

Utah Territorial Legislature, Preamble and an Act for the Relief of Indian Slaves and Prisoners, in *Acts, Resolutions, and Memorials, Passed by the First Annual, and Special Sessions, of the Legislative Assembly of the Territory of Utah, Begun and held at Great Salt Lake City, on the 22nd day of September, A. D., 1851*(Great Salt Lake City, Utah Territory: Brigham H. Young, Printer, 1852), 91-93.

2. A Preamble and an Act for the Further Relief of Indian Slaves and Prisoners.¹

Document

Whereas, By reason of the acquisition of Upper California and New Mexico, and the subsequent organization of the Territorial Governments of New Mexico and Utah, by the acts of the Congress of the United States; these Territories have organized Governments within and upon what would otherwise be considered Indian Territory and which really is Indian Territory so far as the right of soil is involved; thereby presenting the novel feature of a white legalized Government on Indian lands; and

Whereas, The laws of the United States in relation to intercourse with Indians are designed for, and only applicable to Territories, and Countries under the sole and exclusive jurisdiction of the United States; and

Whereas, From time immemorial, the practice or purchasing Indian women and children, of the Utah tribe of Indians by Mexican traders, has been indulged in, and carried on by those respective people; until, the Indians consider it an allowable traffic, and frequently offer their prisoners or children for sale; and

Whereas, It is a common practice among these Indians to gamble away their own children and women; and it is a well established fact, that women and children thus obtained, or

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obtained by war, or theft, or in any other manner, are by them frequently carried from place to place; packed upon horses or mules, lariatied out to subsist upon grass, roots, or starve; and are frequently bound with thongs made of raw hide, until their hands and feet become swollen, mutilated, inflamed with pain, and wounded; and when with suffering, cold, hunger, and abuse, they fall sick, so as to become troublesome, are frequently slain by their masters to get rid of them; and

Whereas, They do frequently kill their women and children taken prisoners, either in revenge, or for amusement, or through the influence of tradition, unless they are tempted to exchange them for trade, which they usually do if they have an opportunity; and

Whereas, One family frequently steals the children and women of another family, and such robberies and murders are continually committed, in times of their greatest peace [sic], and amity; thus dragging free Indian women and children into Mexican servitude and slavery, or death, to the most entire extirpation of the whole Indian race; and

Whereas, These inhuman practices are being daily enacted before our eyes in the midst of the white settlements, and within the organized counties of the Territory, and when the inhabitants do not purchase or trade for those so offered for sale, they are generally doomed to the most miserable existence; suffering the torture of every species of cruelty until death kindly relieves them and closes the revolting scenery:

Wherefore, When all these facts are taken into consideration, it becomes the duty of all humane and Christian people to extend unto this degraded and downtrodden race, such relief as can be awarded to them, according to their situation and circumstances; it therefore becomes necessary to consider;

First; The circumstances of our location among these savage tribes under the authority of Congress, while yet the Indian title to the soil is left unextinguished; not even a treaty having been held, by which a partition of territory or country has been made, thereby bringing them into our door yards, our houses, and in contact with our every avocation.

Second; Their situation, and our duty towards them, upon the common principles of humanity.

Third; The remedy or what will be the most conducive to ameliorate their condition, preserve their lives, and their liberties, and redeem them from a worse than African bondage; it suggests itself to your committee that to memorialize Congress to provide by some act of National Legislation for the new and unparalleled situation of the inhabitants of this Territory, in relation to their intercourse with these Indians, would be one resource, prolific in its results for our mutual benefit; and further, that we ask their concurrence in the following enactment, passed by the Legislature of the Territory of Utah, January 31, A. D. 1852; entitled,

AN ACT FOR THE RELIEF OF INDIAN SLAVES AND PRISONERS

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That whenever any white person within any organized county of this Territory, shall have any Indian prisoner, child or woman, in his possession, whether by purchase or otherwise; such person shall immediately go, together with such Indian prisoner, child, or woman, before the Select men or Probate Judge of the county. If in the opinion of the Select men or Probate Judge the person having such Indian prisoner, child, or woman; it shall be his or their duty to bind out the same by indenture for the term of not exceeding twenty years, at the discretion of the Judge or Select men.

Sec. 2. The Probate Judge or Select men shall cause to be written in the indenture; the name, and age; place where born, name of parents if known, tribe to which said Indian person belonged; name of the person having him in possession; name of Indian from whom said person was obtained; date of the indenture, a copy of which shall be filed in the Probate Clerk's office.

Sec. 3. The Select men in their respective counties, are hereby authorized to obtain such Indian prisoners children, or women, and bind them to some useful avocation.

Sec. 4. The master to whom the indenture is made is hereby required to send said apprentice to school, if there be a school in the district or vicinity, for the term of three months in each year; and at a time when said Indian child shall be between the ages of seven years and sixteen. The master shall clothe his apprentice in a comfortable and becoming manner, according to his, said master's condition in life.

Approved, March 6, 1852.