

# TRANSCRIPTION

## Treaty Between the English and the Powhatan Indians, October 1646

Att a Grand Assembly<sup>1</sup> begunne at James Cittie th<sup>e2</sup> 5<sup>th</sup> day of October 1646  
Sr William Berkeley Kn<sup>t</sup> Govern<sup>r</sup> &c

Cap <sup>t</sup> John West	Cap <sup>t</sup> William Bernard
Rich. Kempe, Secr.	Cap <sup>t</sup> Hen: Browne
Cap <sup>t</sup> W <sup>m</sup> Broccas	M <sup>r</sup> Rich: Bennett } Esq <sup>rs</sup>
Cap <sup>t</sup> Tho: Pettus	Geo. Ludlowe
Cap <sup>t</sup> Tho. Willoughby	

The Burgesses names of th<sup>e</sup> severall Countyes.

James Citty {	M <sup>r</sup> Ambrose Harmer Speaker	M <sup>r</sup> Hugh Gwin	} Yorke
	M <sup>r</sup> Walter Chiles	M <sup>r</sup> W <sup>m</sup> Luddington	
	Cap <sup>t</sup> Robert Shepheard	M <sup>r</sup> Tho: Taylor	} Warricke
	M <sup>r</sup> Geo: Jordayne	M <sup>r</sup> Randall Drew	
	M <sup>r</sup> Tho: Lovinge	M <sup>r</sup> John Waller	
	M <sup>r</sup> W <sup>m</sup> Barrett		
Henrico {	Cap <sup>t</sup> Abra Wood	M <sup>r</sup> Edw. Loyd	} Lower Norf:
	M <sup>r</sup> W <sup>m</sup> Cocke	M <sup>r</sup> Tho. Meeres	
		M <sup>r</sup> Rob: Eyres	
Charles Com.	M <sup>r</sup> Rice Hoe	M <sup>r</sup> Edw <sup>d</sup> Douglas	} Northon
	M <sup>r</sup> Dan: Luellen.	M <sup>r</sup> Tho: Johnson	
Isle Wight	M <sup>r</sup> Geo: Fawdowne <sup>3</sup>	M <sup>r</sup> Edw <sup>d</sup> Major	} Nansimund
	M <sup>r</sup> Ja: Bagnall	M <sup>r</sup> Sam: Stoughton	
Eliz. Citty	M <sup>r</sup> John Robbins		
	M <sup>r</sup> Hen: Ball		

Be it enacted by this grand Assembly, That the Artes<sup>4</sup> of peace foll[owing] between the inhabitants of this Collony, And Necotowance King of the Indians bee duely & Inviolably observed upon the penaltie within menconed<sup>5</sup> as foll Imp<sup>s</sup> That Necotowance do acknowledge to hold his Kingdome from the Kings Ma[jes]<sup>lie</sup> of England, & that his Successors be appointed or Confirmed by the King's Gover<sup>rs</sup> from time to time: And on the other side This Assembly on the behalfe of the Collony, doth undertake to p[r]otect him or them ag[ains]<sup>t</sup> any Rebels or other Enemies whatsoever, And as an acknowledgm<sup>t</sup> & tribute for such protection, the said Necotowance & his Successors are to pay unto the King's Governo<sup>r</sup> the Number of twenty beaver skin's att the going away of Geese yearely.

That it shall be free for the said Necotowance & his people, to Inhabit & hunt on the Northside of Yorke River without any interruption from the English provided that if hereafter, It shall be thought fitt by the Governor & Council to permitt any English to Inhabitt from Poropotanke downewards that first Necotowance be acquainted therewith.

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That Necotowance & his people, leave free that tract of land Betweene Yorke River & James River from the falls of both the Rivers to Kequotan to the English to inhabitt on, & th<sup>t</sup> neither he the said Necotowance nor any Indians do reaire to or make any abode upon the said tract of land upon paine of death & it shall be lawfull for any person to Kill any such Indian, And in Case any such Indian or Indians being seen upon the said tract of Land shall make an escape, That the said Necotowance shall upon demand deliver the s[ai]<sup>d</sup> Indian or Indians to the Englishmen, upon Knowledge had of him or them, unles such Indian or Indians be sent upon a Message from the said Necotowance.

And to the intent to avoid all injury to such a messenger & that no ignorance may be pretended to such as shall offer any Outrage, It is thought fitt & hereby enacted That the badge worne by a messenger, or in Case there shall be more than one by one of the company, be a Coate of striped stuffe which is to be left by the Messenger from time to time so often as he shall returne at the places appointed for their coming in.

And it is further enacted That in Case any English shall reaire contrary to the Articles agreed upon to the said Northside of Yorke River, such persons soe offending being lawfully Convicted be adjudged as Felons; Provided that this article shall not extend to such persons who by stresse of weather are forced upon the said Land, Provided alsoe & it is agreed by th<sup>e</sup> s<sup>d</sup> Necotowance, that it may be lawfull for any Englishman to goe over to th<sup>e</sup> s<sup>d</sup> Northside of haveing occasion to fall timber Trees or Cut sedge, soe as th<sup>e</sup> said persons have warr[an]<sup>t</sup> for theyre soe doing under the hand of th<sup>e</sup> Gov<sup>r</sup> Provided alsoe Notwithstandinge any thing in this Act to th<sup>e</sup> Contrary That it shall bee free & lawfull for any English whatsoever between this present day & the first of March next to kill & bring away what Cattle or hoggs th<sup>t</sup> they can by any meanes Kill or take upon the said Northside of the said River.

And it is further enacted that neither for the said Necotowance nor any of his people, do frequent, come in to hunt or make any abode nearer to th<sup>e</sup> English plantations then the Lymits of Yapin th<sup>e</sup> black water & from th<sup>e</sup> head of the black water upon a Straite line to th<sup>e</sup> old Monakin Towne upon such paine & penaltie as aforesaid.

And it is further ordered Enacted that if any English do entertain any Indian or Indians or doe conceale any Indian or Indians that shall come within th<sup>e</sup> said Lymits, such persons being lawfully Convicted thereof shall suffer death as in case of Felony, without benefit of Clergy excepted such as shall be authorized thereto by vertue of this Act.

And it is further Enacted that the said Necotowance & his people ~~shall~~ upon all occasions of message to the Gov<sup>r</sup> for trade, doe reaire unto th<sup>e</sup> Fort Royall onely on th<sup>e</sup> Northside, at which place they are to receive th<sup>e</sup> aforesaid Badges, which shall shew them to be Messengers & therefore to be freed from all injury in their passage to the Governor upon payne of death to any person or persons w[ha]tsoever that shall kill them, the badge being worn by one of the Company, And in case of any other affront, the offence to be punished according to the quality thereof, & the trade admitted as aforesaid to th<sup>e</sup> said Necotowance & his people with the Command<sup>r</sup> of the said Fort onely on th<sup>e</sup> Northside.

And it is further thought fitt & enacted that upon any occasion of Message to the Govern<sup>r</sup> or trade, The said Necotowance & his people th<sup>e</sup> Indians doe repair to Forte Henery al[ia]s Appamattucke Forte, or to the house of Cap<sup>t</sup> John Floud & to no other place or places of th<sup>e</sup> Southside of the River, att which places the aforesayd Badges of striped stuffe are to be & remaine.

And it is further thought fitt & enacted That Necotowance, doe with all convenience bring in th<sup>e</sup> English Prisoners, And all such Negroes & Guns which are yet remaining either in th<sup>e</sup> possession of himselfe or any Indians and that he redeliver upon demand such Indian Servants as have been taken prisoners & shall hereafter run away, In case such Indian or Indians shall be found within the Lymitts of his Dominions provided that such Indian or Indians be under the age of twelve years at their running away.

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And it is further enacted & Consented That such Indian children as shall or will freely & voluntarily come in & live with the English, may remain without breach of the ~~art~~ Articles of peace, provided they be not above twelve yeares old.

And it is further thought fitt & enacted That the severall Commanders of the Forts & places as aforesaid unto which the said Indians as aforesaid are admitted to repaire In case of trade or Message doe forthwith provide the said Coats In manner striped as aforesaid.

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1. The writer of this document used the long or leading *s*, a character that looks similar to the letter "f" but is used as an "s," often as the first of a double s as in assign or address.
  2. The word "ye" was pronounced "the." The first letter of the word, which looks like the modern letter "y," is derived from a letter called a "thorn" that was pronounced "th."
  3. Sometimes a double "f" construction was used in place of a capital F at the beginning of a word or name.
  4. The writer of this document chose to leave the "icl" out of the word "Articles," in a construction similar to modern contractions. The practice of the time, when leaving letters out of words, was to draw a tilde, a short straight or wavy line over the word, indicating the omission.
  5. A common abbreviation in seventeenth century writing for "tion" (the construction that sounds like "shun" in the words petition or plantation) was "con" with a tilde or a line over the omitted letters.

Citation: Acts of the General Assembly, October 1646, Thomas Jefferson Papers, Series 8, Volume 7, Library of Congress.