

C H A P.
XLIII.

lawful for the remaining commissioners, or a majority of them, to appoint another skilful person or persons to supply such vacancies, and every person so appointed shall have the same power and authority as any of the commissioners appointed by this act.

Who are to
repair to the
Indian settle-
ment, &c.

II. **And be it enacted,** That the said commissioners, or the major part of them, shall be and hereby are authorized and empowered, with all convenient speed after the passage of this act, to repair to the Indian settlement, near Secretary's Creek, in Dorchester county, and to contract, covenant and agree, in behalf of this state, with the Choptank Indians inhabiting the said settlement, for the purchase of all and singular the lands, tenements and appertenances, belonging to the said Indians, and to enter into such covenant and agreement on the part of this state, for enabling the said commissioners to obtain the right and title of the said Indians to the said lands, tenements and appertenances, as in their discretion and judgment shall be deemed advisable; provided nevertheless, that in making such contract and agreements it shall be covenanted and agreed by the said Indians, that the right, title and interest, of and in the said lands, tenements and appertenances, shall be granted by the said Indians, and for ever thereafter vested and confirmed in this state, and that, in consideration thereof, it shall be covenanted and agreed by the said commissioners, on the part of this state, that there shall be reserved to the said Indians, for their own cultivation and improvement, a quantity of the said land not exceeding three hundred acres, to be so laid off by the said commissioners as to include their present settlements, and a suitable proportion of the woodland, and that the quantity of land so reserved, shall be held, used and occupied, by the said Indians, so long as their tribe shall continue to inhabit the said settlement; and also, that an annuity in current money, not exceeding three hundred dollars, shall be settled on the said Indians, and be payable for their use quarterly, out of the treasury of eastern shore, to the orders of such person or friend as the said Indians shall, from time to time, appoint to draw the same, and that the payment of such annuity shall commence on the first Monday of January next ensuing the date of such agreement, and be payable as aforesaid so long as the said tribe shall continue in their said settlement.

Contract to be
written on
parchment,
&c.

III. **And be it enacted,** That on the completion of such contract and agreement, the terms thereof shall be fully and distinctly written on parchment or paper, and the same shall be subscribed and executed, in the presence of two justices of the peace of the said county, by the said Indians, or by some of them, on the part and with the consent of their tribe, and by the said commissioners, or the major part of them, on behalf of this state, and the attestation thereof shall be made and certified by the said justices, and the said agreement shall, in some convenient time thereafter, be deposited in the office of the clerk of the said county, and be recorded by him among the land records of the county, and after the enrolment thereof the same shall be transmitted by the said commissioners to the governor and the council, to be filed and retained by them for safe custody.

Commission-
ers to cause
the lands to
be surveyed,
&c.

IV. **And be it enacted,** That after the completion and execution of the said contract and agreement, the said commissioners shall determine on a certain day when they shall meet together at the said Indian settlement, and shall cause a summons to be served on the surveyor of the said county, or on such other qualified person as they shall nominate for this purpose, directing him to be and appear at such time and place in order to survey the said lands, and shall give public notice of their intentions to survey the same by advertisement to be set up at the courthouse of the said county, and at other public places in the neighbourhood; and the said commissioners and surveyor, or other qualified person summoned as aforesaid, shall accordingly meet at such time and place, and shall thereupon proceed, from time to time, to make an accurate survey of the said lands, and of the several creeks, branches, tenements, roads, and other particulars, in the discretion of the said commissioners, which may be necessary to furnish a just idea of their situation and value; and after such survey thereof, the said surveyor shall make an exact and correct plot thereof, describing thereon the said several tenements, creeks, branches and roads, and such other particulars as shall be directed by the said