

LAWS OF VIRGINIA, SEPTEMBER 1744--18th GEORGE II.

CHAP. XXXIII.

An Act, to enable the Nottoway and Nansemond Indians to sell certain Lands; and for other purposes therein mentioned.

I. WHEREAS, the Nottoway Indians are possessed of a large tract of land, of six miles square, lying and being on the south side of Nottoway river, in the county of Isle of Wight; and whereas that nation is of late reduced, by sickness, and other casualties, to a very small number, and among those that remain, many are old, and unable to labour or hunt; so that the whole of that large tract is more than they are able, in their present circumstances, to cultivate, or make any use of.

Nottoway, & Nansemond Indians authorised to sell certain lands.

II. And whereas they have petitioned the honorable lieutenant-governor in council, to be enabled to sell part of the said tract, for the payment of their debts, and the better support and maintenance of them and their posterity: And whereas the Nansemond nation of Indians, are likewise reduced to so small a number of men, that they cannot possibly subsist of themselves by hunting, which is their chief support, but have been obliged, for their conveniency and benefit, to cohabit with the Nottoway Indians, more than seven years past.

III. And forasmuch as they are also possessed of about three hundred acres of land, in the county of Nansemond, bounded by the county line, Nottoway river, and the land of one James Cary, which, for the reason aforesaid, is become entirely useless, and of no benefit to them; and have prayed for leave to sell the

same, and to be enabled to purchase other lands near the said Nottoways:

II. Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the chief men of the said Nottoway nation, be impowered, and they are hereby impowered, by and with the consent and approbation of James Baker, surveyor of the said county of Isle of Wight, John Parsons, and Richard Blow, junior, the survivors or survivor of them, who are hereby appointed trustees to see this act duly executed, to sell and convey, for the use and benefit of the said Nottoway nation, five thousand acres, part of their said tract of land, lying between the Western boundary of their said tract, and Buck-Horn swamp, for the best price that can be got, so as not to be under the rate of twelve pounds ten shillings, current money of this colony, for every hundred acres: Provided, That no part of the main swamp, called Buck-Horn, be included within any sale, so intended to be made: And the chiefs of the Nansemond Indians, are also hereby impowered, with the consent and approbation of the trustees aforementioned, to sell and convey the said three hundred acres of land, to them belonging, in the said county of Nansemond. And after any agreement made, for the sale of the said lands, or any part thereof, it shall and may be lawful for the said chief men of each of the said nations, together with the trustees aforesaid, or the survivors or survivor of them, to seal and deliver a feoffment, and to make livery and seisen upon the land, to be indorsed upon such feoffment, to the purchaser, who, immediately after the execution thereof, shall pay down, to the said trustees, for the uses and purposes herein expressed, the purchase money; for which, a receipt shall likewise be indorsed on the deed: And any feoffment so executed and perfected, and afterwards acknowledged, or proved by the oath of three witnesses; the feoffment made for the lands, sold by the chiefs of the Nottoway Indians, to be recorded in the court of the county of Isle of Wight, where their lands lie, and the feoffment made for the lands, sold by the chiefs of the Nansemond Indians, to be recorded in the court of the county of Nansemond, where their lands lie; shall be sufficient in law, to pass the fee-simple estate of

such lands, so by them sold; and the purchaser or purchasers thereof, his or their heirs or assigns, shall, for ever, hold and enjoy the same, freed and discharged from all claims of the said Nottoway and Nansemond nations, and their posterity. Any thing in one act of the General Assembly, made in the fourth year of the reign of the late Queen Anne, intituled, An act, for preventing of misunderstandings between tributary Indians, and other her majesty's subjects of this colony and dominion; and for a free and open trade with all Indians whatsoever; or in any other act of the General Assembly, contained, to the contrary hereof in any wise, notwithstanding.

V. Provided always, That the said trustees, or either of them, shall not, directly, or indirectly, purchase any dividend or parcel of the said land, from the said Indians, without the special approbation of the governor or commander in chief of this colony, for the time being, with the advice and consent of the council, first had and obtained. And if any purchase shall be made by the said trustees, or any other person or persons whatsoever, contrary to this act, the same shall be void, to all intents and purposes.

VI. Provided also, and be it enacted, That the purchaser or purchasers of such lands, his or their heirs or assigns, shall hold the same of his majesty, his heirs and successors, under the like quit-rents as are paid by persons obtaining grants for lands from his majesty.

VII. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the lands belonging to the said Nottoway Indians, shall, by the said trustees, the survivors or survivor of them, be equally and fairly divided amongst the said Nottoway Indians, and the other Indians that are incorporated, and do now co-habit with them, (the Nansemond Indians excepted:) And the said trustees, and this survivor or survivor of them, are hereby impowered and required, to examine and settle the accounts and claims exhibited against any of the said Indians; and the same being duly proved, and appearing just, to pay and satisfy, out of the part or share of the money, due to the Indian or Indians, against whom such account or claim shall be exhibited.

VIII. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said three hundred acres of land, belonging to the said Nansemond Indians, shall, by the said trustees, be laid out, in the purchase of other lands, where they, the said Indians, shall think fit, for the use and occupation of them, and their posterity, for ever; to be held of the king, his heirs and successors, under the like rents and services, as they now hold the said three hundred acres of land.

IX. And whereas it hath been represented to this General Assembly, that the Indians of the said two nations, are very prone to drink spirits, and other strong liquors, to a very great excess, thereby giving ill disposed and dishonest people opportunities to make very great advantages of them, by first getting them in debt, and then taking their skins, money, cloaths, and ammunition; by which means they defeat the just trader from getting paid, for furnishing them with the necessaries of life: To prevent which,

X. Be it enacted, That from and after the passing of this act, no person whatsoever, shall sell on trust, to any Indian of either of the said nations, any quantity of spirits, or other strong liquors whatsoever: And if any person shall sell, on credit, to any such Indian, any spirits, or other strong liquors, he, she, or they, so trusting, shall be disabled to maintain suit, or recover judgment for the same, in any court of law, or before any magistrate within this colony. And if any person or persons, selling spirits, or other strong liquors, to any of the said Indians, shall presume to take any pledge or pawn whatsoever for the same; or shall sell such spirits or liquors for any other thing than ready money, he, she, or they, so offending, shall forfeit and pay the sum of twenty shillings, for every such offence, to the informer: To be recovered, with costs, before any justice of the peace of the county where the offence shall be

Does this part mean it was the Bartender's Fault?