought fit that upon such seizure the delinquent or satisfaction be again demanded of the Sagamore or plantation of indians guilty or accessory as before, and if it be denied, that then the Magistrates deliver up the indian seized to the party or parties endamaged either to serve or to be otherwise disposed of in a way of Merchandize as the case will justly bear; And though we foresee that such severe though just proceedings may provoke the indians to an unjust seizing of some of ours, yet they could not at present finde any better means to preserve the publick peace, all the aforementioned outrages and insolencies tending to an open war; only it is Ordered, that before any such seizure be made in any plantation of indians the ensuing Declaration of Commissioners be made in any plantation of indians, the ensuing Declaration of Commissioners be published, and a copy thereof given to the particular Sagamore.

- Declaration of the Commissioners to the Indians;¹¹³

The Commissioners for the United Colonies considering how peace and righteousness may be preferred betwixt all the English and the several Plantations of the indians:

Thought fit to Declare and Publish, That as they will do no injury to them, so if any indian or indians, of what Plantation soever, do any wilful damage to any of the English Colonies, upon proof, they will in a peaceable way require just satisfaction according to

113. *Id.* at 33.

the nature of the offence and damage; but if any Sagamore or Plantation of indians, after notice and warning, entertain, hide, protect, keep, convey away, or further the escape of any such offender or offenders, the English will demand satisfaction of such indian, and Sagamore, or indian Plantation, and if they deny that they will right themselves as they may upon such as so maintain them that do the wrong, keeping peace and all tearms of Amity and Agreement with all other indians.

- Indians not to March through our Towns in a hostile manner;¹¹⁴

It is also Ordered by the Authority of this Court; That no Indian or Indians in any English Town or House in this Jurisdiction, neither shall they march through any Town in a Hostile manner without leave from the Authority of the place.

- Indians not to Train, Watch, or Ward;¹¹⁵

It is Ordered by the Authority of this Court; That no indian or Negro servant shall be required to Train, Watch or Ward in this Colony.

- Indian rights to lands be compounded;¹¹⁶

It is also Ordered; That for all lands whatsoever granted by this Court to particular Towns or Persons within this Colony wherein any indians have right and interest, the Grantee shall agree with the Native Proprietors respecting their rights to prevent further inconveniences that might ensue or arise through neglect hereof, and this the Court doth judge requisite to be attended in all former Graunts, although it hath not been imposed or incerted in the said Graunt.

- Indians not to pass through Towns at night;¹¹⁷

114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.*

This Court being sensible of the inconveniences that may come by the indians coming into our Towns in the night season, and taking that opportunity to supply themselves with Liquors and prohibited goods;

Do therefore Order; That whatsoever indian or indians shall be found passing or repassing in any Town in this Colony after the shutting in of the evening, except he can give sufficient reason for the same, he shall forfeit twenty shillings, fifteen shillings to the Treasury and five shillings to the Complainer, or be whipt six stripes, any one Assistant or Commissioner hath power to hear and issue any such complaint.

And the said Assistant or Commissioner before whom any such complaint shall come, hath hereby power granted him to secure such indian or indians by committing them to Prison or setting a Watch upon them till they may have opportunity to heare and issue such complaints; This order to be published to the indians in or about each plantation in this Colony.

- Profanation of the Sabbath fined;¹¹⁸

For the prevention of the breach of the Sabbath by the indians within this Colony:

It is Ordered by this Court; That whatever indian or indians shall labour or play on the Sabbath within the English limits, and on the English lands, he shall pay five shillings as a fine, half to the Treasury, and the other half to the Complainer, or sit in the Stocks one hour; any one Assistant or Commissioner to hear and determine any such complaint : The Constables in each Town are required to publish this Order to the indians inhabiting within their respective limits.

- Powawing forbidden and fined;¹¹⁹

It is also Ordered; That no indian shall at any time Powaw or perform outward worship to false Gods, or to the Devil within this Jurisdiction, upon the penalty of the forfeiture of five pounds, to be

118. *Id.* at 34.

119. *Id.*

paid to the publick Treasury by every such Powaw, and twenty shillings by every person of the age of twenty-one years that shall countenance the same by his presence.

- Indian murderers to be punished by death;¹²⁰

Whereas it is too manifest that the Natives about us, notwithstanding all Counsel and Advice (to the contrary) given them by the Authority here, have, and still do proceed to commit Murther, and kill one another within the English Plantations, and upon English Land, and take no course that such justice be executed upon such Malefactors as may take off the guilt of blood from the Land; For the prevention whereof:

It is Ordered by the Authority of this Court; That for the future, whatever indian or indians shall wilfully and violently fall upon any indian within this Colony, and upon the English Land (except it be such that they are at open war with) and murther him (if it be legally proved) he shall be put to death; And if the indians do not Execution upon such Murtherers or Murtherer, forthwith the next civil Officer upon information thereof shall forthwith cause him or them to be Apprehended, and without Bail or Main prize commit him or them to the Common Goal, there to be secured for a Tryal at the next Court of Assistants, and the Constables in the several Plantations are hereby required to take sure course that this Order be duly published to the indians within their respective limits.

- No Cyder to be sold to Indians, penalty 20s./pint;¹²¹

This Court being desirous what in them lyeth, to prevent the increase of that great sin of Drunkenness, both amongst the English and Indians;

Do therefore Order; That if any person in this Colony, shall sell, barter, or give, either directly or indirectly any Cyder to indian or indians, he or she shall forfeit for each pint twenty shillings, and so proportionably for other quantities...→ (note that the penalty for selling to the English was five shillings)

120. *Id.*

121. *Id.* at 14.

- No Foreigners to trade with any Indian in this jurisdiction;¹²²

Whereas the French and Dutch do ordinarily Trade Guns, Powder and Shot with the Natives, to our great prejudice, and to the strengthening and animating of them against us, as by dayly experience we finde; and whereas the aforesaid French and Dutch do prohibit us all Trade with the indians within their respective jurisdictions under penalty of Confiscation:

It is therefore ordered by this Court; That after publication hereof, it shall not be lawful for any Frenchman, Dutchman, or person of any other foreign Nation, or English living among them, or under the Government of them, or any of them to Trade with any indian or indians within the limits of this Colony, either directly or indirectly, by themselves or others, under penalty of confiscation of all such Goods and Vessels as shall be found so Traded, or the dye value thereof, upon just proofs made of any Goods or any vessel Trading with the indians, as by this Law prohibited.

- No person to sell liquor to Indians;¹²³

This Court considering and being deeply sensible of the sad effects and consequents that attend indians being supplied and furnished with Liquors or strong waters, whereby they have been acquainted with, and exposed unto the commission of a grievous sin, to the great dishonour of God, and abuse of themselves, and great hazard of the lives and peace of others:

Do therefore Order; That it shall not be lawful for any person whatsoever, Male or Female within this Jurisdiction, directly or indirectly, to Sell, Barter, Lend, Give or any other way under any colour or pretence whatsoever, convey to any indian or indians, small or great, ant strong waters or Liquors, Sack or any other sort of Wine of any kinde, upon penalty of five pounds for a pint, for every Pint of either Wine or Liquors aforesaid, and twenty shillings for the least quantity (except it be in extraordinary cases by allowance from Authority, one third part of the penalty to be and belong to

122. *Id.* at 26.

123. *Id.* at 41.

those that shall inform and prove the delinquency, the rest to the publick Treasury.

- Indian testimony to be sufficient, unless English person concerned clears himself by Oath;¹²⁴

This Court considering the great inconveniences that do follow the Indians being supplied with strong Drink, &c. notwithstanding all former Orders and Endeavours to prevent the same:

Do Order; That the Accusation, information or Testimony of any indian or indians (if the said indians be found Drunk, or have any Liquors, Wine, Cyder or strong Drink unlawfully by them) may be accounted sufficient conviction of any English person whom they shall accuse, inform or testifie against, that they have Sold, Given, Bartered or Conveyed Liquors unto, unless such English shall clear themselves by their Oath from any such act of direct or indirect Selling, Trucking or Lending of Wine, Cyder or Liquors, or other strong Drink to any such indian or indians; And it shall be in the power of the Court to impose such fines upon any such Offender as the Law Orders for such Transgression.

- Swine are not to be killed in the woods, indians not to be employed to kill them;¹²⁵

It is also Ordered; That if any person, either English or indian within this Colony, shall under pretence of killing wild swine in the Commons, kill and destroy any Swine great, or small, belonging to any other person, he, or they, so doing, shall forfeit five pounds to the publick Treasury, and pay all just damages to the Owner of such Swine.

And it is also Ordered; That no person shall employ any indians to kill Swine in the Woods upon the aforesaid penalty of five pounds.

124. *Id.*

125. *Id.* at 65.