

§ 40. *An Act to empower Commissioners to appoint, and cause to be laid out Three thousand Acres of Land on Broad Creek in Somerset County, for the Use of the Nanticoke Indians, so long as they shall occupy the same.*

WHEREAS it is represented to this present General Assembly, that the Land, formerly laid out for the Use of the *Nanticoke Indians*, is now much worn out, and not sufficient for them, and that it is thought advisable that some further Provision be made for them; Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That Lieutenant Colonel *George Gale*, Mr. *Samuel Worthington*, Captain *Charles Ballard*, and Mr. *Benjamin Wales*, are hereby appointed Commissioners to cause Three thousand Acres of Land to be laid out where the said *Indians* are now settled in *Somerset County* on *Broad Creek*, in *Nanticoke River*, and the same to appoint to the Use of the said *Indians*, for so long as they shall occupy the same; and further to cause such Land to be valued in such Manner, as is hereafter expressed (that is to say) The said Commissioners, or any Three of them, shall, sometime before the Twenty fifth Day of *March* next, meet together, and make out their Warrant to the Sheriff of *Somerset County*, which said Sheriff is hereby required, upon Receipt of such Warrant, to impanel and return a Jury of the most Substantial Freeholders of the said County, to be and appear before the said Commissioners upon the said Land, at the Time in such Warrant appointed; which Jury, upon their Oaths to be to them administered by the said Commissioners, or any Three of them, shall enquire, assess, and return what Damages and Recompence they shall think fit to be awarded to the Owners of such Land, and all Persons interested therein, according to their several and respective Interests; and what Sums of Tobacco the said Jury shall adjudge the said Land to be worth, shall be paid to the Owners, and all Persons interested therein, by the Publick of this Province.

AND to the End that the Bounds of the said Land may be ascertained, and the Commissioners aforesaid and Jury the better enabled to judge of the true Value thereof, the said Commissioners are hereby empowered to employ the Surveyor of the County aforesaid, or some other Skilful Person in their Presence, to survey, lay out, and bound the same, which said Lines, as aforesaid, laid out, shall be marked on Trees, or other Land-Marks, to perpetuate the Bounds thereof. The said Commissioners to return fair Certificates of their Proceedings to the Clerks of the Provincial Court, and *Somerset County Court* for the time being, to be by them recorded in the said respective Courts.

AND be it Enacted by the Authority aforesaid, That when such Land is laid out, and paid for by the Publick, as aforesaid, the Property thereof shall, by Virtue of this Act, be vested in the Honourable Colonel *Thomas Ennalls* and Lieutenant Colonel *George Gale*, and their Heirs, to and for the Use of the said *Indians*, so long as they shall occupy the same, and afterwards shall be disposed of, as the General Assembly of this Province shall direct; and that such Laying out, and Payment, as aforesaid, and this Act, shall for ever bar the Heir or Heirs at Law, or his or their Assigns, or any other Persons whatsoever, of the Reversion or Remainder, Right, Claim, or Demand whatsoever, of, in, or to the said Land, or any Part or Parcel thereof; Any Law, Statute, Usage, or Custom to the contrary notwithstanding.

*Pass'd* November 3d, 1712.

*Revis'd* May 28th, 1715.

*An*