

THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

THOMAS COOPER, M. D.—L. L. D.



VOLUME SECOND,

CONTAINING THE ACTS FROM 1682 TO 1716, INCLUSIVE.

ARRANGED CHRONOLOGICALLY.



COLUMBIA, S. C.
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1837.

A. D. 1707.

AN ACT for the Better Settling and Regulating the Militia.
(Ratified July 19, 1707. See last volume.)

No. 270.

AN ACT TO LIMIT THE BOUNDS OF THE YAMASEE SETTLEMENT, TO PREVENT PERSONS FROM DISTURBING THEM WITH THEIR STOCKS, AND TO REMOVE SUCH AS ARE SETTLED WITHIN THE LIMITATION HEREAFTER MENTIONED.

No. 271.

WHEREAS nothing can conduce more under God to the repelling of an enemy which shall attempt to make an invasion in the south part of this Collony on the sea coast, by giving us timely notice thereof, than that the nation of Indians called Yamasees, and all other Indians within the limitation hereafter mentioned, be encouraged to abide in their present settlement; and that all reasons for their removal may be taken away,

Preamble.

I. *Be it enacted*, by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south-west part of this Province, That all that tract of land on the main, bounded to the north-east by Combohee river, to the south-east by the marshes and islands on Coosaw and Port Royal rivers, to the south-west by the Savanna river, and to the north-west by a line drawn from the head of Combohee river to the head of the Savana river, and also one Island lying between the Pocosabo town and the north branch of Port Royal river, commonly called Coosawhachee, now inhabited by the said Yamasee Indians, to and for their use only.

Bounds of the Yamasee country.

II. *And be it further enacted* by the authority aforesaid, That no surveyor or other person whatsoever shall admeasure or lay out any of the said land unto any person, and that no person or persons do settle any stock of horses, hogs, neat cattle or any other stock whatsoever, within the limits aforesaid, after the ratification of this Act, under the penalty of one hundred pounds, to be recovered and disposed as hereafter is directed;—*Excepting* it shall be afterwards thought fitting to direct the laying out a convenient parcel of land for a church and church-yard and glebe lands, for the use of a minister, and also lands for the use of a school master, to instruct the said Indians in the Christian religion, which may be done, any thing in this Act to the contrary notwithstanding.

No part thereof to be located or surveyed for any other person.

III. *And whereas* severall persons have procured titles and stocks and improved some tracts of land within the limits aforesaid, which may prove prejudiciall to the Indian inhabitants if not removed; *Be it therefore enacted* by the authority aforesaid, That all such persons shall within one year after the ratification of this Act remove from all such tracts of land all his or their stock of neat cattle as aforesaid, (if possible,) and upon his or their refuseing or neglect, shall forfeit the sum of one hundred pounds, to be recovered and disposed of as is hereafter directed.

Penalty on settlers refusing to remove.

IV. *And be it further enacted* by the authority aforesaid, That every person or persons who in compliance with this Act shall sell or remove their stocks from the said settlement, shall be reimbursed their full charges expended upon any improvements already made before the ratification of this Act, as also sufficient allowance for the removing their respective

Expenses of removal to be allowed.

A. D. 1707. stocks, out of the publick treasury, and the Receiver for the time being is hereby impowered and required to pay the same upon order from the Governour, as is hereafter directed by this Act, not exceeding the sum of four hundred pounds.

Valuers of improvements to be appointed.

V. *And be it further enacted* by the authority aforesaid, That the present Governour, or the Governour for the time being, shall direct his warrant to five persons, which five persons or any three of them are hereby authorized and impowered to value the several improvements made upon the aforesaid land, as also the charges of removing every person's stocks from the said land, which every person shall be allowed accordingly; and the said five persons, or any three of them, shall return a certificate thereof upon oath to the said Governour, who thereupon is authorized and requested to issue out his order to the publick Receiver to pay the same, and the Receiver is hereby commanded and authorized to pay the same pursuant to the said order; and the said five persons, or any three of them, shall have for so doing, seven shillings and six pence per day, whilst they are therein employed, and shall be under the penalty of ten pounds each, if they do not repair to the place appointed within ten days after the warrant shall be given, not exceeding ten days in perfecting the same; and the Receiver is hereby appointed and authorized to pay the same accordingly.

Persons claiming title.

VI. *And be it further enacted* by the authority aforesaid, That every person or persons who have right and title to any tract or tracts of land within the said limits, shall be fully satisfied for the charges he or they have been at for the same, and no more; which the Receiver is hereby impowered to pay, upon the producing the platts and grant of such tract and tracts of land.

When owners may re-assume their tracts.

VII. *And be it further enacted* by the authority aforesaid, In case the Yamasees remove from the aforesaid limits on their own accord, or by order of the Government, so that those persons may resettle their respective tracts of land, without disturbance to the Yamasees, that then those persons having (before the ratification of this Act) legal right and title to the aforesaid tract or tracts, shall have power and are hereby impowered to re-assume their respective tracts upon their former titles, they reimbursing the publick those several sums they are allowed by this Act, any thing in this Act to the contrary in any wise notwithstanding.

Recovery of fines and forfeitures.

VIII. *And be it further enacted* by the authority aforesaid, That the several fines and forfeitures contained in this Act shall be recovered by bill, plaint or information, in any court of record in this Province, wherein no essoign, protection, injunction or wager of law shall be allowed or admitted of, one third to him or them that will inform and sue for the same, and the other two thirds to the publick Receiver, for the use of the publick.

*Read three times and ratified in open Assembly,
the twenty-eighth day of November, Anno Dom. 1707.*

N. JOHNSON,
THO. BROUGHTON,
HENRY NOBLE,
JAMES RISBEE,
CHAS. BURNHAM.

NOTE.—The Yamasees having been engaged in war against the Colonists, and having deserted their lands, these lands were appropriated by Act of June 13, (or 30th.) 1716.—But this last Act was repealed by the Proprietors, July 23, 1718.