

By an act of 1704, ch. 39, it had been ordained that any person cutting or carrying away timber from lands within the indian bounds, whereof other persons had the fee, should be deemed trespassers, and should be liable to damages on action of trespass, as if the persons having the fee had also the possession of the land.

By act of 1741, ch. 12, Charles Sewall, esq. was satisfied for such lands, laid out for the Choptank indians, as his father Nicholas Sewall had not been paid for in his lifetime ; and, it was also enacted that when those indians should totally desert their lands they should be sold for the use of the public.

By act of 1756, ch. 9, the county courts were empowered, upon petition, to determine, in a summary way, all complaints against persons holding indian lands, and refusing to pay the rents agreed for, and to give judgment thereon, and award execution, with costs.

By the same act it was ordained that on complaint made of waste or trespass upon the indian lands, and the same appearing by the oath of one sufficient evidence, the county court should issue their warrant to the sheriff to summon a jury of eighteen freeholders to appear on the lands on a certain day, who, upon oath, should assess the damages under their hands and seals, or under the hands and seals of any twelve of them that should agree ; which inquisition should be returned by the sheriff under his hand and seal to the next county court : The sheriff to summon and swear to the jurors all such witnesses as should be required ; the court to give judgment for the damages mentioned in the inquisition, unless cause shewn to the contrary, and the party against whom judgment should be given to pay the officers fees, &c. Upon complaint of the indians, any two justices might go upon their lands, and finding the complaint to be well founded, might issue their warrant to the sheriff to put out any person holding land upon pretence of renting it from the indians, and to deliver peaceable possession to the said indians : such person to pay fees, &c.—Persons against whom judgment should be given in virtue of this act might appeal to the provincial court, giving security as in other cases ; but such judgment not to be reversed for want of judicial process if it appeared that the defendant was legally summoned, and was not condemned unheard.

The last act of the provincial assembly on this subject was that of 1768, ch. 7. In the preamble to this act it was set forth that the greatest part of the tribe of Nanticoke indians had left the province, and that the few still remaining were, as appeared by their petition, desirous also to depart, and join themselves with the indians of the six nations, but prayed that