

C H A P.
XVII.

to issue his warrant to the constable to bring such persons, or owners of servants, before him, and to summons witnesses, as need shall require, and upon appearance before him, fully to hear and determine all such cases, and as he shall see just and reasonable cause, either to acquit and discharge such persons, or fine them according to the direction of the afore-mentioned act of assembly, to the uses therein mentioned, and to be levied in manner as thereby is directed; and every justice of the peace awarding such fines against any person as aforesaid, are hereby required to keep a fair account of all such fines, and to return a true list thereof to the justices of the county courts yearly, at the time of laying the county levies, of which account the said county courts shall cause their clerks to give a fair copy to the sheriff of the county, in order to collect such fines and forfeitures, and on refusal of payment thereof, the sheriff is hereby empowered to levy the same by way of execution, in the same manner as the public and county levies of this province have usually been levied and collected, and render an account thereof to the justices of the respective county courts, to be applied to the uses aforesaid.

C H A P. XVIII.

Passed 26th of
October, 1723.

An ACT for quieting the possessions of the Indians inhabiting on Nanticoke and Choptank rivers. Lib. LL. No. 4. fol. 601.

Preamble.

WHEREAS the Indians, inhabiting on Nanticoke and Choptank rivers, have complained to this general assembly of several encroachments made into the ancient bounds and limits of their lands heretofore granted them by the lord proprietor, and confirmed by several acts of assembly of this province; for remedy whereof, and to prevent complaints of like nature for the future,

Land confirm-
ed to the Indi-
ans, &c.

II. BE IT ENACTED, by the right honourable the Lord Proprietor, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same, That the Nanticoke Indians, and their descendants, shall have, hold, occupy, possess and enjoy, a free, peaceable and uninterrupted possession, of all that tract or parcel of land lying between the north-west fork of Nanticoke river and Chicucone creek; for and during such space of time as they, or any of them, shall think fit to use, and shall not wholly and totally desert and quit claim to the same, according as the same is butted and bounded by an act of assembly of this province, made in the year of our Lord sixteen hundred ninety-eight, entitled, An act for ascertaining the bounds of a certain tract of land, to the use of the Nanticoke Indians, so long as they shall occupy and live upon the same; and that the said Indians shall not, at any time hereafter, sell, dispose of, or lease for term of years, any part or parcel of the aforesaid land, to any person or persons whatsoever; and that the Choptank Indians, and their descendants, so long as they shall occupy or claim, and shall not totally desert the same, shall hold and possess, quietly and peaceably, all that tract of land lying in Dorchester county, on Choptank river, according to the metes and bounds thereof, surveyed and returned by the honourable Philemon Lloyd, Esquire, colonel Richard Tilghman, and colonel Matthew Tilghman Ward, commissioners appointed by his honour the governor to ascertain and lay out the same, pursuant to an act of assembly of this province, made in the year of our Lord seventeen hundred and twenty-one, that survey being found pursuant and agreeable to the intent and design of one act of assembly, made at the city of St. Mary's, in the year of our Lord sixteen hundred sixty-nine, by which that land was granted to the said Indians.

They shall not
sell, &c.

III. AND BE IT FURTHER ENACTED, That the Choptank Indians aforesaid, at any time hereafter, shall not, on any pretence whatsoever, alienate, dispose, sell or let to farm, any part or parcel of the lands before mentioned, except that part thereof which lies to the eastward, southward and westward of those lines formerly run, from the head of secretary Sawall's creek to the bounded tree of William Dorrington, by colonel Thomas Smithson and lieutenant-colonel Thomas Ennalls, as the exterior bounds of the aforesaid land, pursuant to an ordinance of assembly then made; and that if any person shall presume to purchase or lease any part thereof, (except as before excepted,) such purchase or lease shall be utterly void, and of none effect.

No lease to be
of force, &c.

IV. AND IT IS HEREBY FURTHER ENACTED, That no lease for term of years, or for life, already made, shall be of any force or effect longer than seven years after the end of this session of assembly; and that those persons who hold by virtue of any such lease from the said Indians, be and are hereby obliged punctually and faithfully to pay and satisfy to such Indian or Indians, under whom they hold, the several and respective rents contracted for; and if any person shall refuse or delay to pay such rent yearly, as it becomes due, such lease shall become void, and it shall and may be lawful for any justice of the peace within the county where such rent shall arise and become due, and remaining unpaid, upon complaint to him made by such Indians, to issue warrant, give judgment, and award execution for the same, in the same manner as in the act for recovery of small debts is provided.

V. AND