

CHAPTER 11.

AN ACT TO PREVENT AND MAKE VOID CLANDESTINE AND ILLEGAL PURCHASES OF LANDS FROM THE INDIANS.

WHEREAS the government of the late colonys of the Massachusetts Bay and New Plymouth, to the intent the native Indians might not be injured or defeated of their just rights and possessions, or be imposed on and abused in selling and disposing of their lands, and thereby deprive themselves of such places as were suitable for their settlement and improvement, did, by an act and law passed in the said colonys respectively many years since, inhibit and forbid all persons purchasing any lands of the Indians without the licence and approbation of the general court, notwithstanding which, sundry persons for private lucre have presumed to make purchases of lands from the Indians, not having any licence or approbation as aforesaid for the same, to the injury of the natives, and great disquiet and disturbance of many of the inhabitants of this province in the peaceable possession of their lands and inheritances lawfully acquired; therefore, for the vacating of such illegal purchases, and preventing of the like for the future,—

Be it enacted and declared by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That all deeds of bargain, sale, lease, release or quit-claim, titles and conveyances whatsoever, of any lands, tenements or hereditaments within this province, as well for term of years as forever, had, made, gotten, procured or obtained from any Indian or Indians by any person or persons whatsoever, at any time or times since the year of our Lord one thousand six hundred thirty-three, without the licence or approbation of the respective general courts of the said late colonys in which such lands, tenements or hereditaments lay, and all deeds of bargain and sale, titles and conveyances whatsoever, of any lands, tenements or hereditaments within this province, that since the establishment of the present government have been or shall hereafter be had, made, gotten, obtained or procured from any Indian or Indians, by any person or persons whomsoever, without the licence, approbation and allowance of the great and general court or assembly of this province for the same, shall be deemed and adjudged in the law to be null, void and of none effect: *provided, nevertheless,—*

All deeds of bargain, sale, &c., from Indians without licence vacated. 19 Pick. 499. 10 Met. 498.

And it is, notwithstanding, hereby enacted and declared,

[SECT. 2.] That all such purchases, releases and titles heretofore had or obtained from any Indian or Indians by any town or person whatsoever of any lands or hereditaments which such town or person also hold and enjoy, by virtue of any grant or title made or derived by or from the general court of either of the colonies aforesaid, and all releases, purchases, conveyances and titles which any town or person shall hereafter make, procure or obtain of any Indian or Indians for any lands, tenements or hereditaments granted, or that shall be granted by the general court to such town or person, before such purchase or title made or obtained from any Indian or Indians, shall be, and hereby are excepted out of this act, and be held for good and valid in the law, any thing herein contained notwithstanding: *provided, also,—*

Proviso for towns or persons having title derived from the general court.

[SECT. 3.] That if any person or persons, or town in this province to the eastward of Piscataqua River, have heretofore purchased or obtained any Indian deed or title for any lands, tenements or hereditaments in those parts, or if any person or persons have heretofore purchased or obtained any Indian deed or title for any lands, tenements or hereditaments in the Island of Capawock, *alias* Martha's Vineyard, or

Saving for lands lying eastward of Piscataqua River, at Martha's Vineyard and Nantucket.

the dependencies thereof, now known by the name of Dukes County, or in the Island of Nantuckett, for further confirmation of their other lawful titles and possessions, this act or any thing therein contained shall not extend or be construed to extend in any wise to vacate or make void such Indian deed or title, any thing herein contained to the contrary notwithstanding.

And be it further enacted by the authority aforesaid,

Penalty on persons that shall make purchases without license.

[SECT. 4.] That if any person or persons whatsoever shall, after the publication of this act, presume to make any purchase or obtain any title from any Indian or Indians for any lands, tenements or hereditaments within this province, contrary to the true intent and meaning of this act, such person or persons so offending, and being thereof duly convicted in any of his majestie's courts of record within this province, shall be punished by fine and imprisonment, at the discretion of the court where the conviction shall be, not exceeding double the value of the land so purchased, nor exceeding six months' imprisonment.

And be it further enacted by the authority aforesaid,

Leases of land from the Indians to be approved by the court of sessions of the peace. Proviso for sale from Indian to Indian.

[SECT. 5.] That all leases of land that shall at any time hereafter be made by any Indian or Indians for any term or terms of years, shall be utterly void and of none effect, unless the same be made by and with licence first had and obtained from the court of general sessions of the peace in the county where such lands lye: *provided, nevertheless,* that nothing in this act shall be taken, held or deemed in any wise to hinder, defeat or make void any bargain, sale or lease of land made by one Indian to another Indian or Indians. [*Passed June 26; published June 28.*]

CHAPTER 12.

AN ACT FOR ESTABLISHING OF A NAVAL-OFFICE, AND FOR ASCERTAINING OF THE FEES.

Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That in every seaport within the province there be an office kept to be called and known by the name of the naval-office, as has been accustomed, for the entring and clearing of all ships and other vessels trading to or from this province; and the fees to be demanded and received in the said office shall be these following, and no other; that is to say,—

For entring of ships and vessels trading to this province from abroad (except from the provinces and colonies of Pensilvania, New Yorke, East and West Jerseys, Connecticut, Rhode Island and New Hampshire), one shilling each,	*£0	1s.	0d.
And for vessels trading to or from either of the said provinces or colonies, four shillings per annum, or sixpence entry and sixpence clearing each voyage, at the master's choice,			
For examining and recording certificates that bond is given according to the acts of navigation, two shillings,	0	2	0
For a bond given according to the acts of navigation, two shillings,	0	2	0
For clearing and certificate of the lading, two shillings and sixpence,	0	2	6

* These columns are not in the engrossed act.