

**An Act for the Government and Protection of Indians April 22, 1850  
(Chapter 133, Statutes of California, April 22, 1850)**

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**The people of the State of California , represented in Senate and Assembly, do enact as follows:**

1. Justices of the Peace shall have jurisdiction in all cases of complaints by, for or against Indians, in their respective townships in this State.

2. **Persons and proprietors of land on which Indians are residing, shall permit such Indians peaceably to reside on such lands, unmolested in the pursuit of their usual avocations for the maintenance of themselves and their families:** Provided; the white person or proprietor in possession of lands may apply to a Justice of the Peace in the Township where the Indians reside, to set off to such Indians a certain amount of land, and, on such application, the Justice shall set off a sufficient amount of land for the necessary wants of such Indians, including the site of their village or residence, if they so prefer it; and in no case shall such selection be made to the prejudice of such Indians, nor shall they be forced to abandon their homes or villages where they have resided for a number of years; and either party feeling themselves aggrieved, can appeal to the County Court from the decision of the Justice: and then divided, a record shall be made of the lands so set off in the Court so dividing them and the Indians shall be permitted to remain thereon until otherwise provided for.

3. **Any person having or hereafter obtaining a minor Indian, male or female, from the parents or relations of such Indian Minor, and wishing to keep it, such person shall go before a Justice of the Peace in his Township,** with the parents or friends of the child, and if the Justice of the Peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends, shall enter on record, in a book kept for that purpose, the sex and probable age of the child, and shall give to such person a certificate, authorizing him or her to have the care, custody, control, and earnings of such minor, until he or she obtain the age of majority. Every male Indian shall be deemed to have attained his majority at eighteen, and the female at fifteen years.

*\*Any [Caucasian] person can bring a child before a judge, with child's parents or "friends of the child" and obtain legal custody of child until male child is 18 and female child 15.*

4. Any person having a minor Indian in his care, as described in the foregoing Section of the Act, who shall neglect to clothe and suitably feed such minor Indian, or shall inhumanely treat him or her, on conviction thereof shall be subject to a fine not less than ten dollars, at the discretion of a Court or Jury; and the Justice of the Peace, in his own discretion, may place the minor Indian in the care of some other person, giving him the same rights and liabilities that the former master of said minor was entitled and subject to.

*\* If you abuse or mistreat them you will be fined \$10 and the child may be placed with another family.*

5. Any person wishing to hire an Indian, shall go before a Justice of the Peace with the Indian, and make such contract as the Justice may approve, and the Justice shall file such contract in writing in his office, and all contracts so made shall be binding between the parties; but no contract between a white man and an Indian, for labor, shall otherwise be obligatory on the part of the Indian.

6. **Complaints may be made before a Justice of the Peace, by white persons or Indians: but in no case shall a white man be convicted on any offence upon the testimony of an Indian.**  
**[repealed in 1872]**

*\* Indians have absolutely no recourse to justice – even if family members are murdered.*

7. If any person forcibly conveys an Indian from his home, or compels him to work, or perform against his will, in this State, except as provided in this Act, he or they shall, on conviction, be fined in any sum not less than fifty dollars, at the discretion of the Court or Jury.

8. It shall be the duty of the Justices of the Peace, once in six months in every year, to make a full and correct statement to the Court of Sessions of their County, of all monies received of fines imposed on Indians, and all fees allowed for services rendered under the provisions of the Act; and said Justices shall pay over to the County Treasures of their respective counties, all money they may have received for fines and not appropriated, or fees for services rendered under this Act; and the treasurer shall keep a correct statement of all money so received, which shall be termed the "Indian Fund" of the county. The Treasurer shall pay out any money of said funds in his hands, on a certificate of a Justice of the Peace of his county, for fees and expenditures incurred in carrying out the provisions of this law.

9. It shall be the duty of the Justices of the Peace, in their respective townships, as well as all other peace officers in this State, to instruct the Indians in their neighborhood in the laws which relate to them, giving them such advice as they may deem necessary and proper; and if any tribe or village of Indians refuse or neglect to obey the laws, the Justice of the Peace may punish the guilty chiefs or principal men by reprimand or fine, or otherwise reasonably chastise them.

10. **If any person or persons shall set the prairie on fire, or refuse to use proper exertions to extinguish the fire when the prairies are burning, such persons shall be subject to fine or punishment, as Court may adjudge proper.**

*\*Traditional agriculture and hunting is wiped out.*

11. If any Indian shall commit an unlawful offence against a white person, such person shall not inflict punishment for such offence, but may, without process, take the Indian before a Justice of the Peace, and on conviction, the Indian shall be punished according to the provisions of this Act.

*\*If Caucasian person wants, he can take an Indian before a court and complain about offenses against him.*

12. In all cases of trial between a white man and an Indian, either party may require a jury.

13. Justices may require the chiefs and influential men of any village to apprehend and bring before them or him any Indian charged or suspected of an offence.

**14. When an Indian is convicted of an offence before a Justice of the Peace, punishable by fine, any white man may, by consent of the justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him:** Provided; the person bailing shall treat the Indian humanely, and feed and clothe him properly; the allowance given for such labor shall be fixed by the Court, when the bond is taken.

*\*If you pay the bond for an imprisoned Indian, he is compelled to work for you until debt is paid.*

15. If any person in this State shall sell, give, or furnish to any Indian, male or female, any intoxicating liquors (except when administered for sickness), for good cause shown, he, she, or they so offending shall, on conviction thereof, be fined not less than twenty dollars for each offence, or be imprisoned not less than five days, or fined and imprisoned as the Court may determine.

16. An Indian convicted of stealing horses, mules, cattle, or any valuable thing, shall be subject to receive any number of lashes not exceeding twenty-five, or shall be subject to a fine not exceeding two hundred dollars, at the discretion of the Court or jury.

17. When an Indian is sentenced to be whipped, the Justice may appoint a white man, or an Indian at his discretion, to execute the sentence in his presence, and shall not permit unnecessary cruelty in the execution of the sentence.

18. All fines, forfeitures, penalties recovered under or by this Act, shall be paid into the treasury of the county, to the credit of the Indian Fund as provided in section 8.

**19. All white persons making application to a Justice of the Peace, for confirmation of a contract with or in relation to an Indian, shall pay the fee, which shall not exceed two dollars for each contract determined and filed as provided in this Act,** and for all other services, such fees are allowed for similar services under other laws of this State. Provided, the application fee for hiring Indians, or keeping minors, and fees and expenses for setting off lands to Indians, shall be paid by the white person applying.

**20. Any Indian able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life,** shall be liable to be arrested on the complaint of any reasonable citizen of the county, brought before the Justice of the Peace of the proper county, Mayor or Recorder of any incorporated town or city, who shall examine said accused Indian, and hear the testimony in relation thereto, and if said Justice, mayor or Recorder shall be satisfied that he is a vagrant, as above set forth, he shall make out a warrant under his hand and seal, **authorizing and requiring the officer having him in charge or custody, to hire out such vagrant within twenty-four hours to the highest bidder, by public notice given as he shall direct, for the highest price that can be had, for any term not exceeding four months;** and such vagrant shall be subject to and governed by the provisions of this Act, regulating guardians and minors, during the time which he

has been so hired. The money received for his hire, shall, after deducting the costs, and the necessary expense for clothing the said Indian, which may have been purchased by his employer, be, if he be without a family, paid into the County Treasury, to the credit of the Indian Fund. But if he have a family, the same shall be appropriated for their use and benefit: Provided, that any such vagrant, when arrested, and before judgment, may relieve himself by giving to said Justice, mayor or Recorder, a bond, with good security, conditioned that he will, for the next twelve months, conduct himself with good behavior, and betake to some honest employment for support.

*\*Any Indian found walking around the street he can be brought into the court by a Caucasian and auctioned off to highest bidder – Indian will have to work four months for that person. (Vagrancy Law).*

### **Amendments to [Act of April 1850](#) (approved 1860)**

Chapter CCXXXI-An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty. [Approved April 18, 1860.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of said act, is hereby amended so as to read as follows:

Sec. 3. County and District Judges in the respective counties of this state, shall, by virtue of this act, have full power and authority, at the instance and request of any person having or hereafter obtaining an Indian child or children, male or female, under the age of fifteen years, from the parents or person or persons having the care or charge of such child or children, with the consent of such parents or person or persons having the care or charge of any such child or children, or at the instance and request of any person desirous of obtaining any Indian or Indians, whether children or grown persons, that may be held as prisoners of war, or at the instance and request of any person desirous of obtaining any vagrant Indian or Indians, as have no settled habitation or means of livelihood, and have not placed themselves under the protection of any white person, to bind and put out such Indians as apprentices, to trades, husbandry, or other employments, as to them shall appear proper, and for this purpose shall execute duplicate articles of indenture of apprenticeship on behalf of such Indians, which indentures shall also be executed by the person to whom such Indian or Indians are to be indentured; one copy of which shall be filed by the County Judge, in the Recorder's office of the county, and one copy retained by the person to whom such Indian or Indians may be indentured; such indentures shall authorize such person to have the care, custody, control, and earnings, of such Indian or Indians, as shall require such person to clothe and suitably provide the necessaries of life for such Indian or Indians, for and during the term for which such Indian or Indians shall be apprenticed, and shall contain the sex, name, and probable age, of such Indian or Indians; such indentures may be for the following terms of years: Such children as are under fourteen years of age, if males, until they attain the age of twenty-five years; if females, until they attain the age of twenty-one years; such as are over fourteen and under twenty years of age, if males, until they attain the age of thirty years; if females, until they attain the age of twenty-five years; and such Indians as may over the age of twenty years, then next following the date of such indentures, for and during the term of ten years, at the discretion of such Judge; such Indians as

may be indentured under provision of this section, shall be deemed within such provisions of this act, as are applicable to minor Indians.

SECTION 2. Section seventh of said act is hereby amended so as to read as follows:

Sec. 7 If any person shall forcibly convey any Indian from any place without this State, to any place within this State, or compel him or her to work or perform any service, against his or her will, except as provided in this act, he or they shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, before any court having jurisdiction, at the discretion of the court, and the collection of such fine shall be enforced as provided by law in other criminal cases, one-half to be paid to the prosecutor, an one-half to the county in which such conviction is had.