

APPENDIX

AN ACT FOR THE BETTER REGULATION OF THE INDIAN TRADE, BY IMPOWERING THE COMMISSIONERS THEREIN NAMED TO MANAGE THE SAME FOR THE SOLE USE, BENEFIT AND BEHOOF OF THE PUBLICK.¹

*S: I.*² Whereas, it has been found by Experience that the Indian Trade as formerly carried on by private Traders, has been prejudicial, and tended [very] much to the great Damage and Detriment of this Province, to prevent which Inconveniencies for the Future,

Be it enacted by his Excellency John Lord Carteret, Palatine, and [the] Rest of the true and absolute Lords and Proprietors of Carolina, [by] and with the Advice and Consent of the Rest of the Members of the General Assembly, now met at Charles Town for that Part of the said Province that lieth South and West of Cape Fear, and by the Authority of the same, that Col. George Logan, Col. James Moore, Ralph Izard, Esq., Col. John Barnwell, and Mr. Charles Hill, be, and they are hereby nominated Commissioners to order, direct and manage the Trade with the Indians, in Amity with this Government, for the sole Use, Benefit and Behoof of the Publick of this Province, and they or any three of them shall meet in three Days or sooner; after the Ratification of this Act and shall have Power and they are hereby empowered to execute all the Authorities and Powers given them as Commissioners by [2] this Act, and shall continue so, until removed by a Vote of the House of Commons, who are hereby empowered to continue and at Pleasure to place and displace all or any of such Commissioners; and in Case of the Death or Absence of any of the said Commissioners, or any of them refusing to act (and the Assembly not then sitting) the major Part of the remaining Commissioners shall make Choice of so many in his or their Room as shall make up the Number Five, and the Persons so chosen Commissioners shall continue till removed as aforesaid.

S: II. And be it further enacted by the Authority aforesaid, that the said Commissioners, or any other Person that shall be hereafter made a Commissioner, according to this Act, shall before his or their taking upon him or them, the Execution of the several Powers given him or them by this Act, enter into Bond, in the Penalty of one thousand Pounds, with one sufficient Security, who shall be an Inhabitant of this Province, unto the Speaker and any two Members of the House of Commons who are hereby empowered to

¹The act printed here is included in the manuscript volume with the Indian Trade Commissioners Journal for the period, July 4, 1716 to August 29, 1718. As far as is known, this is the first printing of the complete text of the act, since the version available in Cooper, *Statutes*, IV, 677-80 begins with article three. Apparently, Cooper used the unbound manuscript copy that is now in the files of the South Carolina Archives Department to print the act because he describes the "original manuscript" as having "the first leaf or two pages" missing which is an accurate description of the file copy. The only difference between Cooper's edition and the unbound copy in the file is that the latter contains the last part of article two which Cooper did not print. Except for the missing articles, no differences were noted between these two texts and the copy of the act in the manuscript journal, except the usual variations in punctuation.

²The letter and Roman numeral in italics here and in similar entries below are in red ink in the manuscript volume.

take the said Bonds, for the Use of the Publick, and in case of the choosing any new Commissioner, and the House of Commons not in being, then such Commissioner shall give Bond to the other Commissioners, for the Use of the Publick, which Bond or Bonds shall be laid before the next House of Commons at their first Meeting, and the said Commissioners are likewise to make Oath on the Holy Evangelists, before any one Justice of the Peace of this Province, who is hereby impowered to administer the same; as followeth: I, A B, do promise and declare, that I will faithfully execute and perform the severall Powers given unto me as one of the Commissioners of the Indian Trade, and that to the Best of my Skill and Understanding I will manage, order and direct the carrying on a Trade with the Indians in Amity with this Government for the sole Use, Benefit and Behoof of the Publick of this Province, to the best Advantage, and give my Advice, Counsel, and Assistance for the Support and good Government of the same, and take such Methods therein as I shall believe to be most for the Preservation of the Peace and Security of this Province. So help me God.

S: III. And be it further enacted by the Authority aforesaid, that the Commissioners aforesaid, and their Successors, shall be one Body politick and corporate, by the Name of the Commissioners [3] for carrying on a Trade with the Indians, for the sole Use, Benefit and Behoof of the Publick, and by that Name shall have perpetual Succession, and a common Seal, and that they and their Successors, by the Name aforesaid shall be able and capable in the Law, to have, purchase, receive and retain to them, and their Successors, in Trust for the Publick of this Province, any Lands, [Rents], Tenements and Hereditaments, Goods, Wares and Merchandize of what Kind, Nature or Quality soever, and also to sell, grant, demise, alien and dispose of the same for the Use aforesaid, and by that Name to sue and implead, be sued and impleaded, answer and be answered, in any Court of Record, or any other Place whatsoever, and to do and execute all and singular other Matters and Things, by the Name aforesaid, that to them shall [or] may appertain, to be subject nevertheless to such Instructions, Limitations and Restrictions as shall from Time to Time be given them by the Commons House of Assembly, of this Province.

S: IV. And be it further enacted by the Authority aforesaid that it shall and may be lawfull for the said Commissioners or the major Part of them, and their Successors, to make reasonable Constitutions, Orders or Instructions from Time to Time, for the good Government of the said Trade with the Indians, and of their Factors, Agents, Servants and Others concerned in [the] same, and to inflict reasonable Penalties and Punishments, by Fines or otherwise, for any Breach or Breaches thereof, and to levy such Fines to the Use of the Publick Stock of the said Trade.

S: V. And be it further enacted by the Authority aforesaid that the said Commissioners, or the major Part of them, are hereby impowered to choose and agree, with so many and such Agents, Factors and Servants, as they shall think fit, and to place and dispose of them to such Parts and Places in this

Province as is hereafter directed, or as the said Commissioners shall be ordered by the Commons House of Assembly, and such Persons so chosen and placed, shall have the sole and whole Right and Power to trade with the Indians in Amity with the Government, under such Provisions, Instructions and Restrictions as they shall from Time to Time receive from the said Commissioners |4| or the major Part of them; and if any Person or Persons whatsoever, of what Degree or Quality soever they be, within this Government other than such as is aforesaid, shall directly or indirectly visit, frequent, trade or traffick to, or with, any Indian or Indians in Amity with this Government, contrary to the true Intent and Meaning hereof, all and every such Offender and Offenders shall forfeit the Sum of Five Hundred Pounds, and all and singular the Goods, Wares, Merchandizes, Liquors, Slaves, Furrs and Skins, either carried to, or bartered, or sold to, or brought from any of the said Indians, to be seized by Warrant under the Hands and common Seal of the said Commissioners, or the major Part of them, and to be recovered in any Court of Record in this Province, and to be disposed of, for the Use of the Publick Stock of the said Trade; and all Charges of Prosecutions, and other Charges at Law or Equity, is to be paid out of the said Publick Stock.

S: VI. And be it further enacted by the Authority aforesaid, that the Person whom the said Commissioners, or the major Part of them, shall from among themselves nominate and appoint Cashier of the Indian Trade, shall, receive all such Sums of Money as shall be appropriated by any Act of Assembly of this Province for the carrying on the Trade with the Indians, and shall pay all such Sums of Money as he shall be ordered by the said Commissioners for Payment of the Wages or Salaries, or for any other Charge arising, or becoming due on Account of the said Trade, and also shall pay unto each of the said Commissioners, a Salary of one hundred and fifty Pounds each, per Annum, to be paid to each of them, by equal quarterly Payments, in lieu of all Manner of Fees, Perquisites or Demands whatsoever.

S: VII. And be it further enacted by the Authority aforesaid that the Person nominated by the Commissioners, before by this Act appointed, to be their Cashier, shall for his Care, Pains, Trouble and Attendance, in the due Execution of his said Office, be allowed and paid out of the Stock of the said Trade, the Sum of fifty Pounds current Money yearly, over and above his Salary as a Commissioner, and the said Cashier shall enter into Bond, to the Rest of the said Commissioners, with two good and sufficient Securitys, in the penal Sum of four thousand Pounds, for the |5| faithfull Performance and due Execution of his Trust and Office, and for a Security to the said Commissioners, for the Money by them so deposited in the Hands of the said Cashier.

S: VIII. And be it enacted by the Authority aforesaid that the said Commissioners shall lay a fair Journal of all their Proceedings before the House of Commons, as often as by the said House they shall be thereunto required, together with the present State of the Indian Trade, to be perused by the Members of the said House.

S: IX. And be it further enacted by the Authority aforesaid, that the Trade aforesaid, shall be carried on, and restrained to the three several Factories, or Places following, that is to say; at the Fort now at the Savano Town; at another to be built by the Publick at the Congarees; and a third at some Place to be appointed by the said Commissioners at Winneau, and it shall be lawfull upon any emergent Occasion, or when it is ordered and directed by the Commons House of Assembly, for the said Commissioners, or the major Part of them, to order and direct any of their Factors or Servants, to carry any of the Goods, Wares or Merchandizes belonging to the said Factories, to any Indian Nation whatsoever, and dispose of the same, any Thing herein to the Contrary thereof in any Wise notwithstanding.

S: X. And be it further enacted by the Authority aforesaid that the Commissioners aforesaid, or the major Part of them, shall draw an Order on the Publick Receiver to pay unto the Governour or Commander in Chief of this Province, the Sum of two hundred Pounds per Annum, to be paid quarterly at equal Payments, and to commence the Day of the Ratification of this Act; in Consideration of his countenancing and assisting the Commissioners aforesaid and all other Persons concerned, in the Execution of this Act, and in lieu of all Indian Presents, or any other Demands upon the Indians whatsoever.

S: XI. And be it further enacted by the Authority aforesaid that one Act of Assembly of this Province, intituled, An Act for Regulating the Indian Trade, and making it safe and beneficial to the Publick, and for the preventing the Abuses committed by the Indian Traders amongst the Indians, ratified in open Assembly the seventh Day of June, 1712, and one other Act of Assembly, intituled, An Act to oblige those Traders that come [6] from Virginia and other neighbouring Colonies, to trade with the Indians and white Persons living within this Province, &c., ratified in open Assembly, the twenty eighth Day of June, 1711, and every Clause, Article and Sentence, and all and every Word, Matter and Thing contained in the said two Acts, be from henceforth repealed, annulle, revoked and forever made void, any Thing in the said Acts to the Contrary whatsoever in any Wise notwithstanding.

S: XII. And be it further enacted by the Authority aforesaid, that the Governour for the Time being, at the Day of the Ratification of this Act, shall quit Claim to all Indian Presents, of what Kind or Value soever, forever (excepting such Presents, that shall be made by any Indians now in Enmity with us, which they shall make the Governour, upon their first making Peace with us, and reserving all Skins, Slaves and other Effects that might belong to the Traders, or any Inhabitants of this Province, and by the Articles of Peace to be delivered up, which said Goods &c., shall be delivered to the proper Owners) and all Indian Presents from the Ratification of this Act, shall be, and belong to the Publick, and shall be received by the Governour, and by him or his Order, delivered to the Commissioners herein named, or their lawfull Successors, their Agents, Factors, or Servants, for the Time being, who are hereby required and impowered to received from the Indians, all such voluntary

Presents, as they, after the Ratification of this Act, shall be inclined to give the Governour or Government of this Province, as a Mark of their Obedience, Amity and Friendship with this Government; and the Presents so received as aforesaid, shall be appropriated to and for the sole Use, Benefit and Behoof of the Publick, by the Commissioners aforesaid, or their Successors; who are hereby authorized, impowered and required, out of the Profits of the Publick Stock of the said Trade, to make suitable Returns to the Indians, as a Mark of the mutual Friendship between them and this Government, for any Sum or Sums of Money not exceeding one half of the Value of the said Present or Presents. And if the Governour for the Time being, or any of his Successors or any other Person or Persons whatsoever for his or their Use, or any other Person or Persons whomsoever, other then the Commissioners herein named, or their lawfull Successors, or their several Agents, Factors or Servants, shall after the Ratification of this Act, receive and detain any Indian Presents, in Whole [7] or in Part, he or they so doing, for each Indian Present, or Part of a Present so received or detained from the Publick, shall forfeit the Sum of two hundred Pounds, current Money of this Province, to be recovered and disposed of, as hereafter is directed, by this Act; and upon Proof thereof made by two sufficient Evidences before the House of Commons; the Commissioners herein named or their lawfull Successors, or any one of His Majesty's Justices of the Peace, within the Province, and the same certified by an Order from the House of Commons, or the said Commissioners, or by any two of them, to the Publick Receiver, it shall be lawfull for him, and he is hereby commanded and required to stop the annual or quarterly Salary allowed the Governour by this Act, untill such Time as the Governour so receiving or detaining such Presents, or any Part thereof, shall deliver every individual Part of the Present, to the Publick Receiver, which shall be made appear to the Commons House of Assembly.

S: XIII. And be it further enacted by the Authority aforesaid, that this Act, and everything therein contained, shall continue in Force, for the full Term and Space of two Years, from and immediately after the Ratification of the Same, and from thence to the End of the next Session of the General Assembly after, and no longer.

Read three Times and ratified
in open Assembly, the thirtieth Day
of June, 1716.

Robert Daniell, SEAL
Charles Hart, SEAL
George Logan, SEAL
Nicholas Trott, SEAL
Samuell Eveleigh. SEAL