

IV. **And whereas** divers Persons have committed divers Trespasses and Wastes on such of the said *Indians* Lands, which have not been granted to any of the Inhabitants of this Province, by falling, mauling, and carrying away the Timber off from such Land, and refuse to pay and satisfy the said *Indians* for the same: For Remedy whereof; **Be it Enacted**, That the Justices of the County Courts where the said Lands do lie, are hereby impowered and directed, upon Complaint to them made by the said *Indians* of any Trespasses as aforesaid, that have been committed, or that shall or may at any Time hereafter be committed, on such of the aforesaid *Indian* Lands, and making the same appear by the Oath of one sufficient Evidence, to issue their Warrant to the Sheriff of the said County, thereby commanding him to summon a Jury of at least Eighteen good and lawful Freeholders of his County, to appear on the Lands aforesaid, at a certain Day therein to be appointed, who shall then there, upon their Oath (to be administered to them by the said Sheriff) diligently Enquire into, and true Presentment make of all such Wastes and Trespasses committed on the said Lands by the Person or Persons complained against, and shall assess the Damages and true Value of the same: And the said Sheriff shall then and there take an Inquisition thereof, under the Hands and Seals of the said Jurors, or any Twelve of them that shall agree, and the same, under his Hand and Seal, shall return to the Justices of the next County Court, and the said Sheriff shall, and is hereby directed to Summon and Swear to the same Jurors, all such Witnesses as may be required: At which said next Court, if the Person or Persons so charged, shall not shew unto the Justices of the said Court, sufficient and legal Cause why the said Court should not proceed to give Judgment on such Inquisition, then the Justices of the same Court shall give Judgment thereon to the said *Indians*, for the Damages mentioned in such Inquisition, and shall award Execution thereon, as in other Cases; and the said Person or Persons, against whom Judgment on such Inquisition shall be given, shall, and is hereby obliged to pay unto the several Officers, their legal Fees, and to each of the said Jurors who shall pass on the Enquiry aforesaid, the Sum of Fifteen Pounds of Tobacco for each Day's Attendance; to be recovered and levied as Officers Fees are collected and levied.

C H A P.  
IX.

And also to give Judgment, &c. for Waste or Trespass committed on their Lands.

The Damages to be assessed by a Jury, summoned to enquire, &c.

Officers Fees and Jurors Allowance.

V. **And to prevent** any Person hereafter holding any of the said *Indian* Lands, under Pretence of Renting the same, contrary to the Laws of this Province; **Be it Enacted**, That any Two Justices of the Peace in the County where the Lands lie, shall, and are hereby impowered, upon Complaint to them made by the said *Indians*, of any Persons holding their said Lands, under Pretence of Renting the same of the said *Indians*, or who shall enter into the same without their Permission, to go upon the said Lands, and view the same, and if they find the said Complaint to be true, to issue their Warrant to the Sheriff of the County, to put out such Person or Persons holding the same, and deliver full and peaceable Possession thereof to the said *Indians*; and the said Person or Persons, against whom such Warrant shall be so issued, shall pay unto each of the said Justices for their Trouble therein, the Sum of Sixty-four Pounds of Tobacco; and to the Sheriff, such legal Fees as in other Cases for Serving Writs of Possession, he may charge; to be recovered by Warrant, before one Justice of the Peace, as in case of small Debts.

Two County Justices impowered, on Complaint, to give peaceable Possession of Lands to the *Indians* unduely held from them.

Magistrates and Sheriffs Fees.

VI. **Provided nevertheless, and be it Enacted**, That any Person or Persons, against whom any Judgment in any Court, by virtue of this Act, shall be given, shall have the Right of Appealing to the Provincial Court of this Province, he or they giving Security as in other Cases. But no such Judgment shall be Reversed for want of judicial Process, or that the same was not Tried by any Jury, or any Matter or Form, either in the Entry or giving Judgment, if it appears by the Record that the Defendant was legally Summoned or Appeared, and was not Condemned unheard.

But Appeal may be made to the Provincial Court.

Examined and Compared with the Original Act, REVERDY GHISELIN,  
THOMAS BACON.  
C H A P.