

C H A P.
LXXXII.

the said lands, tenements and appertinances, 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 appertinances, 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 one 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 they, or any of them, or their descendants, shall continue to inhabit the said settlement; the said commissioners, or a majority of them, may agree to pay each individual of the said Indians who now claims title to, and receives rents from, said land, such annuity as may be agreed upon between said commissioners and said Indians, provided that the aggregate amount of such annuities shall not exceed the sum of six hundred dollars, and such annuities shall be payable for their use quarterly, out of the treasury of the western shore, to the orders of such persons, or friends, as the said Indians may respectively from time to time appoint to draw the same, and that the said annuity shall commence on the first day of January next ensuing the date of such agreement; and the annuity allowed to any Indian as aforesaid shall, upon the death of said Indian, descend and be paid to such person or persons as under the laws of this state would be entitled to have the personal estate of said Indian, in case said Indian died intestate, leaving personal estate, and be transmitted in same manner; provided, that no annuity shall be transmitted to any but the immediate descendants of the Indian to whom granted, and that upon the death of any of the said Indians, or their descendants, without any representative as aforesaid, the annuity in such case granted shall cease.

Terms of the
contract to be
written, &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 the Indians claiming title to said lands, and receiving rents therefor, 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.

Commissioners
to determine
when they shall
meet, &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 court-house of the said county, and at other public places in the neighbourhood; and the said commissioners, or a majority of them, 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 said lands, and of the several creeks, branches, tenements, roads, and other particulars, in the discretion of the said commissioners, or a majority of them, 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 commissioners, and shall thereto annex a full and plain certificate of such survey, and of the actual boundaries, courses, distances, quantity of acres, and such other particulars as shall be directed as aforesaid, and shall subscribe and seal the same.

Surveyor to lay
off the land,
&c.

V. AND BE IT ENACTED, That the said surveyor, under the directions of the said commissioners, shall lay off the quantity of land reserved for the said Indians as is herein before mentioned, including their present settlement, and a suitable proportion of the woodland, and shall distinctly mark and bound the same; and thereupon the said surveyor, under the direction of the said commissioners, shall proceed to lay off the remaining lands in lots, each lot to contain not less than one hundred, nor more than five hundred acres, unless a departure from this direction should become necessary by the interference of creeks, branches, roads or angles; and in laying off the said lots due regard shall be had to situation, soil, timber and other circumstances, so as to make them as equal in value as the nature of the subject will admit, and each respective lot shall be numbered, marked and bounded, in such manner as shall be directed by the said commissioners; and the land reserved as aforesaid, and the said respective lots, shall be located, distinguished and numbered, upon the said plot, and distinct certificates of their respective bounds and quantities shall be likewise annexed and subscribed by the said surveyor; and if the said commissioners, or a majority of them, shall deem it necessary, they shall direct the surveyor to lay off, mark and bound, a road not exceeding thirty feet wide through the said land, in such direction as they shall order and direct, and the same to note upon the plot, and when so laid off shall be deemed and taken as a public road.

A fair account
to be kept, &c.

VI. AND BE IT ENACTED, That the said commissioners shall keep and subscribe a fair account of their proceedings and lawful expenditures in the execution of their trust, and immediately after the duties herein before prescribed shall be performed, their said proceeding and expenditures, together with a correct duplicate of the plot and certificates of the said surveyor, shall be transmitted by the said commissioners to the agent of the state, and the original plot and certificates of the said surveyor shall be deposited in the office of the clerk of the county, to be filed by him and retained for safe custody.

VII. AND