

1788. — Chapter 2.

[May Session, ch. 2.]

AN ACT FOR THE BETTER REGULATION OF THE INDIAN, MULATTOE AND NEGRO PROPRIETORS IN MARSHPEE, IN THE COUNTY OF BARNSTABLE.

Preamble.

Whereas it appears necessary, that there should be made a further regulation of the Indian, Mulattoe, & Negro Proprietors, in Marshpee, in the County of Barnstable, than is already provided by law.

Three proper persons to be chosen as Guardians.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that there be three proper Persons appointed, near to the Indian Plantation in Marshpee, in the County of Barnstable, Guardians to the Indian, Mulattoe & Negro Proprietors, of said Marshpee, who are hereby impowered, to take into their hands the said Indian, Mulattoe, & Negro Lands, and allot to the several Indian, Mulattoe & Negro Proprietors of said Lands, such parts of said Lands & meadows, as shall be sufficient for their particular improvement, from time to time, during the Continuance of this act: And the remainder, if any there be, shall be let out by the said Guardians, to suitable Persons, for a Term not Exceeding the Continuance of this Act; and such part of the Income thereof, as is necessary, shall be applied for the support of such of the said Proprietors, as may be sick, or unable to support themselves; and the surplusage thereof (if any there be) shall be distributed amongst them according to their respective rights or Interest, for providing necessaries for themselves & families, and for the Payment of their just debts, at the discretion of their said Guardians; and that the respective Guardians aforesaid, or the Major part of them, be hereby Impowverd and Enabled, in their own Names and in their capacitys as Guardians, to bring forward and maintain any Action or Actions, for any Tresspass or Trespases, that may be committed on the said Lands, or any Action or Ejectment against any person or persons, who may illegally enter into the possession of said Lands: and that any liberty or pretended Liberty obtained from any Indian, Mulattoe or Negro Proprietor for Cutting off any Timber, Wood, or Hay, milking pine Trees, carrying off any ore or grain, or planting or im-

Guardians empowered.

proving said Lands, shall not be any bar to said Guardians in their said Action or Actions :

Provided, that nothing in this Act, shall be understood to bar any Person or Persons, from letting Creatures run upon the said Lands, that are unimproved, and lie in Common and Contiguous to Other Towns or Proprietors. Proviso.

And be it further Enacted by the Authority aforesaid, that from and after the passing of this Act, no Indian, Mulattoe, or Negro Proprietor of said Lands, in his or her right, or in right of Another, shall sell or lease out any of his or her Lands, without the Consent of the said Guardians, or a major Part of them; and all Sales or leases of said Lands, for any Term or Terms of years, that shall at any time hereafter during the continuance of this Act, be made by any Indian or Indians, Mulattoes or Negroes, shall be utterly void and of none Effect, unless the same be made by and with the consent of the Guardians as aforesaid, or the major part of them. Sales or leases of lands, without the consent of the guardians, shall be void.

And be it further Enacted by the Authority aforesaid, that no Action shall be brought against any of the Indian, Mulattoe, or Negro Proprietors of said Lands, for any debt hereafter to be by them contracted, with any Person or Persons, for any sum Whatsoever, unless the same be first Examined and allowed, by the said Guardians, or a Major Part of them. Guardians to examine actions brought against proprietors.

And be it further Enacted by the Authority aforesaid, That no Indian, Mulattoe or Negro Proprietor of said Lands, shall bind out his or her Children, to any person or persons whatsoever, by Indenture or in any other way, without the approbation of the said Guardians, or a Major Part of them, and that every Indenture or any Instrument, in Writing, whatsoever, or Parole agreement, whereby such Child or Children, shall be bound out, contrary to the true intent and meaning of this Act, Shall be adjudged Null and void. To approbate the binding out of children.

And be it further Enacted, that if any of said Indian, Mulattoe, or Negro Proprietors, shall be committed to Goal for Debt, he or they shall have the same benefit from an Act, entitled “ An Act for the relief of poor prisoners who are committed by executions for Debt,” as any white Person by Law now hath, who hath no estate, he, she, or they being Proprietors of the aforesaid Lands notwithstanding, and the Oath shall be varied accordingly. Proprietors who shall be committed to goal, entitled to the benefits of a certain act.

And be it further Enacted, That the said Guardians, or the Major Part of them, are hereby authorized and im- Guardians empowered to perambulate.

powered, to perambulate the Bounds of the aforesaid Lands, with such Towns as are adjoining,

To keep a fair account of their proceedings, &c.

And be it further Enacted by the Authority aforesaid, that the said Guardians, shall keep a fair account of their Proceedings, relative to the trust in them reposed, by this Act, to be by them laid before the General Court, from year to year; and each of the said Guardians, before he proceeds to perform the duties hereby devolved on him, shall give bond to the Treasurer of this Commonwealth, in the sum of *four hundred pounds*, for the faithful performance of his trust.

Former leases shall remain & be in full force.

And be it further Enacted, That nothing in this Act, shall be understood to defeat any lease or leases, heretofore made by the Overseers of the said Indians & Mulattoes, agreeable to An Act, intituled “An Act for Incorporating the Indian & Mulattoe Inhabitants, of *Marshpee*, with their Lands there, into a District with Certain Privilidges, and for their better regulation,” but all such leases so made, shall remain and be in full force, for the full term of Time, for which they were made, any thing in this Act, to the contrary notwithstanding.

Guardians empowered to commence and prosecute actions.

And be it further Enacted, that the said Guardians, which are or may hereafter be appointed to carry this Act into Execution, or the Major Part of them, are hereby authorized to Commence and Prosecute to final Judgment and Execution, any Action or suit against any Person or Persons who may withhold or detain the property of any of the aforesaid Indian, Mullatloe or Negro Proprietors, and also to defend any action or suit, that may hereafter be commenced against them, or any of them.

Guardians appointed.

And be it further Enacted by the Authority aforesaid, that The Reverend *Gideon Hawley*, of said *Marshpee*, and Mess’rs *John Persivall* and *Reuben Fisk*, both of *Barnstable*, shall be Guardians over the said Indians, Mulattoe & Negro Proprietors.

Whereas by Experience, it has been found, that the Act, intituled “An Act, for incorporating the Indian and Mulattoes, Inhabitants of Marshpee, with their Lands there, into a District, with certain privilidges and for their better regulation,” made and passed, In the thirteenth year of the Reign of George the Third, hath not answer’d the good purposes therein designed:

Former act repealed.

Be it therefore further Enacted by the Authority aforesaid, that the Act aforesaid, be, and it is hereby repealed,

and every Clause and Paragraph therein, except so far as it may respect any Actions already commenced, or offences committed.

This Act to continue & be in force, for the term of *ten* Limitation. years from the passing thereof, and no longer.

June 12, 1788.

1788. — Chapter 3.

[May Session, ch. 3.]

AN ACT FOR SETTING OFF A CERTAIN TRACT OF LAND, BELONGING TO THE TOWN OF *BELCHERTOWN*, IN THE COUNTY OF *HAMPSHIRE*, AND FOR ANNEXING THE SAME TO THE TOWN OF *PELHAM*.

Whereas a number of the inhabitants of the Town of Belchertown, have petitioned this Court, to be set off from said Belchertown, and annexed to the Town of Pelham, and it appearing to this Court, to be reasonable, that the prayer of said petition should be granted. Preamble.

Be it therefore enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same; That the land belonging to Belchertown, with the inhabitants thereon, contained within the boundaries hereafter mentioned and described, to wit, beginning at a stake and stones upon Pelham south line, at Paul Thusten's north east corner, then running southwardly, upon the east side of said Paul Thusten's, Thomas Thusten's & Francis Stratton's land, until it comes to said Francis Stratton's south east corner, then westwardly on the south line of said Stratton, John Glass, Elisha Munsel & John Peso, until it comes to said John Peso's southwest corner, then running northerly a parallel line with the east line to Pelham south line, then east on Pelham south line, to the first mentioned corner or bound, be, and hereby are set off from the town of Belchertown, and annexed to the Town of Pelham, and shall forever hereafter, be considered as belonging to, and making part of the said Town of Pelham: Boundaries.

Provided nevertheless, that nothing in this act, shall in any manner affect or discharge the taxes already assessed or ordered to be assessed, in the Town of Belchertown, but the inhabitants aforesaid, shall be considered as held to pay all such taxes, which remain due and unpaid, from the said inhabitants respectively: Reserving however, the Proviso.