

Thus far go the laws of the former government on this subject. The proceedings which actually took place under those laws, the degree in which the Indian titles were extinguished, and the grounds upon which they were considered by the state government to be still in some measure subsisting, are matters of which I am not very accurately informed, and which, indeed, I have not taken much pains to investigate, believing that it would scarcely be proper at this time to discuss, in a critical manner, the history and actual state of those titles, since they are understood to have given rise to suits, now depending; some of them, as I am informed, very recently instituted in the courts of the United States. I shall therefore merely proceed to notice the provisions of the acts, of the state legislature of Maryland relative to the indian lands. The first notice which I observe to have been taken of them was by the act of (b) 1785, ch. 88, in which the governor and council were authorised to appoint "some fit and proper person to treat with the indians entitled, under any act of assembly, to any lands in Dorchester County, for the purchasing the said lands, or any part thereof," on behalf of the state, and to agree with them, on the terms of the said purchase, for a certain annual sum to be paid to the said indians as long as any of them should remain: to take a deed to the state expressing the conditions; the said deed to be acknowledged before the general court of the Eastern Shore or the court of Dorchester county, in open court, and the same person after the purchase so made was to sell the said lands at auction, on terms, and after a notice, prescribed by the act.

It does not appear that any thing was effected under this act, or under one of 1790 ch. 43, appointing commissioners to dispose of the indian lands in Dorchester county, which was repealed by an act of 1798, ch. 82. I shall therefore pass to the provisions of the last mentioned act, by which five commissioners were appointed and authorised to repair to the indian settlement near Secretary's creek, in Dorchester county, and to contract, covenant, and agree in behalf of the state, with the Choptank indians inhabiting the said settlement, for the purchase of their lands; the act provided that, by the said contract those lands should be forever thereafter vested and confirmed in the state, in consideration whereof there should be reserved to the said indians, for their own cultivation and improvement, a quantity of the said land not exceeding one hundred acres, to be so laid off by the commissioners as to include the actual settlement of the indians, and a suitable pro-

(b) It will be seen presently that sales were made of the Nanticoke Indian lands before this time by the intendant of the revenue, but I cannot speak here of the particular authority under which they took place, having, rather unaccountably, failed to discover it.